

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third
Legislature*

OF THE

STATE OF MAINE

Volume III

June 16 to July 8, 1967

Index

1st Special Session

October 2 and October 3, 1967

2nd Special Session

January 9 to January 26, 1968

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, June 21, 1967

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

Prayer by the Rev. Mr. Francis Merritt of Augusta.

The journal of yesterday was read and approved.

On request of Mr. Benson of Southwest Harbor, by unanimous consent, unless previous notice is given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed for lunch and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence, and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider shall be in order.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that the members and legal clerks of the Joint Standing Committees on Judiciary and Legal Affairs be given copies of the Annotated Revised Statutes of 1964 (S. P. 699)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

**Reports of Committees
Leave to Withdraw**

Report of the Committee on State Government on Bill "An Act Creating a Second Assistant County Attorney for York County" (S. P. 280) (L. D. 660) reporting Leave to Withdraw.

Came from the Senate with the Bill substituted for the Report and passed to be engrossed.

In the House, the Report was read.

The SPEAKER: The Chair recognizes the gentlewoman from Lebanon, Mrs. Hanson.

Mrs. HANSON: Mr. Speaker, I move the indefinite postponement of the Report and the Bill.

The SPEAKER: The gentlewoman from Lebanon, Mrs. Hanson, moves the indefinite postponement of the report and bill.

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

Mr. NADEAU: Mr. Speaker, I hope you people will go along with the indefinite postponement of this bill. Now as you know, we are going to appoint a Committee of Conference on another bill and they try to get around that way; and if we disagree they took this method of seeing that it would go through, and I hope that you will support York County in this case. I have talked to the people and there is no need of this at this time.

Thereupon, the Report and Bill were indefinitely postponed in non-concurrence and sent up for concurrence.

**Covered by Other Legislation
Bill Substituted for Report**

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize the Construction of a Research and Advanced Study Building for the University of Maine at Portland and the Issuance of Not Exceeding One Million Eight Hundred Thousand Dollar Bonds of the State of Maine for Financing Thereof" (S. P. 468) (L. D. 1160) reporting Leave to Withdraw, as covered by other legislation.

Came from the Senate with the Bill substituted for the Report and passed to be engrossed.

In the House, the Report was read.

On motion of Mr. Bragdon of Perham, the Bill was substituted for the Report in concurrence, the Bill read twice and tomorrow assigned for third reading.

**Ought to Pass with
Committee Amendment**

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Increasing Salaries of Official Court Reporters" (S. P. 53) (L. D. 71) reporting "Ought to pass" as amended by Committee

Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" was read by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the Bill.

Tabled Until Later in Today's Session

Report of the Committee on Judiciary on Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 543) (L. D. 1444) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" was read by the Clerk and adopted in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker, I offer House Amendment "A" and ask for its adoption. I understand that this is not reproduced as yet. If someone would table it until later in the session so that people could look it over; I got here late this morning and didn't have a chance to get it reproduced.

Thereupon, on motion of Mr. Richardson of Cumberland, tabled until later in today's session.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Providing for a Study for the Creation of a Full-time Prosecuting Attorney System for the State of Maine" (S. P. 329) (L. D. 863) reporting same in a new draft (S. P. 686) (L. D. 1716) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. MILLS of Franklin
HARDING of Aroostook
—of the Senate.

Messrs. FOSTER
of Mechanic Falls
DANTON
of Old Orchard Beach
QUINN of Bangor
DAREY
of Livermore Falls
BERMAN of Houlton
HEWES of Cape Elizabeth
BRENNAN of Portland
—of the House.

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

Report was signed by the following member:

Mr. HILDRETH
of Cumberland
—of the Senate.

Came from the Senate with the Majority Report accepted and the New Draft passed to be engrossed.

In the House: Reports were read, the Majority "Ought to pass" Report was accepted in concurrence, the New Draft read twice and tomorrow assigned for third reading.

Divided Report Tabled Until Later in Today's Session

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act Providing for an Additional District Court Judge at Large" (S. P. 380) (L. D. 993)

Report was signed by the following members:

Messrs. MILLS of Franklin
HARDING of Aroostook
—of the Senate.

Messrs. FOSTER
of Mechanic Falls
BERMAN of Houlton
DAREY of Cape Elizabeth
DANTON
of Old Orchard Beach
BRENNAN of Portland
QUINN of Bangor
—of the House.

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

Report was signed by the following members:

Mr. HILDRETH
of Cumberland
—of the Senate.

Mr. HEWES of Cape Elizabeth
—of the House.

Came from the Senate with the Minority Report accepted and the Bill passed to be engrossed.

In the House: Reports were read.

(On motion of Mr. Shute of Farmington, tabled pending acceptance of either Report and assigned for later in today's session.)

**Divided Report
Tabled Until Later in
Today's Session**

Majority Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act Creating a District Court Division of Northern Androscoggin and Franklin" (S. P. 544) (L. D. 1392)

Report was signed by the following members:

Messrs. MILLS of Franklin
HARDING of Aroostook
—of the Senate.

Messrs. FOSTER
of Mechanic Falls
HEWES
of Cape Elizabeth
QUINN of Bangor
DANTON
of Old Orchard Beach
BERMAN of Houlton
DAREY
of Livermore Falls
BRENNAN of Portland
—of the House.

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

Report was signed by the following member:

Mr. HILDRETH
of Cumberland
—of the Senate.

Came from the Senate with the Reports and Bill indefinitely postponed.

In the House: Reports were read.

(On motion of Mr. Quinn of Bangor, tabled pending acceptance of either Report and assigned for later in today's session.)

**Divided Report
Tabled Until Later in
Today's Session**

Majority Report of the Committee on Senatorial Reapportionment on Resolve to Establish Thirty-two Districts for the Election of Senators in the State of Maine (S. P. 226) (L. D. 551) reporting a Bill (S. P. 676) (L. D. 1709) under title of "An Act to Establish Thirty-three Districts for the Election of Senators in the State of Maine and Report in Support Thereof" and that it "Ought to pass"

Report was signed by the following members:

Messrs. LUND of Kennebec
ALBAIR of Aroostook
HILDRETH
of Cumberland
MacLEOD of Penobscot
—of the Senate.

Messrs. RICHARDSON
of Stonington
SUSI of Pittsfield
LEWIS of Bristol
WOOD of Brooks
HENLEY of Norway
DENNETT of Kittery
—of the House.

Minority Report of same Committee reporting "Ought to pass" on same Resolve.

Report was signed by the following members:

Mr. DUQUETTE of York
—of the Senate.

Messrs. BRENNAN of Portland
BELIVEAU of Rumford
STARBIRD
of Kingman Township
SCOTT of Wilton
—of the House.

Came from the Senate with the Majority Report accepted and the New Draft passed to be engrossed.

In the House: Reports were read.
The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I move that we accept the Majority Report.

The SPEAKER: The gentleman from Stonington, Mr. Richardson, moves that the House accept the Majority "Ought to pass" Report.

The Chair recognizes the gentleman from Harpswell, Mr. Prince.

Mr. PRINCE: Mr. Speaker and Members of the House: I rise in opposition to the Majority Report of this legislative document and support the Minority Report plan. I can appreciate political strategy and am fully aware of the tremendous amount of work that the Committee put into this very important bill. I can appreciate this to a certain extent because I have served on reapportionment committees in past legislatures. This Committee had one great advantage on this very important issue in that the 102nd Legislature created a Reapportionment Commission made up of members of both political parties, who are capable and able men, and in my opinion drew up a reapportionment plan in principle with its mandates that was fair and least aggravated the citizens of our great State of Maine by forming districts where they could within the boundary lines of counties, without crossing county lines.

The results were that seven intact counties with districts were formed; namely Androscoggin, Cumberland, Kennebec, Knox, Hancock, Washington and Penobscot, making up sixteen of the thirty-two districts. Four districts are so bounded that each contain one complete county plus some towns from an adjoining county, a county that is wholly included in such a district was classified as an undivided county. These counties are Franklin, Piscataquis, Sagadahoc and Waldo, making four districts, twenty of the thirty-two.

It is understandable to a certain extent that counties that do not have the required population under the court requirements, that it is necessary for adjustments. I don't think any of us like this requirement but we are forced to act as a legislature on this issue or the court will make the plan. I think that you and I as legislators want to act in a manner that least affects the counties of our great State.

My complaint in opposition to this unscrupulous bill falls within the county lines of Cumberland County, the county that I represent, one of the seven intact coun-

ties. Perhaps for selfish reasons, certain personalities in or out of Cumberland County were the cause to upset the largest populated county with six districts and almost seven, by importing the population of Old Orchard Beach, Buxton and Limington from York County and exporting the population of Brunswick and Harpswell of Cumberland County into a district 11 that takes in seven towns of Sagadahoc County.

Sagadahoc County is bounded by three intact counties by the Minority Plan: Cumberland, Androscoggin and Kennebec and bounded to Lincoln County with a county population of 18,487. There is no need to import population into Cumberland County from York County and export population from Cumberland County into Sagadahoc, as Sagadahoc County is an undivided county and would have a Senator within its boundaries plus a few towns in a county that does not have the required population to make up its own district.

The coastal area of Cumberland County is contiguous as follows: starting with Harpswell on Cumberland County's easterly boundary and easterly side of Casco Bay and follows in line with Brunswick, Freeport, Yarmouth, Cumberland, Falmouth, Portland and South Portland, Cape Elizabeth and Scarborough, Scarborough being the southerly end of Cumberland County. These municipalities bound the complete coastal area of Casco Bay and Cumberland County. Harpswell is legislatively last in the House with Yarmouth now, and still would be under this Commission plan.

The people of my town are tremendously upset with this majority proposal. They feel that they have been kicked around quite a lot, psychologically. We once were classed with Cape Elizabeth and we were moved to Casco and Naples where we stayed for a long time; then we were classed with the Town of Cumberland, now we are classed with the Town of Yarmouth, and psychologically the citizens of my town feel that they are now being kicked out of the County.

I went to several personalities of my party before this bill was printed and asked if there wasn't the possibility of my town being included in Cumberland County where we were classed with Yarmouth and where our population would not tip the scales too much one way or another on the minimum or the maximum town. I was informed that it would be utterly impossible to do that because the Town of Harpswell would not be contiguous with the Town of Yarmouth, Cumberland and Falmouth. Well, the interesting thing to me is this, that in this so-called district 11 that takes Harpswell, Brunswick past the Androscoggin River to Topsham to Bowdoin, Bowdoinham and Richmond, crossing the Kennebec River nearly down to Arrowsic and then crossing the Kennebec River again to West Bath and Phippsburg, certainly does not make those towns in that classification contiguous with each other. Arrowsic, which is included in this plan—if you are in Arrowsic and you wanted to get to Richmond, you would have to come back to Woolwich, go up to Dresden, cross the river to go to Richmond, or if you wanted to go from Arrowsic to West Bath you would have to come back to Woolwich, go through the City of Bath, which is in another district, and on to West Bath.

I feel that this bill has been poorly drawn because the population of Cumberland County in 1970 unquestionably will be large enough to have seven Senatorial Districts. I feel right now that this was one way, or the way, that the Committee discovered this thirty-third district. Unquestionably, the Town of Brunswick would produce a Senator whether it was included in Cumberland County such as this plan, the minority plan offers, or whether it was in district 11, as is suggested by the Majority Plan. When you stop to think that the population of Brunswick and Harpswell, constitutes 65% of the population of this proposed district, you ask yourself, would the Senator from Brunswick really be in Cumberland County or would he be just representing a no man's

district? I have much to say on this and I, for the time being, I move to accept the minority plan.

The SPEAKER: The Chair will interrupt debate for just a moment and request the gentleman from Brewer, Mr. Robertson, to escort Mr. Charles W. Hedrick to the Speaker's rostrum.

Thereupon, Mr. Hedrick was escorted to the rostrum by Mr. Robertson of Brewer.

The SPEAKER: Charles W. Hedrick has been teacher and coach of Brewer High School for twenty-three years. He had this year the distinction of receiving the trophy for being the outstanding baseball coach in eastern and central Maine. He is an alumnus of Colby College, a very special friend of the Speaker, and he is a guest of the Speaker here on the rostrum this morning. (Applause)

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

Mr. McMANN: Mr. Speaker, I make a motion that this lie on the table until later in the day's session.

Thereupon, tabled pending the motion of Mr. Richardson of Stonington to accept the Majority Report and assigned for later in today's session.

Divided Report Tabled Until Later in Today's Session

Majority Report of the Committee on State Government, acting pursuant to Joint Order (S. P. 629), reporting a Bill (S. P. 695) (L. D. 1731) under title of "An Act Increasing Compensation of Court Justices and Certain Department Heads" and that it "Ought to pass"

Report was signed by the following members:

Messrs. WYMAN of Washington
LUND of Kennebec
STERN of Penobscot
—of the Senate.

Messrs. DENNETT of Kittery
WATTS of Machias
RIDEOUT of Manchester
MARTIN of Eagle Lake

Mrs. CORNELL of Orono
—of the House.

Minority Report of same Committee, acting pursuant to Joint Order (S. P. 629), reporting a Bill (S. P. 696) (L. D. 1732) under title of "An Act relating to Pay Increases for Department Heads and Court Justices" and that it "Ought to pass."

Report was signed by the following members:

Messrs. PHILBROOK

—of South Portland
STARBIRD
of Kingman Township
—of the House.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed.

In the House: Reports were read. (On motion of Mr. Dennett of Kittery, on a viva voce vote, tabled pending acceptance of either Report and assigned for later in today's session.)

Non-Concurrent Matter

Joint Order relative to Recalling H. P. 1120, L. D. 1592 from the legislative files (H. P. 1213) which was passed in the House on June 15.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. CARRIER: Mr. Speaker and Members of the House: I wish to call to your attention the action of the other branch on the bill 1592, which is a bill for free fishing licenses for members of the Armed Forces. I feel that their action is a very discourteous act to the sponsor of the bill and also to the intelligence of this body who passed this order last week.

I am very grateful for the courtesy this House has extended to me by recalling this bill. I am also grateful to the members of the other branch for opposing the action of the indefinite postponement of this measure. If it's in order I now make the following motion, that we insist on our action on the order and ask for another Committee of Conference.

Thereupon, the House insisted on its former action and asked for a Committee of Conference.

Non-Concurrent Matter Tabled Until Later in Today's Session

Bill "An Act to Correct Errors and Inconsistencies in the Education Laws" (S. P. 353) (L. D. 966) which was passed to be engrossed as amended by Committee Amendment "A" and House Amendments "A" and "B" in the House in non-concurrence on June 19.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A", House Amendments "A" and "B" and Senate Amendment "A" in non-concurrence.

In the House:

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

Mr. RICHARDSON: Mr. Speaker, an amendment is now in the process of being reproduced, and I would request that this matter be set aside until later in today's session.

Thereupon, tabled pending further consideration and assigned for later in today's session.

Non-Concurrent Matter Tabled and Assigned

An Act to Appropriate and Provide Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1968 and June 30, 1969 (S. P. 597) (L. D. 1575) which failed passage to be enacted in the House on June 14.

Came from the Senate passed to be enacted in non-concurrence.

In the House:

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

Mr. RICHARDSON: Mr. Speaker, I move that this matter be tabled and specially assigned as a special order of the day for eleven o'clock tomorrow morning.

Thereupon, tabled pending further consideration and specially assigned as a special order of the day for 11:00 A.M. tomorrow.

Non-Concurrent Matter Tabled Until Later in Today's Session

An Act relating to the Water and Air Environmental Improvement

Commission (S. P. 635) (L. D. 1635) which was passed to be enacted in the House on May 25 and passed to be engrossed on May 25.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" in non-concurrence.

In the House: On motion of Mr. Benson of Southwest Harbor, tabled until later in today's session.

Non-Concurrent Matter

An Act relating to Membership of the Advisory Council of the Department of Economic Development (S. P. 671) (L. D. 1702) which was passed to be enacted in the House on June 16 and passed to be engrossed on June 14.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Littlefield of Hampden, the House voted to recede and concur with the Senate.

Non-Concurrent Matter

Bill "An Act Providing for a Tax on Real Estate Transfers" (H. P. 1143) (L. D. 1627) which was passed to be engrossed as amended by House Amendment "A" in the House on June 2.

Came from the Senate with House Amendment "A" indefinitely postponed and the Bill passed to be engrossed without Amendment in non-concurrence.

In the House: On motion of Mr. Hanson of Gardiner, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act relating to Highway Commission Land Taking" (H. P. 1196) (L. D. 1699) which was passed to be engrossed in the House on June 15.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mrs. Fuller of York, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act Decreasing Annual Expenditure for Economic and Recreational Development in Oxford

County" (H. P. 559) (L. D. 791) on which the House accepted the Majority Report of the Committee on Towns and Counties reporting "Ought to pass" as amended by Committee Amendment "A" and passed the Bill to be engrossed as amended by Committee Amendment "A" on June 12.

Came from the Senate with the Minority Report reporting same in a new draft (H. P. 1201) (L. D. 1708) under title of "An Act Repealing Economic and Recreational Development in Oxford County" accepted and the new draft passed to be engrossed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The gentleman from Norway, Mr. Henley, moves that the House recede from its former action and concur with the Senate.

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

Mr. FRASER: Mr. Speaker, I would ask for a division on that motion and would speak to that motion.

The SPEAKER: A vote has been requested on receding and concurring. The gentleman may proceed.

Mr. FRASER: Mr. Speaker and Members of the House: I assure you that I apologize for having to stand before you again this morning regarding this matter which we aired thoroughly last week. I won't repeat what I told you, I assume you will remember it. But, during that debate it was said here that people in Norway didn't know about this Commission. Well here is an editorial that was taken from the Advertiser-Democrat, a Norway paper, in February 27, 1967. A copy of this was given to the Committee at the time. It says:

"We hate to mention the word politics, particularly party politics, when discussing any action on the county or local level.

The County Legislative delegation is, according to rumor, and some known statements, planning to cut back on the county budget, and, of course, we are all for sav-

ing a dollar where we can, but, the departments they are cutting the most are the two departments that are doing a good job.

We seldom see eye to eye with the chairman of our County Commissioners, and when the Economic Development Commission was set up we scanned it with a very jaundiced eye, but we could do nothing to halt it, and skeptically watched its growth.

Now, almost two years later, we say these men in this department have more than earned their pay, and their budget will not be found excessive if one honestly studies it in the light of the results.

Not one town in this county could afford to have a full time organization seeking new industry or other means of economic development. The only way we can do it is on a county level.

It is well and good to say we have a state group to do this same thing, but, we are only a small voice when compared to the more thickly populated areas such as the cities. Why do the cities in the state have their own economic development groups? For the same reason that we need ours. We need a voice to bring expansion and new projects here, in Oxford County.

Oxford County is growing, and growing fast. The County Economic Development Commission has, in the past two years, helped in that growth, both in new industry, and in the expansion of older industries. If their share was one half what is credited to them, they would still be worth the cost to us. In fact, we have had a great deal of experience in this enticing of industries to an area, and we think their budget is quite modest, compared to some we know.

Then, there is the sheriff's" — well I won't bother to read about the sheriff's department. It says:

"We could go on and on, telling again of the hours the members of the department are working without pay, and the miles they travel and for which they are not reimbursed by the county." The rest of that doesn't pertain to the development. It says: "Right now, the question is the recommendation of a fair and operable budget for the Oxford County Economic Develop-

ment Commission." They recommend the whole thing as it was.

I ask you not to go along with the motion to concur.

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

Mr. BELIVEAU: Mr. Speaker and Members of the House: Very briefly, as the gentleman from Mexico, Mr. Fraser stated, that we debated this at some length a week or so ago, and at that time we accepted the Majority "Ought to pass" Report of the Committee which I believe was an eight to two report of the Committee on Towns and Counties. Now, I strongly urge the members of this House to vote against the pending motion to recede and concur for the reasons which Mr. Fraser outlined and also for the additional reasons which we debated last week. We had to give the County D. E. D. an opportunity to prove itself. In addition to this, the County Commissioners and the legislative delegation have made provisions in the county budget for the \$20,000 for this year and for next year, for the two-year period a \$20,000 appropriation has been provided for in the county budget. Now, it was the majority feeling of the delegation together with the majority — certainly the clear majority of the Committee on Towns and Counties, that the bill in its original form should pass and I strongly urge you to support the majority of the county delegation and also the majority of the Committee.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: Knowing a little something about that from two years ago, I would like to ask certain questions while I have the Floor and still retain the Floor if I may. Up there in Oxford County they took a gentleman from Lewiston and, in my opinion, what was a nice understanding — some people including myself might call it a deal. How much was that gentleman paid the last two years and how much is he going to be paid this year? May I ask

that from the learned lawyer from Oxford County the Representative?

The SPEAKER: The gentleman from Portland, Mr. Sullivan, poses a question through the Chair to the gentleman from Rumford, Mr. Beliveau who may answer if he desires.

The Chair recognizes that gentleman.

Mr. BELIVEAU: Mr. Speaker: In answer to the gentleman's question, the individual presently is receiving a salary of \$15,000 and under this bill it would reduce the appropriation from \$35,000 to \$20,000 per year.

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

Mr. SULLIVAN: Mr. Speaker: Did you answer the question about how much salary is the gentleman going to get this year?

The SPEAKER: The gentleman from Portland, Mr. Sullivan poses a further question through the Chair to the gentleman from Rumford, Mr. Beliveau, who may answer if he desires.

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

Mr. FRASER: Mr. Speaker: In view of the fact that the appropriation is being cut from \$35,000 down to \$20,000, that salary problem will have to be settled after this bill is settled.

The SPEAKER: The Chair recognizes the gentleman from West Paris, Mr. Immonen.

Mr. IMMONEN: Mr. Speaker and Members of the House: I wish to make a few remarks and I wish to commend the Town and County Committee for having the patience to listen to some of the different problems that we have been having in Oxford County.

This bill for the Economic Development was a sort of a problem for us this past year in January, whether to have a bill to eliminate the department as the report came from the other body or to continue along with the bill that I had sponsored for \$20,000. Most of the delegation went around and made a survey with people of business and town selectmen and municipal officers to note what the justification might be for this department.

The general opinion was that the gentleman who was the coordinator in the office at the county buildings was doing a very adequate job and they hated to see this department eliminated. This man was getting a salary above most of the principals of high schools around and we thought that maybe that would be an adequate setup, but then we have another man who is getting better paid than any of these school superintendents of any areas that I know, is an absentee director living outside the county and we have not found much information to justify continuing in this service to the county. Since the hearing where the Towns and Counties Committee brought out this information, and since then I understand this coordinating official at the county building is being discharged, I feel that the props have been taken out of my bill that I had for \$20,000 and I wish to concur with the motion of Mr. Henley and I think it's about time that we took away this gem.

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

Mr. NADEAU: Mr. Speaker and Members of the House: I rise only as a signer of this report which the other body saw fit to accept, the wise ones, and I would like to bring you in a few facts. You heard Mr. Immonen, who comes from that area, Mr. Henley, and there are several other people who have yet to get up and they won't get up because they would like to concur with the Senate. This is what I am told. My reason for speaking, I would like to bring you out just these few facts as I have every time I've gotten up. As of June 1st, they were restricted to \$20,000 expenditures this year. As of June 1st, they had spent \$14,795.81, that left a balance of \$5204.19. Now, how in heavens can they continue to run this on the amount allotted them of \$20,000 whereas the Clerk, the remaining amount of weeks for the rest of the year, she'll need \$1650; the director's pay, he'll need an additional \$7,000 because it's half the year, and there's only \$5000 left! This is impossible, so in

other words it just shows you they are going to go into surplus as they did before.

I have a letter here from the Attorney General. When I look into something, I dig into it. There seems to be no law either limiting or permitting unencumbered surplus funds to be spent for specific purposes. I would just like you people to have this in your mind when you vote and I hope you will vote to protect the pocketbook of the taxpayers.

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

Mr. FRASER: Mr. Speaker and Members of the House: The gentleman from Sanford referred to the budget as of \$20,000, but the budget that they are working on now is one that was provided two years ago, for the first two years, and the second year hasn't been used up yet. The third year doesn't start until this fall sometime.

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

Mr. EUSTIS: Mr. Speaker and Members of the House: I stand in support of everything that's been said by the gentleman from Mexico and the gentleman from Rumford as to the accusation from another member of the House here that some of us were afraid of the other House. I wish to most emphatically deny that.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Members of the House: In support of my motion, I wish to call the House's attention to my statements of the other day when we passed this bill allowing \$20,000. One of the first things I stated was that if I followed my personal inclination, I would vote for the elimination of the department. I imagine by now that this House is pretty well steeped in the problems, the financial problems of Oxford County. I hope I won't impose myself on you much longer, this morning, but I would like to defend my motion to recede and concur.

I fulfilled my obligation in agreeing with the delegation, re-

luctantly, back along, to go along with passing the bill through the House, Mr. Immonen's bill for \$20,000 a year. Back in the session when we were being pressured by people back home and, by the way, (this same weekly newspaper that Mr. Fraser from Mexico quotes, back along was with us on this in condemning the County D.E.D. because of the cost, a lot of us went out of our way as I stated, to find people who wanted us to maintain the department. A very few said that we should cut it down; most of them said eliminate it. Since we put it through the House, as I say I reluctantly went along with the vote, we have made more research. We have, again, talked about it back home and in spite of the editorial in the paper which did appear in fact the same editor was taken to task by a good many businessmen on it, the general impression was, as I understood it from people, why didn't you eliminate it completely.

Now, I think that legislators, who were here two years ago when this was passed, may or may not be aware of the fact that it came in as a supplemental budget, it was not approved by the majority of the people at the time. We had a hearing on it and, in a lot of our opinions, it was pushed through as a tentative plan. I still contend that the plan has not been too successful. I say that because of all this contention and the fact as Mr. Immonen of West Paris stated, we feel that the head of this department is perhaps a good promoter for various things but we feel that in this particular job he has promoted himself more than the County. We had hoped that possibly, with this reduced figure, or the threat of this reduced figure, that the assistant in the office who was a lower salaried man might be held on because the director told me last winter that he had several offers of more money and that he certainly wouldn't stay around on that job if there was any question as to his doing a good job, but apparently he is staying around in spite of the fact that he does not even live in the County, he doesn't spend much of his pay in the

County, and consequently there is quite a reaction against him. Even in the area where he works, or where he is supposed to work. As I say, since the bill went through here, we have found more reaction against it and that is the reason why I felt that I should concur with the finding of the Senate and I ask the House to eliminate this department and then if it is found at another session that there is a vacuum, that the department perhaps—the lack of it, would set up a retrograde movement in the County, they can always reinstitute it. But I feel that this House has had enough of it and I ask you to vote for my motion to recede and concur.

The SPEAKER: Is the House ready for the question? A vote has been requested. The pending question is on the motion of the gentleman from Norway, Mr. Henley, that the House recede and concur with the Senate on L. D. 791, Bill "An Act Decreasing Annual Expenditure for Economic and Recreational Development in Oxford County." The Chair will order a vote. All those in favor will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

72 voted in the affirmative and 41 in the negative.

Mr. Beliveau of Rumford then requested a roll call.

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 of those desiring a roll call will vote yes; those opposed will vote no. The Chair opens the vote.

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 Norway, Mr. Henley, that the House recede from its former action and concur with the Senate. All those in favor will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA—Allen, Baker, E. B.; Baker, R. E.; Benson, Berman, Bragdon, Bunker, Carey, Clark, Cornell, Crockett, Crommett, Crosby, Darey, Dennett, Dickinson, Drummond, Durgin, Evans, Fortier, Foster, Gill, Hall, Hanson, B. B.; Hanson, H. L.; Hanson, P. K.; Harriman, Hawes, Haynes, Henley, Hewes, Hichens, Hinds, Hodgkins, Hoover, Huber, Humphrey, Immonen, Lewin, Lewis, Littlefield, Maddox, McMann, McNally, Miliano, Mosher, Nadeau, J. F. R.; Noyes, Philbrook, Pike, Porter, Prince, Quinn, Rackliff, Richardson, G. A.; Richardson, H. L.; Rideout, Robinson, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Shute, Snow, P. J.; Sullivan, Thompson, Townsend, Trask, Waltz, Watts, Williams, Wood.

NAY—Bedard, Belanger, Beliveau, Bernard, Binnette, Boudreau, Bourgoin, Brennan, Brown, Burnham, Carrier, Carroll, Carswell, Champagne, Conley, Cote, Cottrell, Curran, Cushing, Drigotas, Eustis, Ewer, Fecteau, Fraser, Gaudreau, Gauthier, Harnois, Harvey, Healy, Hennessey, J a l b e r t, Jameson, Keyte, Kilroy, Levesque, Lincoln, Minkowsky, Nadeau, N. L.; Pendergast, Rocheleau, Ross, Scribner, Starbird, Susi, Truman, Wheeler, White.

ABSENT — Birt, Bradstreet, Buck, Cookson, Couture, D'Alfonso, Danton, Dudley, Dunn, Edwards, Farrington, Fuller, Giroux, Hunter, Jannelle, Jewell, Kyes, Lebel, Lyette, Martin, Meisner, Payson, Quimby, Robertson, Roy, Sawyer, Snowe, P.; Soulas, Tanguay, Wight.

Yes, 72; No, 47; Absent, 30.

The SPEAKER: The Chair will announce the vote. Seventy-two having voted in the affirmative and forty-seven in the negative, the motion to recede and concur does prevail.

Thereupon, the New Draft was read twice and assigned for third reading tomorrow.

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Highway Commission Land Taking" (H. P. 1196) (L. D. 1699) the Speaker ap-

pointed the following Conferees on the part of the House:

Mrs. FULLER of York
Messrs. DENNETT of Kittery
HEWES of Cape Elizabeth

On the disagreeing action of the two branches of the Legislature on Bill "An Act Providing for a Tax on Real Estate Transfers" (H. P. 1143) (L. D. 1627) the Speaker appointed the following Conferees on the part of the House:
Messrs. HANSON of Gardiner
QUINN of Bangor
BELIVEAU of Rumford

Orders

Mr. Richardson of Cumberland presented the following Order and moved its passage:

WHEREAS, there is pending enactment before the House of Representatives of the 103rd Legislature Legislative Document No. 1575, An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1968, and June 30, 1969, which contains an emergency preamble, which Bill has been enacted by the Senate by a vote of 24 to 9, one Senator being absent, and

WHEREAS, Article IV, Part Third, Section 16, of the Constitution of Maine with regard to the passage of emergency legislation, in pertinent part provides as follows:

"— by a vote of two-thirds of all the members elected to each House, otherwise direct.", and

WHEREAS, the House of Representatives consists of 151 members but as of Friday, June 16, 1967, the total members elected to the House of Representatives was 150, the House having declared on that date that a vacancy in the representation from the Town of Brunswick exists due to the death of Hon. Charles R. Lowery, and the Speaker having noted to the House and having entered in the Journal that as of June 16, 1967, the total elected membership to be 150, and the House having notified the Governor and other appropriate officials of said vacancy, and

WHEREAS, said vacancy has not been filled and will probably not be filled until the next general election, and

WHEREAS, prior Speakers of the House of Representatives of prior Legislatures have ruled both ways as to whether or not the vote required to enact emergency legislation is 101 irrespective of any vacancies in the membership of the House or is two-thirds of the elected membership of the House existing at the time of the enactment of an emergency Bill, and

WHEREAS, the legal authorities and legislative precedents outside of this State have arrived at different conclusions as to the exact vote required under like circumstances and like constitutional or statutory provisions, and

WHEREAS, it is necessary that the House of Representatives be informed as to the exact number of votes required to pass an emergency measure such as Legislative Document No. 1575 so that the House will carry out its constitutional duty within the proper framework and requirement of our Constitution, and

WHEREAS, it appears to the members of the House of Representatives of the 103rd Legislature that an important question of law has arisen, and that the occasion is a solemn one;

NOW, THEREFORE, BE IT ORDERED,

That in accordance with the provisions of the Constitution of the State of Maine, the Justices of the Supreme Judicial Court are hereby respectfully requested to give their opinion on the following question:

"Does the term 'two-thirds of all the members elected to each House' as appears in Article IV, Part Third, Section 16, of the Constitution of Maine mean two-thirds of the entire membership of the House or two-thirds of the members then elected and qualified to serve as Representatives at the time the vote is taken?"

The SPEAKER: Is there objection to Rule 41 being suspended? The Chair hears none. Is it now

the pleasure of the House that this Order receive passage?

The motion prevailed.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: Mr. Speaker, I would ask if House Paper 1218, L. D. 1734, Bill "An Act to Create the Department of Alcoholic Beverages" is in possession of the House.

The SPEAKER: The answer is in the affirmative.

Thereupon, on motion of the same gentleman, the House voted to reconsider its action of yesterday whereby the Bill was passed to be engrossed.

Mr. Sahagian then offered House Amendment "A" and moved its adoption.

House Amendment "A" was read by the Clerk as follows:

HOUSE AMENDMENT "A" to H. P. 1218, L. D. 1734, Bill, "An Act to Create the Department of Alcoholic Beverages."

Amend said Bill by striking out in the last line of section 1 (same in L. D. 1734) the underlined figure "\$18,000" and inserting in place thereof the underlined figure '\$25,000'

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

Mr. HINDS: Mr. Speaker and Members of the House: I move indefinite postponement of House Amendment "A". This amendment would raise the salary of the Director of Alcoholic Beverages from \$18,000 a year to \$25,000 a year and it was felt by the State Government Committee, the nine members, that \$18,000 was a sufficient salary and I am sure that the \$25,000 is not necessary on this bill and I move indefinite postponement of the Amendment.

The SPEAKER: The pending question before the House now is on the motion of the gentleman from South Portland, Mr. Hinds, that House Amendment "A" be indefinitely postponed.

The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Members of the House: In support of the House Amendment, and in opposition to the motion to indefinitely postpone, I would like to indicate to the House that this is an integral part of a radical change in our handling and administration of liquor in the State of Maine, and if you're going to have one individual occupying the position of responsibility and trust which this individual is going to come under, under the change that we have already approved, I think that you have got to put his salary in an area more consistent with the nature of the responsibilities he is going to assume. So I would urge the members of the House to vote against indefinite postponement and allow this bill to proceed, as amended, to the other body.

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

Mr. GILL: Mr. Speaker and Members of the House: I rise to support the motion to indefinitely postpone this amendment. This morning is the first time I have seen this amendment and it would strike me that considering all the other department heads that we have, that this appears to me to be possibly a method of putting this bill in such jeopardy that it may be defeated at a later time. This is the only conclusion I can come to. I do not agree with the gentleman from Cumberland, Mr. Richardson. I am not sure if he was speaking as an individual or as a party head; however, I would hope he was speaking as an individual and when you see the type of amendment come in like this that will raise a post that isn't even passed and created yet, by the tune of \$7,000, it would appear to me that this may not be the entire intent of this amendment.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: I have listened with great interest to the remarks made by my good friend, the gentleman from Cumberland,

Mr. Richardson, and I would like to inquire through the Chair, possibly from a member of the State Government Committee, what is the salary of the Chief Executive of the State of Maine?

The SPEAKER: The gentleman from Houlton, Mr. Berman, poses a question through the Chair to a member of the State Government Committee who may answer if they desire.

The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: The salary of the governor is \$20,000 per year.

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

Mr. CONLEY: Mr. Speaker and Members of the House: I would just like to point out to the members of the House, I don't know who this fellow is but he just got a raise of more money than I am making here.

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

Mr. HINDS: Mr. Speaker and Members of the House: I am very sorry this morning to have to get into this argument and I am also very sorry that the Majority Leader didn't see fit to mention in what position he speaks on these things, but no one ever knows — you have to guess at it sometimes. But I think most of us know when we have a bill before us here now, the salaries of our other state department heads, \$18,000 is certainly an adequate salary for this position; put \$25,000 on, it seems to be spending more than what they are spending at the present time for salaries. \$18,000 would be a saving over what we are presently spending for the three Commissioners plus their expense account and I hope that you support the motion to indefinitely postpone this amendment so we can get on with this session.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: It's

on a very rare occasion that I agree with my good friend, Mr. Gill from South Portland, but this morning I have come to the conclusion, after listening to various speeches here relative to that, that in my estimation, if you start this gentleman off with \$25,000 and he does a pretty good job, you're going to have to raise him to a considerable sum, much more than our Chief Executive of the State, and I don't think that is right. I think it is better to start him in at \$18,000 and if he shows his merits and capabilities, then you can raise him and you won't be sorry that you have done so because it will give an incentive to get more money, and that is why I am going to support that motion for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to any member who may wish to answer. What is the projected number of personnel or in his department when it is established, what would be the whole number of personnel that will come under the direction of this Commission to warrant even the \$18,000 or the \$25,000 stated in this amendment?

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, poses a question through the Chair to any member who may answer if they desire.

The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker: I would like to make an inquiry.

Mr. SPEAKER: Does the gentleman desire to answer the question of the gentleman from Madawaska, Mr. Levesque?

Mr. STARBIRD: Mr. Speaker: No, the inquiry I would like to make might be relative to Mr. Levesque's question. If we had the amendment, there seems to be a lack of this particular amendment in these three or four seats along where I sit.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: Mr. Speaker and Members of the House: I didn't think that I was going to run into so much opposition this year. I thought I happened to know something about the liquor business more than some of the others, but perhaps I don't. This is a new position, this is a new job, and it takes a skilled man and it takes a good man to administer this business and today, without any reflection to any truck driver that is getting \$12,000 a year, and an average officer today is fighting for \$10,000 a year. When a man is going to do a \$35 million a year business, you want to get a good man or you are going to get a mediocre man. If you want a mediocre man right now vote for—now I will withdraw my motion.

The SPEAKER: The gentleman from Belgrade, Mr. Sahagian, withdraws his House Amendment "A".

The Chair recognizes the gentleman from Bangor, Mr. Quinn.

Mr. QUINN: Mr. Speaker and Members of the House: This bill went through the House the other day without very much consideration. This is the one position in our State departments that has caused more comment through the years and insinuations of corruption than any other department. And with one man at the head of it, there is all the more opportunity for corruption if this man happens to be that type of a person. We have been functioning under a three man commission and when you have a three man commission you have some control over the individuals of the commission. And it appears to me in this sort of an endeavor control of all of our liquor stores, our liquor business in the State of Maine, that one man should not be the person in charge and responsible. I believe we should have three commissioners and if one of them should be corrupt the other ones can keep the Ship of State on an even keel. Consequently, I now move for the indefinite postponement of L. D. 1734 and all its accompanying papers.

The SPEAKER: The gentleman from Bangor, Mr. Quinn, now moves indefinite postponement of L. D. 1734, Bill "An Act to Create the Department of Alcoholic Beverages."

The Chair recognizes the gentleman from South Portland, Mr. Hinds.

Mr. HINDS: Mr. Speaker and Members of the House: I was asked to sponsor this bill by a very personal friend of mine and this is in one area where we both agree. The Liquor Commission over the years has been investigated, had scandals with which some people are very familiar, and every year we have some type of a session with the Liquor Commission, either the Research or the Legislature or someone does in the State.

This bill is an honest attempt on my part to put this on a business-like basis similar to thirty-one other states in the United States that are headed or run by a single individual. Very recently, or in last Sunday's paper, you might have read about the recent violation of the Maine Statutes by the Liquor Commission. I have a memo in my hand here from the Department of Finance and Administration. It shows that the Liquor Commission for the last three months has been violating the Maine State Laws whereby the law says that they may have a working capital of \$3,500,000, and the law says that they shall not at any time exceed the amount of working capital authorized.

They have by the last three months, and they received a memorandum from the Finance Department instructing them to stop it because they are in violation of the state laws. The last month they also ran an overdraft of \$211,000 which is also in violation. You can't spend more than you have although there may have been receipts on the way; it's a pretty hard thing to do and it's not completely legal. I have a letter here from a gentleman, a copy of a letter, who was administrator of the Liquor Commission back in the '43 and '44 years and he thinks that this particular legislation is good and he said he could cite many examples where this present

system is not a good system for the State to have to administer its liquor setup.

I would hope, this bill had a thorough hearing, the liquor interests opposed this bill and the Civic League of Maine opposed this bill. As far as I'm concerned, any bill that is opposed by both these groups must have some merit, and I would hope that the motion from my good friend from Bangor, Mr. Quinn, would not prevail and that we would go along with the nine members of the State Government Committee that heard this bill and redrafted it.

I would like to point out while I'm on my feet, so perhaps I won't have to bore you people any longer this morning with this debate, that in the bill on page two at the top of the page is a section that has never been in our Maine State Laws and does not presently now exist and if it did I am sure that perhaps things would be a little better in this area than they are at the present time. I'll read this section to you: "Neither the director, nor any employee, shall accept directly or indirectly any samples, gratuities, favors or anything of value from a manufacturer, seller, brewer or licensee or any representative of the same." I assure you this does not exist at the present time and I hope that the motion to indefinitely postpone does not prevail.

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

Mr. HEALY: Mr. Speaker and Members of the House: This looks like a pretty good starting salary, \$25,000, and unfortunately for the members of the Legislature the Statutes say that if a position is created or a salary is increased during your tenure, you're not eligible for that job. Now \$18,000 in the State of Maine is equivalent to \$36,000 in any other State in the Union, and if this bill is passed and they establish the salary at \$18,000 they'll have 500 applicants for this job.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Back many

years ago as a member of the subcommittee on Legislative Research that made a study, which wound up into a full fledged investigation of the Liquor Commission and its activities, the word was around then very strongly that we would be better if we had a single strong Commissioner. The gentleman from South Portland, Representative Hinds, mentioned the fact that this is happening in several states, I believe thirty-one, and I would like to submit that to the Members of the House that of the thirty-one in the various states, the vast majority of them have had tenures of ten years and over and the program is working out very, very successfully. The last session of the Legislature, it is common knowledge that the Legislative Research Committee looked in again to the operations of the Liquor Commission and the suggestion that was made and accepted into law as far as this branch is concerned by enactment yesterday, on inventories and on computer programs, would help further to insure stronger enforcements of our existing program. Very rarely do I take issue with the very good gentleman from Bangor, Mr. Quinn; however, in this instance it just behooves me that it's easier to watch one person than three.

In this particular situation here, oftentimes it's only normal that a named Commission made up of three that if they are to entertain the thought of putting on ten, fifteen or twenty numbers on the list, it's normal that these three people could probably get together and if one is opposed, the other two can get together and it's a back scratching problem that ensues itself. I would honestly say that insofar as this measure is concerned, it rates as one of the finest and best measures that I've seen put into possible enactment. I think that the proposition is fair and very sound, I think it could work out very very well. The salary is not \$25,000, the amendment has been withdrawn by the gentleman from Belgrade, Mr. Sahagian, and I think that's a fair salary to get a very good man, and I certainly hope that the motion to indefinitely postpone this measure does not

prevail so that we can go on and enact this very fine piece of legislation.

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

Mr. QUINN: Mr. Speaker and Members of the House: My good friend and associate from the other side of the aisle, the Honorable Mr. Jalbert from Lewiston, says that if you have a Commission of three, it's a back scratching proposition. Well, if it's a back scratching proposition with three, you don't have to scratch so many backs with one.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to ask the gentleman from Bangor, Mr. Quinn, how easy it is for him to scratch his back.

The SPEAKER: The Chair will consider that a facetious question. The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I would state that you might consider it a facetious question, but I think it's a good point.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: Being a few years older than practically every member of this House and having had a lot of knowledge and experience as to what went on in the liquor business of this state over the years, and knowing of the tremendous amount of corruption that went on, I am strongly behind Representative Quinn. This liquor business over the years here has been so full of corruption, deals, kickbacks, et cetera, et cetera, et cetera * * * * *

The SPEAKER: The gentleman will confine his remarks in the bounds of good taste or he'll be ruled out of order.

Mr. JALBERT: Mr. Speaker!

Mr. SULLIVAN: I'm sorry.

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

Mr. JALBERT: Mr. Speaker: I rise on a point of personal privilege and believe you me, I am sick and tired of this joker carrying on the way he does. (Applause)

Mr. SULLIVAN: I still have the floor I believe.

The SPEAKER: The Chair will warn the gentleman once more to keep his remarks within the bounds of good taste or he will be ruled out of order.

Mr. SULLIVAN: I said I was sorry, however—

Mr. JALBERT: Mr. Speaker!

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

Mr. JALBERT: Mr. Speaker: I rise on a point of personal privilege again.

The SPEAKER: The gentleman may express his point of privilege.

Mr. JALBERT: And I state that in view of the remarks that the gentleman has made, that the Speaker would ask him to take his seat and keep his seat.

Mr. SULLIVAN: Mr. Speaker: It's about time that we control the liquor business as far as we possibly can. Liquor has been the ruination of thousands of people including someone in my own immediate family and many of my close friends. And if I may go on to say, those of us who may have a little bit of Irish blood in them, and the Irish being so sociable usually that's been the start of their downfall. Thank you.

Mr. Jalbert of Lewiston moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question it must have the consent of one third of the members present. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no, and the Chair opens the vote

A vote of the House was taken.

The SPEAKER: A sufficient number having voted in favor of the motion for the previous question, it is entertained. The question now before the House is, shall the main question be put now? This question is debatable for no more than five minutes by any one member.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. Hichens.

Mr. HICHENS: Mr. Speaker and Members of the House: I believe that there is much further argument on this bill and I think we should be granted the courtesy of expressing our opinion.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Members of the House: In view of the incident that has happened in this House, this morning, and also in view of the importance of this legislation before us, not only for this year but probably for many years to come and the many implications that might be involved in the Liquor Commission and the transaction of its business, I think it is of the utmost importance that any person, any individual in this House this morning, that wishes to debate the merits or the demerits of this bill they be afforded an opportunity to do so.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I voted against the motion for the previous question and I completely concur in the remarks of the gentleman from Madawaska, Mr. Levesque. I was aware that there were others who wished to speak on this and I agree that it is a very important question and should continue to be before this House.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I concur with the gentlemen that have spoken. It gave me a chance to cool off. I shall vote to carry on the debate for three hours but I guarantee you one thing, Mr. Speaker, while I'm on my feet, now that I've regained my composure, insofar as I'm concerned I have been a member of this body since 1945—

The SPEAKER: Will the gentleman confine his debate to the main question being put now.

Mr. JALBERT: I'm sorry, because there's no issue before us. I hope for the debate to continue.

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

Mr. QUINN: Mr. Speaker and Members of the House: Unfortunately, in the heat of debate, members inadvertently say something they don't really mean and the unfortunate remarks of the gentleman from Portland, Mr. Sullivan concerning the honorable gentleman from Lewiston and myself, I hope will be disregarded in the consideration of this matter.

The SPEAKER: The Chair will put the matter to a vote. Shall the main question be put now? All in favor will vote yes.

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

Mr. HEWES: Mr. Speaker and Members of the House: I rise to support the motion of the honorable gentleman, Mr. Quinn from Bangor, to indefinitely postpone this bill.

The SPEAKER: The gentleman is out of order.

All those in favor of the main question being put now will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

7 having voted in the affirmative and 105 having voted in the negative, the main question was not ordered.

The SPEAKER: The question now pending is on the motion of the gentleman from Bangor, Mr. Quinn, that this matter be indefinitely postponed.

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

Mr. HEWES: Mr. Speaker and Members of the House: I rise to support the motion of the gentleman from Bangor, Mr. Quinn, to indefinitely postpone this bill. In the course of discussion this morning I understand that the so-called wets and the so-called drys both opposed this bill. They are the ones who are most closely aware of this very sensitive area of state government and if they both oppose it then I would think

that opposing would have merit. I would say that considering the so-called corruption and availability for extra money and troubles that they have in other states in the liquor business, that Maine has had a relatively clean operation over the years. This is a most sensitive area of state government. I note from the figures of the revenues in the state that of the General Fund, more than 10% of the State's money in the General Fund came in last year through the liquor and beer, Liquor Commission, and I note that the gentleman from Belgrade, Mr. Sahagian, stated that he felt that only a mediocre man could be hired on a salary of \$18,000 to run this business that apparently involves upwards to \$35 million and I feel that in view of the fact there is not a pressing need for this bill, that it should be indefinitely postponed. I thank you.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I hope that we can continue to debate this bill in a cool and rational manner. I presently stand before you as Chairman of the Committee on State Government that passed this bill out with a majority nine to one report.

We had a very good hearing on the bill. There were both proponents and opponents. We were confronted with a rather strange and perhaps not unholy alliance of wets and dries, both being in opposition to this bill. Taking this fully in regard I can quite go along with the gentleman from South Portland, Mr. Hinds, in saying this opposition rather gives the thought that the bill has many merits—at least nine of us on the Committee on State Government thought so.

Now this is perhaps a new and radical departure in state government, but I think more than sufficient reasons were presented to us at that hearing to believe that this is a good departure, that a single man paid an adequate salary can control this thing and make this thing workable on a strictly

business basis. You noted in the New Draft that no one could accept any gratuity, any sample or any favor. This is something again that is new in this bill and it has never existed before.

Members of the department, the Commission could legally within the law accept samples, they could accept gratuities, there was nothing illegal about it as long as these things were not regarded as bribes.

Now I make no accusations against any member of the present Commission or any previous Commissions. I do not think that this is fully within the scope of our debate. Our debate today is rather on the subject—is this going to be good, this change for the State of Maine. I fully believe that it is going to be good. Now we can't throw up our hands and say single commissioners of departments are not good because we have single commissioners of many departments, and departments that are just as important to the functions to the State of Maine as is the Liquor Commission. I know that liquor in itself is a delicate word, it is a problem that people are inclined to get very emotional about because they have strong feelings either pro or con relative to the matter. This is not the subject which we are confronted with today—it is rather is this a single administrator going to be a good thing for the State of Maine? I feel that it will strengthen the department; it will make it in a workable condition and I believe it certainly will put it above reproach.

I certainly hope that the motion made by the gentleman from Bangor, Mr. Quinn, will be defeated.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. Hichens.

Mr. HICHENS: Mr. Speaker and Members of the House: I rise in support of the motion of the gentleman from Bangor, and I completely disagree with the gentleman from Kittery that this one-man administration would be a good thing.

I believe that three men are a watchdog on each other, and the Commission which we now have,

which will be changed because one man has to be replaced in the very near future, is a good Commission. These men have worked with the Liquor Control Committee this year. I've had other connections with them and I know that they are men as honest as we will find. As far as the salary is concerned we want to pay one man \$18,000. The present three get \$19,650, and for that extra \$1,650 I think we get our money's worth in this watchdog idea.

Again, I will say I fully support this motion and believe that we should stick with our present order of a three-man Commission.

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

Mr. COTE: Mr. Speaker and Members of the House: I do not rise this morning as a proponent or an opponent of this argument, but I have this to say. As far as the liquor business in this state is concerned the greatest enemy of the liquor, is the Legislature itself. I'm not talking about law enforcement, I'm talking the operational—the operation of the Liquor Commission.

We come here year after year; some of us want a little bit of publicity, so what do we do? We go to the element whereby probably we can get the most publicity out of and that's the liquor business. We criticize, but seldom do we do anything to try to help them.

Now I feel this way, and I've felt this way for a long time. We have limited the money at which they operate to three million and a half dollars, and we have come up with overdrafts probably at times which can't be helped, but if you looked into the business of New Hampshire the way they have a liquor commission, their Legislature does not restrict them to any amount of money. They make more money than we do as far as for the taxpayers of the State of Maine. We don't hear of any scandals in New Hampshire—they have a three-man commission, and they operate in a business-like manner because they have money to work with. They take

advantage of sales that they may have at some of the liquor warehouses of the liquor companies whereby putting more money in the state coffers.

We here, we've legislated year after year and we've limited the Liquor Commission. Now if we have a one-man liquor commissioner or a czar as I would call him, I think you're in for trouble and real trouble in the near future. I don't believe that an \$18,000 salary, is adequate, and whether he gets \$18,000, \$25,000 or \$40,000 a year, if it is not the right man he'll double that money in no time.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: I pose through the Chair a question to any member of the State Government Committee who may just answer. What, without reference to names or personalities — what was the experience of the present three-man Commission with respect to the positions they held before they were appointed?

The SPEAKER: The gentleman from Houlton, Mr. Berman, poses a question through the Chair to any member of the State Government Committee who may answer if they desire.

The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker, I can't answer the question that was posed by the gentleman from Houlton, Mr. Berman, with any too much degree of clarity, but I think that the point is, did any of them have previous experience in the liquor business — and I do not think that any of them did, but of this point I am not entirely certain but I do not believe they were experienced in the liquor business.

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

Mr. HEALY: Mr. Speaker and Members of the House: One of the appointees on the Liquor Commission made by Governor John Reed runs a soda fountain in Biddeford; and while I am on my feet I'd like to clear up any impression

that I might have put out here that I was opposed to this new form of administration to handle the liquor department. I am not; I am entirely in favor of it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I might say that in possibly satisfying the gentleman from Lewiston, Mr. Cote, that yesterday because of the pressure of business he was absent, we enacted a bill that raised the inventory from three and a half million to four million dollars.

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

Mr. HEALY: Mr. Speaker and Members of the House: In my remarks just a moment ago I suggested that the commissioner appointed by Governor John Reed was from Biddeford. He's from Saco.

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

Mr. QUINN: Mr. Speaker, in partially answering the good gentleman from Houlton, Mr. Berman, I only know one member on the Commission; he is the most recent one, Mr. Ingraham, and he was a gentleman in the trucking business in Brewer and a member of the City Council at the time of his appointment.

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

Mr. SHAW: Mr. Speaker and Members of the House: It seems we already have a business administrator with the Liquor Commission, Mr. Stover, who I thought had been doing a pretty good job up to the day's debate, and I don't know as I can see putting administrators over administrators in any department in the State. Thank you.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: After listening to a lot of debate here this morning relative to the appointment of a single man to ad-

minister that department, I don't think it would be possible for him to do a job as it should be done as they are now doing. I really think that our commissioners at the present time are all honorable men and are very capable, and I think they're doing a remarkable job. And, as far as these statements that there has been an insertion in here relative to their taking any gifts of any kind I think that you will find that the Chairman of this Board at the present time, in my dealings with him and on several occasions, I don't think you could buy that man a cup of coffee, to tell you the truth.

Now if there was such a need of a one man to direct that department, why wasn't it thought of when we had that great liquor scandal—they could have done it then if it would have been an improvement.

I will now state that I will follow my good friend, Mr. Quinn from Bangor, on his motion to indefinitely postpone it.

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

Mr. GILL: Mr. Speaker and Members of the House: I rise to oppose the motion of my good friend from Bangor, Mr. Quinn. What we're talking about today is a business. It seems strange that a business would be connected to state government — but it is, and rightfully so.

I think possibly we're thinking of this as just another type department thing, but this is a money-making business, and let me ask you. If you were to go out and start a business today — and this is in no reflection on our present commissioners or the past — would you get three gentlemen who had done you political favors of some type or other over the years? And this is pure and simple — all this is. I imagine one day that I'd make a great liquor commissioner, only the parties changed in power and I'm starting over; but I would say that if you were going to run any business, would you get three part-time men to direct a business of this magnitude, or would you as the Governor and Council, go out and get the best qualified man

possible to do this job? I believe that this is the basic question.

As far as one man might be corrupted, I believe this portion in that no person can accept a gift, gratuity, favor or anything of this type, that this places this gentleman in the same position as all our other department heads. So the simple question is — are you going to run this as a business or is this going to be a place for someone that has done the right thing for the right person over the years?

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

Mr. CONLEY: Mr. Speaker and Members of the House: I concur one hundred per cent with the gentleman from South Portland, Mr. Gill. At this time and for many years past all we've had is three political lackeys running the Liquor Commission — running the liquor business in the state and I think it's time that we do put someone in there who is an administrator and can do an excellent job for the state.

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

Mr. NADEAU: Mr. Speaker and Members of the House: This is another one of those hearings that I attended. I attended many of them, and I hate to admit — not hate to admit, but I will admit that I spoke against this; and so I looked into it further after I saw some of the opposition that was against this. When there's so much opposition to something, you've got something good. So after looking into it, I now will support the gentleman from South Portland, Mr. Gill, Mr. Hinds, because they're correct.

I now ask you — one of the points I would like to bring out to you is as it was brought out here that — what do we want a man of \$18,000 salary operating a business of three and a half million dollars? Do you know that's what you have now? You're paying \$19,000. Look out through the years — this is the information that was given to me. We've had scandals. We had one just recently; it wasn't a scandal, I suppose it could be if you looked

into it. But it was an overdraft, and it was something of a violation. We've had past violations throughout the years.

So then I ask you, why not try a change? Most of you know you're coming back — I know I am! And that isn't a warning, but I think if we don't like this single man idea let's change it back. Might I remind you that the thirty-one states who are working very efficiently doing this — they haven't had these investigations — they're saving money, and they haven't repealed this, mind you; some of them do it for ten years, and they haven't thought of going back to a three-man session, a three-man group. I say to you, even in umpiring a ball game there must be the chief umpire, and this is the only thing we're doing, and we now know that these are political plums.

Now the only question is, do we want to adopt a new man—do we want to hire a businessman? You only have one president, that was mentioned, of many companies; we only have one President of the whole United States. What is wrong with having one businessman run a business? And I think the only question before us today is whether we adopt this L. D. 1734 with the most important words—“Neither the director, nor any employee, shall accept directly or indirectly any samples, gratuities, favors or anything of value from a manufacturer, seller, brewer or licensee or any representative of the same.” I think that is the only question that you have to think of deep in your hearts. Do you want this part into law or shall we go on back scratching?

Mr. Quinn of Bangor then requested a roll call.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Somewhere in the shuffle here this morning I have lost the thread of how the committee reported this out. Could I pose a question through the Chair to any member who wants to answer as to what the Committee report was?

The SPEAKER: The Chair would advise the gentleman, nine to one in favor.

Mr. BERMAN of Houlton was granted permission to speak a third time.

Mr. BERMAN: Mr. Speaker, in answer to the proposition that one man might be a bit more susceptible to corruption than three men, I would remain the gentleman who made that suggestion that some time ago there was a very important organization which decided to have three men run it. One was a young man called Octavius and the other was an older man called Anthony and the other was a much older man called Lepidus, and that organization didn't really run too well under three men; but when they put the younger man in, Octavius — who later became Augustus, this man was entirely incorruptible and that age became known as the Augustan Age; and I say partly facetiously and partly in earnestness, that I would hope that if we do have this one-man administrator that he be a man of such impeccable caliber that we do have an Augustan Age in the running of the liquor business.

Mr. Starbird of Kingman Township was granted permission to speak a third time.

Mr. STARBIRD: Mr. Speaker and Members of the House: I might add somewhat facetiously to the gentleman from Houlton, Mr. Berman, that the incorruptible Augustus was followed by the very corruptible Tiberius. However, the fact of corruption or incorruption — the point that I wish to make, corruption or incorruption, does not necessarily rest with the system — it rests with the man. If we get three incorruptible men we are running a good business with no corruption. If we get one incorruptible man, we are doing the same thing. However, this matter of corruption or incorruption you get the least corruption when you have the more people for the simple reason you have the more to corrupt, and therefore I would think that the present Commission would be the better means. This

is one reason why I think it would be the better means to run this.

I'd like to agree with Mr. Cote from Lewiston, that quite probably the Commission's biggest trouble has been the Legislature, and I think he may have made a very good point when he said that the present capital limit was wrong.

The fact whether the position is a political plum or not does not necessarily enter into this, although the allegation has been made. However, I wonder how much harder it would be to satisfy all of those desiring political plums if you only had one to hand out rather than three; and I think that probably for those reasons I shall have to go along as I did on the Committee — I was the only one who was against this bill, and I shall vote in the same way today.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Members of the House: Not in my capacity as the leader of the loyal opposition this morning, but in my individual capacity as a Member of this House, I find myself in complete support of this document which received a committee report of nine to one, for the simple reason that as many have stated here this morning that it certainly is to the best interests of the State to have one good administrator, that you can go back to and find out where the problems are and thereby putting the responsibility on this administrator with a fairer salary, rather than to have three appointees that sometimes know very little if nothing at all about the business. So I feel that this is a very good document and certainly anything to enhance the picture of the Liquor Commission as of this date would be an improvement; so therefore I stand in support of this document.

The SPEAKER: The Chair recognizes the gentleman from Mars Hill, Mr. Dickinson.

Mr. DICKINSON: Mr. Speaker and Members of the House: Inasmuch as two members of the Liquor Commission have been identified in answer to the question raised by the gentleman from

Houlton, Mr. Berman, I think I would be remiss if I didn't arise to identify another member who has served as Chairman of the Commission.

It has been my privilege to be very closely associated with him for some thirty-five years. I know that he's a very capable administrator. He retired a few years ago from a position which he held most of the years that I have known him, and I'd think we are in very good hands under the present set-up. Therefore, I would concur with the thinking of the gentleman from Bangor, Mr. Quinn, Thank you.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Bangor, Mr. Quinn, that L. D. 1734 be indefinitely postponed.

The yeas and nays have 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 of those desiring a roll call will vote yes, those opposed will vote no, and the Chair opens the vote.

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 Bangor, Mr. Quinn, that House Paper 1218, L. D. 1734, Bill "An Act to Create the Department of Alcoholic Beverages," be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes, if you are opposed you will vote no, and the Chair opens the vote.

ROLL CALL

YEA—Bedard, Belanger, Binnette, Bragdon, Bunker, Carrier, Clark, Cote, Crockett, Crommett, Crosby, Curran, Cushing, Dickinson, Drigotas, Fecteau, Hanson, H. L.; Hanson, P. K.; Haynes, Hewes, Hichens, Jameson, Keyte, Kilroy, Littlefield, Lycette, McMann, McNally, Miliano, Nadeau, N. L.; Noyes, Porter, Prince, Quinn, Rackliff, Robertson, Rocheleau, Roy, Sawyer, Scott, G. W.; Shaw, Snow, P. J.; Soulas, Starbird, Sullivan, Townsend, Waltz, Williams.

NAY — Allen, Baker, E. B.; Baker, R. E.; Beliveau, Benson, Berman, Bernard, Boudreau, Bourgoin, Brennan, Brown, Buck, Burnham, Carey, Carroll, Carswell, Champagne, Conley, Cookson, Cornell, Cottrell, Darey, Dennett, Drummond, Durgin, Eustis, Evans, Ewer, Fortier, Foster, Fraser, Fuller, Gaudreau, Gauthier, Gill, Hall, Hanson, B. B.; Harnois, Harriman, Harvey, Hawes, Healy, Henley, Hennessey, Hinds, Hodgkins, Hoover, Huber, Humphrey, Hunter, Immonen, Jalbert, Lebel, Levesque, Lewin, Lewis, Lincoln, Maddox, Martin, Minkowsky, Mosher, Nadeau, J. F. R.; Pendergast, Philbrook, Pike, Richardson, G. A.; Rideout, Robinson, Ross, Scott, C. F.; Shute, Snowe P.; Susi, Thompson, Trask, Truman, Watts, Wheeler, White, Wood.

ABSENT—Birt, Bradstreet, Couture, D'Alfonso, Danton, Dudley, Dunn, Edwards, Farrington, Giroux, Jannelle, Jewell, Kyes, Meisner, Payson, Quimby, Richardson, H. L.; Sahagian, Scribner, Tanguay, Wight.

Yes, 48; No, 80; Absent, 21.

The SPEAKER: Forty-eight having voted in the affirmative and eighty having voted in the negative, the motion to indefinitely postpone does not prevail.

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

Mr. NADEAU: Mr. Speaker, I now move for reconsideration and I hope that you will vote against my motion.

The SPEAKER: The gentleman from Sanford, Mr. Nadeau, now moves that the House reconsider its action whereby this Bill failed of indefinite postponement. All those in favor will say yes, those opposed no.

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

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

The SPEAKER: Will the Sergeant-at-Arms escort the gentleman from Both, Mr. Ross, to the rostrum to serve as Speaker pro tem.

Thereupon, Mr. Ross assumed the Chair as Speaker pro tem and Speaker Kennedy retired from the Hall.

Mr. QUINN: Mr. Speaker?

The SPEAKER pro tem: For what purpose does the gentleman arise?

Mr. QUINN: A point of order.

The SPEAKER pro tem: The gentleman may state his point of order.

Mr. QUINN: We are getting to the end of our session, and matters are being brought up with just the L. D. number on them, and I wonder for the information of us all if we should not only be given the L. D. number, but the title of the bill so we can recognize it immediately.

The SPEAKER pro tem: That can be done.

On motion of Mrs. Wheeler of Portland, it was

ORDERED, that Robert Kilroy of Cape Elizabeth be appointed to serve as Honorary Page for today.

Mr. Foster of Mechanic Falls presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee is authorized and directed to study in depth the problems relating to privately owned water supplies which have been destroyed or rendered unfit for use as water supplies because of construction or maintenance operation on the state highway system. Said study shall include, but not be limited to, an examination of the law of this and neighboring states with a view toward a more effective and equitable means of administering standards of responsibility, financial settlements and appeal of such claims; and be it further

ORDERED, that a report of such study, together with any recommendations and implementing legislation, be made at the next special or regular session of the Legislature. (H. P. 1225)

The Order received passage and was sent up for concurrence.

Mr. Hinds of South Portland presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Finance Officer, Frederick Kneeland, be and hereby is authorized, during the current biennium, to attend the conferences of the National Legislative Conference, and that he be reimbursed for his necessary traveling expenses. (H. P. 1226)

The Order received passage and was sent up for concurrence.

On motion of Mr. Hinds of South Portland, it was

ORDERED, that the Clerk of the House be and hereby is authorized, during the current biennium, to attend the conferences of the National Legislative Conference and meetings of any committee thereof on which she may serve; and

BE IT FURTHER ORDERED, that the Clerk be reimbursed for her necessary traveling expenses.

The SPEAKER pro tem: The Chair recognizes the gentleman from South Portland, Mr. Hinds.

Mr. HINDS: Mr. Speaker and Ladies and Gentlemen of the House: I would now like to move that the remarks made by the gentleman from Portland, Mr. Sullivan, concerning the gentleman from Lewiston, Mr. Jalbert and the gentleman from Bangor, Mr. Quinn, be stricken from the record.

The SPEAKER pro tem: The gentleman from South Portland, Mr. Hinds, moves that these remarks be stricken from the record. Is this the pleasure of the House?

The motion prevailed.

Mr. Dennett of Kittery presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee be directed to study and review legislative compensation of this and other states to determine whether there are inequities in the amount paid in relation to the effort demanded and the ability required; whether policies regarding salary, per diem and living expense allowances which

determine said compensation should be revised, adjusted or be more efficiently handled by other means, and to consider such other matters relating to salary, per diem and allowances as it deems necessary; and be it further

ORDERED, that the Committee report the results of its study to the 104th Legislature. (H. P. 1227)

The Order received passage and was sent up for concurrence.

Tabled Until Later in Today's Session

Mr. Richardson of Cumberland presented the following Order and moved its passage:

ORDERED, the Senate concurring, that Bill "An Act Authorizing the Issuance of Bonds in the Amount of One Million Two Hundred Thousand Dollars for a Regional Airport to Service Central Maine" (H. P. 779) (L. D. 1141) be recalled from the legislative files.

The SPEAKER pro tem: Is it the pleasure of the House this Order receive passage?

Mr. Nadeau of Sanford requested a division.

Thereupon, on motion of Mr. Richardson of Cumberland, tabled pending passage and assigned for later in today's session.

On motion of Mr. Benson of Southwest Harbor, it was

ORDERED, that the Speaker of the House and not exceeding four members of the House, or five members if the Speaker is unable to attend, designated by him, be and hereby are authorized during the current biennium to attend the conferences of the National Legislative Conference; and

BE IT FURTHER ORDERED, that the necessary traveling expenses of the Speaker and the members appointed by him be paid from the legislative appropriation.

Mr. Benson of Southwest Harbor presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Law and Legislative Reference Librarian, Edith L. Hary, be and hereby is authorized, during the current biennium, to attend the conferences of the Na-

tional Legislative Conference, and that she be reimbursed for her necessary traveling expenses. (H. P. 1228)

The Order received passage and was sent up for concurrence.

Passed to Be Engrossed

Bill "An Act Classifying Certain Inland Waters of the Androscoggin River Basin" (S. P. 140) (L. D. 268)

Bill "An Act Enabling Municipalities to Create Historic Districts and to Provide for the Preservation of Historic Buildings and Places" (H. P. 1216) (L. D. 1729)

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

Amended Bills

Bill "An Act to Authorize Bond Issue in Amount of One Million One Hundred Thousand Dollars for Land and Classroom Building for University of Maine in Augusta" (S. P. 526) (L. D. 1362)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Bill "An Act to Amend the Maine Recreation Authority Law" (S. P. 682) (L. D. 1715)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Senate Amendment "A" and sent to the Senate.

Engrossed in Non-Concurrence

Bill "An Act relating to Method of Fixing Salaries of Certain State Officials" (S. P. 697) (L. D. 1733)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed in non-concurrence and sent up for concurrence.

Enactor Indefinitely Postponed

An Act Defining Industrial Project and Mortgagor of Agricultural Equipment and Documented Fishing Vessels under Industrial Build-

ing Authority Law (S. P. 34) (L. D. 33)

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Kennebunkport, Mr. Pendergast.

Mr. PENDERGAST: Mr. Speaker, Ladies and Gentlemen of the House: In today's calendar of the other body on page 2, the State Supreme Court ruled that this bill, L. D. 33 was not constitutional under the authority of the Maine Industrial Building Authority. Ladies and Gentlemen, I now find myself in the unfortunate position of having to kill my own bill. Therefore, I move to indefinitely postpone this measure and all the accompanying papers.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Kennebunkport, Mr. Pendergast, that this bill be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed. Sent up for concurrence.

Passed to Be Enacted

An Act Providing for the Registration of Land Surveyors (S. P. 550) (L. D. 1447)

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: Once again I move that this iniquitous document be indefinitely postponed. I say iniquitous as not entirely in a sense of jest either. This bill as you know, and as I said the other day, would create another board and another little kingdom for a group of one profession, one group of people. This board would receive some compensation, it would be another added millstone in the maze of State Government departments and boards. Sooner or later you are going to have all professions wanting their own little board of certification. You are

going to set every profession or every skill or what have you off in its own little corner and everyone, whether they can do the job or not, is going to have to meet their approval.

Now this is a good thing in many cases, it's a good thing in the case of doctors and it's a good thing in the case of attorneys, it's a good thing in any business or any profession where a great amount of skill is required. I do not believe that the amount of skill required in the particular profession that we are studying or skill we are discussing now is so great that it needs to have any very specialized requirements, that it needs a specialized board, and so as I said before, I move for its indefinite postponement.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Kingman Township, Mr. Starbird, that this bill be indefinitely postponed.

The Chair recognizes the gentleman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: I can only reiterate what I have said before in regard to this bill; we believe it is in the public interest and I presume that when the other boards of examinations for the other lines of employment have been set up, the same arguments probably have been made against it. We still believe it is a good bill and we urge your support for the bill and when the vote is taken, I ask for a division, and ask you to vote against the motion to indefinitely postpone.

The SPEAKER pro tem: A vote has been requested. The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: There has been nothing uncovered today which has not been previous knowledge before in the debates on this bill, and opponents are still crying out that there is no need for this legislation. I say as do the other surveyors throughout the State that there is a need now, that the profession of land surveying is in need of regulations and

this bill fits all those needs. I disagree with the gentleman from Kingman Township, Mr. Starbird, when he says that there is no amount of skill required. I am wondering how many people here can pick up a transit and go out and do survey work and keep their clients out of Court. I ask you not to support the motion to indefinitely postpone but to pass this Bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker, just one more remark, I will agree that just anyone cannot pick up a transit. However, it doesn't require a great amount of trouble to learn it from somebody who does know how to use it.

The SPEAKER pro tem: Is the House ready for the question? The question before the House is the motion of the gentleman from Kingman Township, Mr. Starbird, that this bill, An Act Providing for the Registration of Land Surveyors, S. P. 550, L. D. 1447 be indefinitely postponed. A vote has been requested. All those in favor of indefinite postponement will vote yes and those opposed will vote no and the Chair opens the vote.

A vote of the House was taken.

27 having voted in the affirmative and 79 having voted in the negative, the motion did not prevail.

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

An Act Describing Indian Voting Districts (S. P. 639) (L. D. 1645)

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

An Act relating to a Power of Sale in a Corporate Mortgage and Sale under a Power in a Corporate Mortgage (H. P. 365) (L. D. 512)

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: I have been very much concerned about L. D. 512, An Act relating to a Power of Sale in a Corporate Mortgage and Sale under a Power in a Corporate Mortgage, and when this bill originally came before our committee the word corporate was left out so that the power of sale would relate to every individual in the State of Maine. Frankly, this puts the individual at an unequal bargaining position with the lending institutions.

However, I have discussed this bill in some detail with two of the outstanding lobbyists who are in favor of its passage. I am assured that if we open what I really think is a Pandora's Box this time, I am assured that in another session these gentlemen will not come in and ask that this power of sale be extended to individuals. Under those assurances, I now move that this bill be passed to be enacted.

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

An Act to Enable City of Portland to Establish Sewer Service Charges (H. P. 946) (L. D. 1377)

An Act Placing the Indian Voting Districts with Representative Class Districts (H. P. 1208) (L. D. 1720)

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

Mrs. Carswell of Portland was granted unanimous consent to address the House.

Mrs. CARSWELL: Mr. Speaker, for the record, while item five is not in consideration of the House at this moment, for the record, I would like to say that I am opposed to the City of Portland levying sewer charges, but I understand that this is permissive legislation and the City Council will have to vote on this.

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

Bill "An Act to Abolish Imprisonment for Debt and to Revise the Laws Relating to Disclosures of Debtors" (S. P. 680) (L. D. 1710) (In Senate, passed to be engrossed.)

Tabled — June 19, by Mr. Conley of Portland.

Pending — Passage to be engrossed.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Quinn.

Mr. QUINN: Mr. Speaker and Members of the House: As a member of the Judiciary Committee that voted "ought not to pass" on this matter, I would like to explain to the House my reasons for my position.

This is a very complicated bill, it's really and truly a lawyers bill and needs explanation to thoroughly understand it before making a determination as to how each member of the House feels about the bill and voting. This law, if passed, would make it impossible to arrest a debtor for his failure to pay his bills. This law provides that "the owner of any judgment remaining unsatisfied" — now that judgment would be a decree of the determination of a court that, on the evidence presented that a bill was due and owing. "The owner of any judgment remaining unsatisfied in any part may have a disclosure of the business and property affairs of any judgment debtor, including corporations, at any time by proceedings as provided." Then it goes on to say, and this is a very, very important part of this bill, and this part of this bill is the crux of the whole thing and its going to be your decision, is going to determine whether an honest merchant is going to be able to collect an honest bill from a dishonest debtor.

"No judgment debtor, or officer of a judgment debtor corporation, thus cited, shall be arrested except for contempt, or upon *capias* issued to bring him before the magistrate as provided by section 253, or upon process issued pursuant to section 3154 or 3305." Those particular sections have to do with disclosures. No judgment debtor will be arrested, now that

means this pure and simple, that you are taking off all the pressure of collecting a bill after you get the judgment unless you can find property of the debtor that you can levy on. Now, a debtor may have a lot of property but that property may be exempt from attachment and levy and consequently you cannot reach him on your judgment. This will mean purely and simply that the debtor will be encouraged not to pay his bills and we will have a lot and increase the number of poor debtors. Now, I'll give you an illustration of how this thing might work out.

Under the proposed law, a man could have \$50,000 paid up life insurance, you can't levy against it. He and his wife together could have \$10,000 equity in real estate, jointly, and under a law that was passed by this legislature that is known as a homestead exemption if that is recorded in the Registry of Deeds, you can't levy against it. This man could own a Cadillac automobile with a conditional sales contract on it, in other words he still owes the automobile company and in order for you to levy on it, you've got to pay the automobile company what is due on it so consequently in many instances, it's not reachable for you to levy on, it wouldn't be reasonable. Or the man might work for the Federal Government with a salary of \$25,000 a year, you can't levy on it, on your execution. Now, you'd say a man in those circumstances was fairly well off. But he doesn't have to pay his bills because you can't reach them unless you can use the arrest method.

Now if you use the arrest method which we presently have, you can get judgment against him, you can cite him to disclose and when it's brought out before a Disclosure Commissioner that this is the type of a background that this man has, the Disclosure Commissioner will not give him the poor debtors oath. The poor debtor's oath will excuse him from future arrests. Consequently, if he doesn't give him the poor debtor's oath, he will issue a body *capias*, that means that the man will either have to pay the bill or he will go to jail.

Now, why shouldn't a man with a background like this pay his bills? And the only way you can collect a bill like that against a man like this is to have our present law, and if you pass this law no judgment debtor—of course the officer of a corporation isn't arrestable anyway under the present law and a married woman isn't arrestable under the present law, so the only other person is the individual debtor that might have a background like this. Now, who is going to suffer if you can't arrest a man like this? The merchant who with confidence gave him this merchandise on a conditional sales contract expecting that the man was honest and expecting that the man would probably pay his bills. And what merchant wouldn't extend credit to a man of this type? Not knowing fully that all of these things that he observes aren't reachable on a judgment execution if he failed to pay his bill. This bill, if it's passed, will be giving a bonus to a dishonest debtor at the expense of an honest merchant.

Under our present law, if a merchant has sent a lot of bills to a debtor with the rightful attempt to collect what is honestly due him for the sale of something in which he has invested his money, why shouldn't that honest merchant be paid back that which is owed to him? Well we know as a matter of life that it isn't always paid back. If there is any particular division of the law that most people have lawyers or go to lawyers about, it is the collecting of an impossible bill, a bill that it is impossible for they themselves to collect. And it is a process by which many of the young lawyers starting out start out with this type of a law, the collection of bills, because people don't flock to them for other more important legal matters. And that young lawyer starting out collecting bills is doing a service to the merchant who himself has arrived at a point where he cannot collect the bill himself.

Now, what does he do? He gives it to a young attorney to collect on a commission basis. The

attorney will get a commission on the amount collected and turn over to the merchant the difference. Now, how will the young attorney go about it? He will write one or two letters or more to the debtor informing him of the fact that this obligation which he owes to John Brown has been placed in the attorney's hands for collection and will he please give it his immediate attention.

Now if he doesn't do that—a lot of people by the way, too, will respond to that first letter. If they don't the chances are the attorney will write a little stiffer letter the next time. Another percentage of honest debtors will respond to the second letter. If after letters fail to bring results, the next thing the attorney has to do is to bring suit before a court in order to determine whether or not there is some question about whether the bill is owed or not. That gives the debtor a chance to go before the court and show any reason he may have why he hasn't paid the bill. That's his opportunity to have his day in court.

If he appears and the evidence is presented for the determination of the court, the court determines whether or not the bill is owed and how much is owed, and issues a paper that is known as an "execution," stipulating the amount of money due on the account. Upon receiving this execution, most likely this young attorney will write a letter to the defendant informing him of the fact that he has this execution in the amount of X number of dollars for the bill and X number of dollars for the cost of suit, making a total of X number of dollars, and will he please come and make the arrangements to take care of this account.

Many honest debtors will do that, dishonest debtors will not do that.

If he fails up to this point of getting some of the debts paid that are outstanding, his next procedure is to cite the debtor before a Disclosure Commissioner, to have a hearing to determine what is the nature of the property that the debtor has, which might be subject to a levy of the execution. The dishonest debtor in many instances will not appear

and he will be defaulted, and upon his default a *capias* execution will issue. And a *capias* execution is an instrument by which he may be arrested and placed in jail. If he does appear and he has a disclosure, and the Disclosure Commissioner is satisfied that he hasn't any property to be levied upon, that he isn't earning enough money to pay the bill, that he is what we know under the law as a poor debtor, the Disclosure Commissioner may give him the poor debtor's oath. This will excuse him from being arrested on the account thereafter. They can only collect from any goods he may have in the future. Now, if the Disclosure Commissioner determines, like this fellow that I gave you the hypothetical case concerning the fellow with the homestead and the Cadillac car, and with the good job with the government, if he determines that he is a man of that type he will not give him the poor debtor's oath because he does not deserve it, he will issue a body *capias* believing that the man should pay his bill.

Now if you pass this bill that cannot be done, and that account cannot be collected. Now, it is a fact that once the disclosure is had and the attorney gets the body execution the chances are if he writes to the debtor informing him of the fact that he has that, and it would behoove him to come to the attorney's office and pay the bill, many of the honest debtors will go and make some arrangement, he may not be able to pay the bill in full but he can make some arrangements to pay it by installment. Now a dishonest debtor in many instances will not do this. He will allow the attorney to give this body *capias* to an officer of the law, usually a Deputy Sheriff, with instructions to go to this debtor and either collect the bill or place the debtor in jail. And in many instances when this happens, those debtors find some way of raising the money and pay the bill that is honestly due to the merchant.

All the time you are sifting down to a fewer type of debtors that cannot do this. Now if he can't do this, then the officer will bring

him to the jail where he is allowed to use a telephone and communicate with any of his relatives or friends and in most instances he does that and within a very short time someone comes in and produces the amount of money which is to satisfy the honest merchant for an honest bill that is due to him.

In a very few instances do you get beyond that where a man is actually placed in jail. Now this is a process and the only process under which honest bills can be collected. If you pass this bill and this man cannot be put under the pressure of that arrest, that man will not pay any bills and the class of this dishonest debtor will increase rapidly when they know that they cannot be put in jail and they can get up to that point in their obligations to honest merchants.

I say this is a poor bill. It's a bill that the merchant is going to suffer from and the debtor is going to have a bonus on, and should not be passed.

The debtor has many things moving in his direction which have been given to him by not only the state legislature but by the Federal Bankruptcy Act. Now if a debtor gets up to the point where he is placed in jail, he can do several things. One of the things he can do is to furnish a bond, what is known as a six months bond, and the condition of that bond is that he will either go through bankruptcy within the six months, go under a wage-earner plan during the six months, pay the bill or go before two Justices of the Peace and disclose his property, and if he discloses no property be given the poor debtor's oath. So, you see, even if he's put in jail, he has recourse to the law that will protect him. Now under this bill you would never get to that point, because you couldn't put him in jail, and if he had no property you could levy on because of his being exempt, according to the hypothetical case I gave you or a similar one, he would be free to go at large and never pay that bill or any other bill that would require some pressure on him, and it's this pressure

that is necessary under our present law to collect honest debts for honest merchants against dishonest debtors.

I hope you will go along with me in my motion to indefinitely postpone this bill and all of its accompanying papers, and that when the decision comes for a vote I ask for a roll call.

The SPEAKER pro tem: The question now before the House is on the motion of the gentleman from Bangor, Mr. Quinn, that this bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Portland, Mr. Brennan.

Mr. BRENNAN: Mr. Speaker and Members of the House: This bill received an eight to two "Ought to pass" report from the Committee on Judiciary. Imprisonment for debt in most places went out years ago. If this law is enacted, then it will be partially exterminated in the State of Maine. I say partially because this bill does not affect non-support jailing and counsel fee jailing, which are in the nature of contempt of court.

Under this bill, the Disclosure Commissioner can order the debtor to appear before him and if the debtor fails to appear, the Disclosure Commissioner can order his arrest so that he might be brought before him to disclose his financial affairs. The big difference under this proposal and the present law is that under the proposed law the debtor will be brought after arrest, directly before the Disclosure Commissioner, or the District Judge rather than languishing in jail several days before this can be done. I submit that this is a very humane bill and for those who like to take a shot at the legal profession in dulling some of their tools, this is a perfect bill for them to vote for.

Under this bill the Court controls jailing debtors and not attorneys. I would like to read a letter from a Professor at the University of Maine School of Law, Professor Spanogle who has done considerable work in this field. "Dear Sir: I am sorry I forgot to send you a letter on this bill to abolish imprisonment for debt. It comes up today, let this note stand as a letter. The present law allows the

debtor to be jailed merely for not showing at a disclosure hearing. Many of them fail to show because the creditor's attorney has told them if they pay for example \$5, they need not show. Last year between 700 and 1500 Maine people were served with *capias* executions and at least 300 were actually jailed. Over 95% were due to not showing at the Disclosure Hearing. This bill, L. D.1710, rearranges the remedies available against debtors at such hearings. If the debtor fails to show at the hearing an order may issue, for the sheriff to bring him to a hearing; only if the debtor appears and refuses to disclose may he be jailed, and then by order of Court for contempt."

I submit that this is a very sound, humane bill. I submit that the State of Maine should catch up with the rest of the states in the Nation and abolish imprisonment for debt. I hope you will vote against the motion of the gentleman from Bangor, Mr. Quinn.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bath, Mr. McMann.

Mr. McMANN: Mr. Speaker and Members of the House: I go along with the bill but, the only people today that can put anybody in jail that owes them a debt — if you owe a lawyer a debt — he can put him in jail and he won't have to pay for it — anybody else has to pay for it.

The SPEAKER pro tem: Is the House ready for the question? The question before the House is the motion of the gentleman from Bangor, Mr. Quinn, that this bill be indefinitely postponed and a roll call has been requested.

In order for the Chair to entertain a roll call it must have the expressed desire of one fifth of the members present. All those desiring a roll call will vote yes, those opposed will vote no, and the Chair opens the vote.

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 pro tem: The pending question is the motion of the gentleman from Bangor, Mr. Quinn, that item 1, Bill "An Act

to Abolish Imprisonment for Debt and to Revise the Laws Relating to Disclosures of Debtors," which is L. D. 1710 be indefinitely postponed. All those in favor of indefinite postponement will vote yes, those opposed will vote no, and the Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, E. B.; Baker, R. E.; Belanger, Beliveau, Benson, Birt, Boudreau, Brown, Buck, Bunker, Carrier, Champagne, Clark, Cookson, Crockett, Crosby, Cushing, Dennett, Dickinson, Drummond, Dunn, Evans, Fraser, Fuller, Gauthier, Gill, Hanson, B. B.; Hanson, H. L.; Hanson, P. K.; Harnois, Harriman, Henley, Hodgkins, Humphrey, Jameson, Lebel, Lewin, Lewis, Lincoln, Littlefield, McMann, McNally, Minkowsky, Mosher, Pendergast, Philbrook, Porter, Quinn, Rackliff, Richardson, G. A.; Robinson, Rochelleau, Scott, C. F.; Scott, G. W.; Shaw, Soulas, Starbird, Susi, Thompson, Trask, Truman, Waltz, Watts, White, Williams, Wood.

NAY — Bedard, Berman, Bernard, Binnette, Bourgoin, Brennan, Burnham, Carey, Carroll, Carswell, Conley, Cornell, Cote, Cottrell, Crommett, Curran, Drigotas, Eustis, Ewer, Fecteau, Foster, Hall, Harvey, Hawes, Haynes, Healy, Hennessey, Hewes, Hinds, Huber, Immonen, Jalbert, Keyte, Kilroy, Levesque, Lycette, Maddox, Martin, Nadeau, J. F. R.; Nadeau, N. L.; Noyes, Pike, Prince, Rideout, Robertson, Sawyer, Scribner, Shute, Snowe, P.; Sullivan, Wheeler.

ABSENT—Bradstreet, Bragdon, Couture, D'Alfonso, Danton, Darey, Dudley, Durgin, Edwards, Farrington, Fortier, Gaudreau, Giroux, Hichens, Hoover, Hunter, Jannelle, Jewell, Kyes, Meisner, Miliano, Payson, Quimby, Richardson, H. L.; Ross, Roy, Sahagian, Snow, P. J.; Tanguay, Townsend, Wight.

Yes, 67; No, 51; Absent, 31.

The SPEAKER pro tem: The Chair will announce the vote. Sixty-seven having voted in the affirmative and fifty-one in the negative, the motion for indefinite postponement prevails.

Thereupon, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

The SPEAKER pro tem: The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker, I move that we recess until three o'clock this afternoon.

The SPEAKER pro tem: The gentleman from Southwest Harbor, Mr. Benson, moves that we recess until 3:00 p.m. this afternoon. Is that the pleasure of the House?

The motion prevailed.

(Cries of "No")

The SPEAKER pro tem: We are recessed as of ruling of the Chair. Does the gentleman wish to reconsider that motion?

Mr. QUINN: Yes sir, I do. At this stage of the game with all of the business that we have, two hours and a half is too long a recess.

(Off Record)

Thereupon, the House stood in recess.

After Recess
3.00 P. M.

Called to order by the Speaker.

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

An Act to Authorize the Issuance of Bonds in the Amount of Sixteen Million Eight Hundred Thousand Dollars on Behalf of the State of Maine to Build State Highways (H. P. 1174) (L. D. 1673)

Tabled—June 19, by Mr. Waltz of Waldoboro.

Pending—Passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker, the allocation bill which relates directly to this one is coming along very shortly behind, and I think it would be appropriate that this one be tabled so that they might be considered at the same time.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker, I move this be tabled until Friday next.

(Cries of "No")

The SPEAKER: The Chair understands the gentleman from Freeport, Mr. Crockett, moves this be tabled until later in today's session. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: For what purpose does the gentleman arise?

Mr. CROCKETT: To try to explain that both bills closely resemble one another and we could work on them and simplify matters because this bond issue must be bought before we go home and the allocation must be bought before we go home, and unless you give us some time which is only a couple of days to get this thing in order, I would appreciate it very much. It is only helping the situation so we can get home a little earlier. If you won't allow us to do that why you can stay here until after the Fourth of July.

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

HOUSE REPORT—Ought to Pass in New Draft—Committee on Taxation on Bill "An Act Applying Sales Tax to Charges for Fabricating Tangible Personal Property" (H. P. 203) (L. D. 292)—New Draft (H. P. 1207) (L. D. 1719)

Tabled—June 19, by Mr. Birt of East Millinocket.

Pending—Acceptance.

Thereupon, the "Ought to pass" Report was accepted, the New Draft read twice and tomorrow assigned.

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

HOUSE MAJORITY REPORT (11)—Ought to pass—Committee on Senatorial Reapportionment on Bill "An Act to Establish Single Member Districts for Representatives to the House Based Upon the Existing Apportionment of the House Pursuant to the Constitution of Maine" (H. P. 1209) (L. D. 1721)—

MINORITY REPORT (4)—Ought Not to Pass.

Tabled—June 19, by Mr. Levesque of Madawaska.

Pending—Acceptance of either Report.

On motion of Mr. Richardson of Stonington, the Majority "Ought to pass" Report was accepted, the Bill read twice and tomorrow assigned.

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

JOINT ORDER re Budget Information to Legislative Finance Officer (S. P. 698)

Tabled—June 20, by Mr. Jalbert of Lewiston.

Pending—Passage in concurrence.

The Order received passage in concurrence.

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

Bill "An Act Creating the University of the State of Maine" (S. P. 496) (L. D. 1258) (In Senate, passed to be engrossed as amended by Committee Amendment "A" (S-225)

(In House, Committee Amendment "A" adopted and House Amendment "A" (H-431)

Tabled—June 20, by Mr. Benson of Southwest Harbor.

Pending — Adoption of House Amendment "C" (H-447).

The SPEAKER: The Chair recognizes the gentleman from Denmark, Mr. Dunn.

Mr. DUNN: Mr. Speaker and Members of the House: I find that this amendment the law already provides for a great deal of what they tried to do in this amendment, but there are parts of the amendment that need to go on affecting the dates, so I would hope that someone would table it until later in today's session as there is another amendment being prepared to take the place of this one.

Thereupon, on motion of Mr. Richardson of Cumberland, tabled pending the adoption of House

Amendment "C" and assigned for later in today's session.

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

An Act to Appropriate Money to Plan and Apply for a Rural Youth Corps for Maine (S. P. 628) (L. D. 1630)

Tabled—June 20, by Mr. Jalbert of Lewiston.

Pending—Motion of Mr. Conley of Portland to reconsider failure of passage to be enacted.

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

Mr. JALBERT: Mr. Speaker, on Monday this measure failed of passage as an emergency by only one vote. This is, in my opinion, a very fine program.

In answer to some comment that was made yesterday I believe, this is not the Job Corps Program as likened to Poland Spring. The return on our investment is tremendous on this program, and I sure hope that the membership will see fit to pass this enactor as an emergency measure.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Members of the House: As I pointed out when this bill was before us originally, this would be strictly for Maine and limited for Maine youths. It would be the first of its kind in the country, and the total amount provided in the bill of \$21,600 would turn out of federal funds available almost to the tune of 2 million dollars. So as Mr. Jalbert, the gentleman from Lewiston, has pointed out, this is not the Job Corps type program, but a more municipal or area type program that could help our young boys and possibly girls if any and what category they go into and especially in the field of carpentry or heavy equipment operation, concrete work, truck driving, basic education or conservation work, so therefore, I feel that this would be an ultimate good to our own State in the very near future.

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

Mr. PHILBROOK: Mr. Speaker and Members of the House: The proposed Maine Rural Youth Corps received a unanimous "Ought to pass" report by the State Government Committee. It is a concept conceived here in Maine by Maine people to serve Maine youth. It is a new idea to rehabilitate rural young people who by virtue of their disadvantaged circumstances are not likely to lead productive lives.

The need for this program emerged from statistics revealing more than 10,000 of these youngsters in Maine and from the fact that existing programs are not reaching the rural areas. The program envisions giving these youngsters the opportunity to develop the necessary attitudes, training and skills to become gainfully employed.

Department heads of the State Government and key Maine employers have pledged the resources of their agencies as the training ground of the youngsters. The project would offer education, health assistance, and training in such skills as carpentry, the maintenance and operation of heavy equipment, forestry, concrete work and so forth. Maine's share, as said before, is only \$21,600 which can generate up to 1.8 million dollars of Federal money. Thank you.

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

Mr. LITTLEFIELD: Mr. Speaker and Members of the House: This bill is probably presented with the best of intentions, and I do not wish to get involved in a political debate over it except for making a few statements.

In our area we have the Boy Scouts, Juvenile Grange, and other organizations and our youth are taken care of by the people around home.

Now I wish to state that in the 1930's while living in Boston, I had the opportunity to read five histories of Europe, and I learned how the Youth Corps Organizations fell into the hands of dicta-

tors and soon brown shirts and black shirts were marching in the cities of Germany and Italy. A little later the Germans were sending men into Poland, Italians were being shipped to Ethiopia, Japanese were in Manchuria, and now Americans are being shipped to Asia. Do we know what is going on behind the scenes in our Country today?

I hope this bill does not pass, and being a roll call vote, I shall be most pleased for a chance to cast my vote opposing the bill.

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

Mr. HUNTER: Mr. Speaker and Members of the House: Of course this is a poverty bill and I think I'm well qualified to talk about poverty being brought up in it, and living in it for these number of years.

Now I've had something to do with the neighborhood youth program as president of the Androscoggin County Task Force on Social Welfare, and we operate a Head Start program and various programs like that.

Now this is nothing you can join; this is for the disadvantaged. You have to be in the poverty class to be able to get into this. It's aimed principally at boys and girls that are dropouts in school, that are retarded—not retarded, they're slow learners, and they just sit around the house doing nothing—all day long, and we've got them out and got them into a job and they only belong, can join to it for fifty-two weeks a year, so they're on their own after that.

Now quite often in talking about these OEO programs they talk about wasting money. There isn't a penny wasted at all—there is no waste of money at all; it isn't like state government one bit! I've seen growing boys that have really cried that they couldn't get going on it, and out in the country in the rural country places there's lots of boys and girls that don't know just how to get out and get a job—these kids if they meet the certain guidelines they're taken to the Maine Employment Security Commission, tested for achievement to see how

far they can go and some of them are put directly into the MDTA and others are supplied with a job until they can go to it on their own.

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

Mr. HEALY: Mr. Speaker and Members of the House: This is an opportunity for Maine to be the first in something, and I would hope we would start on it. I believe to the taxpayers it is something around \$20,000 and in turn generates \$2 million, and beyond that it generates a lot of good for the youth of our State.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Portland, Mr. Conley, that the House reconsider its action whereby this bill failed of passage to be enacted.

The Chair will open the vote. All those in favor of reconsideration will vote yes, those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken. 96 having voted in the affirmative and 20 having voted in the negative, the motion prevailed.

The SPEAKER: The pending question now is the enactment of L. D. 1630.

Mr. Jalbert of Lewiston requested a roll call.

The SPEAKER: The yeas and nays have 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 of those desiring a roll call will vote yes, those opposed will vote no, and the Chair opens the vote.

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 the enactment of L. D. 1630, An Act to Appropriate Money to Plan and Apply for a Rural Youths Corps for Maine. All of those in favor of this bill being enacted as an emergency measure will vote yes, those opposed will vote no, and the Chair opens the vote.

ROLL CALL

YEA — Allen, Bedard, Belanger, Beliveau, Benson, Berman, Bernard, Binnette, Boudreau, Bourgoin, Bradstreet, Bragdon, Brennan, Brown, Bunker, Burnham, Carey, Carrier, Carroll, Carswell, Champagne, Clark, Conley, Cookson, Cornell, Cote, Cottrell, Crockett, Crommett, Curran, Cushing, Darey, Dennett, Dickinson, Drigotas, Dunn, Eustis, Evans, Ewer, Farrington, Fecteau, Fortier, Fraser, Fuller, Gaudreau, Gauthier, Gill, Hall, Hanson, B. B.; Hanson, P. K.; Harnois, Harriman, Harvey, Healy, Henley, Hennessey, Hewes, Hichens, Hinds, Hodgkins, Hoover, Humphrey, Hunter, Jalbert, Jameison, Keyte, Kilroy, Lebel, Levesque, Lewin, Lycette, Maddox, Martin, McMann, Miliano, Minkowsky, Nadeau, N. L.; Noyes, Philbrook, Pike, Porter, Prince, Quinn, Richardson, G. A.; Richardson, H. L.; Rideout, Robertson, Robinson, Rocheleau, Ross, Sahagian, Sawyer, Scott, C. F.; Scott, G. W.; Scribner, Shaw, Shute, Snow, P. J.; Snowe, P.; Starbird, Sullivan, Susi, Thompson, Townsend, Trask, Truman, Watts, Wheeler, White, Wood.

NAY — Baker, E. B.; Baker, R. E.; Birt, Crosby, Drummond, Durgin, Hanson, H. L.; Hawes, Haynes, Huber, Immonen, Lewis, Lincoln, Littlefield, Pendergast, Rackliff, Waltz, Wight, Williams.

ABSENT — Buck, Couture, D'Alfonso, Danton, Dudley, Edwards, Foster, Giroux, Jannelle, Jewell, Kyes, McNally, Meisner, Mosher, Nadeau, J. F. R.; Payson, Quimby, Roy, Soulas, Tanguay.

Yes, 110; No, 19; Absent 20.

The **SPEAKER**: One hundred and ten having voted in the affirmative and nineteen in the negative, the Bill is passed to be enacted as an emergency measure, it will be signed by the Speaker and sent to the Senate.

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

Bill "An Act Increasing the Terms of Trustees for the Maine Maritime Academy" (H. P. 1220) (L. D. 1736) (House Amendment "A" (H-448))

Tabled—June 20, by Mr. Gill of South Portland.

Pending—His motion to indefinitely postpone.

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

Mr. **TRUMAN**: Mr. Speaker and Members of the House: I rise in opposition of this indefinite postponement.

First, I'd like to thank the gentleman from South Portland, Mr. Gill, for tabling this until today. I wasn't here, of course; as part of the Maine Day ceremonies in Montreal, which we could be very proud—we have a very good exhibit there.

And secondly I'd like to thank the gentleman from Lewiston, Mr. Jalbert, in his very fine remarks in regards to my dedication to this body.

I would like to clarify a few misunderstandings that have come up since Monday, and I would like to say that I concur completely with the gentleman from Eagle Lake in his amendment of yesterday, deleting section 2, which would have this bill retroactive to January 1st. I knew nothing of this—this bill first came out Monday in a new draft and I didn't fully check it, but I'm glad to see the gentleman from South Portland, Mr. Hinds, was very observant and noticed it and I go along with this deletion one hundred percent.

I would like to tell you that my only reason for supporting this bill, and it is not my bill, the sponsor is the gentleman from Kennebunkport, Mr. Pendergast. It is a good bill and my reasons for supporting it are that when I was appointed to the Board of Trustees by the former Governor, I was the only Democrat on the Board with eleven Republicans. I don't think that was fair and I would not like to see a Board with eleven Democrats and one Republican either. So this is what this bill tried to do, it tries to keep a little less bite of the Governor's muscle in this thing.

This Board—this present Board or your present Board, is a very dedicated Board; and I would hope that we can keep the Board to-

gether. When the present Board first came into being, the past Board had voted themselves a ten dollars a session per diem which this Board voted down unanimously. They did not want to get this ten dollars a day—they wanted to dedicate their services, and that's what they've been doing. Attendance has been almost one hundred percent at every meeting. I don't want to drag this on, but I did want to clarify a few points, and this is the only reason that I am supporting this and this is my honest intent, to have better members on the Board and to keep this away from any Governor that would want to use it as a political football; not that he would, but he could if he wanted to and I just want to stress that to you. I am also—in closing I have been informed by reliable sources that the Governor likes this bill even though it does take a little bite out of the muscle that he has, and I would hope you would go along with your overwhelming passage of this bill on Monday, 82-23. Thank you very much.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would comment on my very fine friend's remark, the gentleman from Biddeford, Mr. Truman. I hear he made the comment that he was the only Democrat on a board up against ten or eleven Republicans. I can recall that for years I was the only Democrat on a committee made up of ten people, and I would admonish him very slightly by stating that any time one lone Democrat can't do battle with nine good Republicans he ought to quit his Party in disgrace!

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

Mr. PHILBROOK: Mr. Speaker and Members of the House: The Legislature in 1941 established the Maine Nautical Training School with an appropriation of \$30,000 for the biennium or \$15,000 a year.

This school, with a two year course and 28 students, is now the Maine Maritime Academy with a history of success in Maritime of-

ficer training second to none. This has all been accomplished in 25 years under the leadership and direction of a Board of Trustees serving a three year term. Does anyone want to rise and challenge the record of this institution and to claim that with a five year term for its Trustees the Academy would have been more successful? The three year term has proven its value, and there is no reason for a change.

I have studied the replies made Monday in defense of the five year term and I find only the one argument that it would be outside the Governor's reach, and would prevent this Governor or future governors from using the Academy Board as a political football. I have stated, and history supports me, that most governors are usually elected to a second term; are these trustees then out of his reach?

So far this year the present Governor has made four appointments to this Board and I assume they all share this distrust of this Governor or future governors using the Board as a political football. I do not share this view and I also have faith in the wisdom of the Executive Council who must confirm these Trustees. Like the gentleman from Biddeford, I think the Board should be composed of members from Presque Isle to Kittery and I also believe the Executive Council who knows that the Trustee from his District has done a good job will support his reappointment. Likewise he will oppose the reappointment of a poor Trustee.

In conclusion, I would like to ask any member of the House if he was appointed as a Trustee of this fine school if he would not be willing to serve faithfully to the best of his ability and let his endeavors for three years determine whether or not he should be reappointed. Or, are your doubts of your qualifications and abilities so strong that you want the security of the five year term?

This morning I talked with a member of the Academy Trustees—not one of the four who were appointed this year—and he

strongly condemned the five year term. He said, I am strongly against it. It defeats representative government. Please work hard to defeat it. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Pendergast.

Mr. PENDERGAST: Mr. Speaker and Members of the House: At the hearing it was brought out that the seven year term was arrived at as the University of Maine has a seven year term for their Trustees. Now, the amendment is satisfactory in my estimation as a five year term or one year more than the term of any governor. I urge you to vote against the indefinite postponement motion. I thank you.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I would like to rise in opposition to the motion of the gentleman from South Portland, Mr. Gill. As you all know, I represent the Town of Castine and the Maine Maritime Academy is in my district. I would just like to make one comment. Mr. Gill was not hesitant at all about voting for a seven year term for the Trustees of the University of the State of Maine.

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

Mr. GILL: Mr. Speaker and Members of the House: It seems that I have heard my conscience arise today. However, I can understand the Maine Maritime Academy, sometimes this University of Maine I don't understand that entirely. However, I am proud of the Maine Maritime Academy, I am not connected to it in any way; however, it is one of the few bright spots in the State of Maine that we are able to speak about when we are outside of the State. I feel that the Trustees that we now have and the majority in the past have done a fine job; however, my contention is that why should they be afraid to have their record examined every three years at which time they would come up for re-appointment. This is my only rea-

son for my opposition to this bill is that if a man is not able to stand on his record of three years for re-appointment, after all, here in the House we have to do it every two years and it may be that the people would like us to stand for election more often, particularly at this time. However, I am opposed to that and I am also opposed to a five year term for the Trustees.

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

Mr. McMANN: Mr. Speaker and Members of the House: I don't know too much about this bill, three years or five years, but I do know that we have had some wonderful Trustees from Bath, the late Captain Quigg who has a building named after him at the Maine Maritime Academy, and Ned Andrews who belonged on the Board for years, I have a nephew there and I have a grandson there and I am in favor of the bill. Thank you.

The SPEAKER: The pending question is the motion of the gentleman from South Portland, Mr. Gill that this bill be indefinitely postponed. The Chair will order a vote. All those in favor of indefinite postponement will vote yes, those opposed will vote no and the Chair opens the vote.

A vote of the House was taken.

Mr. McMann of Bath requested a roll call.

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 desiring a roll call will vote yes, those opposed will vote no and the Chair opens the vote.

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

The SPEAKER: The pending question is the motion of the gentleman from South Portland, Mr. Gill that this bill be indefinitely postponed. Those in favor of the indefinite postponement of this bill will vote yes, those opposed will vote no and the Chair opens the vote.

ROLL CALL

YEA — Birt, Crockett, Crosby, Cushing, Dunn, Durgin, Hanson, H. L.; Henley, Hichens, Lycette, Philbrook, Porter, Snow, P. J.; Williams.

NAY — Allen, Baker, E. B.; Baker, R. E., Bedard, Belanger, Beliveau, Benson, Berman, Bernard, Binnette, Boudreau, Bourgoin, Bradstreet, Bragdon, Brennan, Brown, Bunker, Burnham, Carey, Carrier, Carroll, Carswell, Champagne, Clark, Conley, Cornell, Cote, Cottrell, Crommett, Curran, Darey, Dennett, Dickinson, Drigotas, Eustis, Evans, Ewer, Farrington, Fecteau, Fortier, Fraser, Fuller, Gaudreau, Gauthier, Gill, Hall, Hanson, B. B.; Hanson, P. K.; Harnois, Harriman, Harvey, Hawes, Haynes, Healy, Hennessey, Hewes, Hinds, Hodgkins, Hoover, Huber, Humphrey, Immonen, Jalbert, Jameson, Keyte, Kilroy, Lebel, Levesque, Lewin, Lewis, Lincoln, Littlefield, Maddox, Martin, McMann, Miliano, Minkowsky, Mosher, Nadeau, J. F. R.; Nadeau, N. L.; Noyes, Pendergast, Pike, Prince, Quinn, Rackliff, Richardson, G. A.; Richardson, H. L.; Rideout, Robertson, Robinson, Rocheleau, Ross, Sahagian, Sawyer, Scott, C. F.; Scott, G. W.; Scribner, Shaw, Shute, Snowe, P.; Starbird, Sullivan, Thompson, Townsend, Trask, Truman, Waltz, Watts, Wheeler, Wight, Wood.

ABSENT — Buck, Cookson, Couture, D'Alfonso, Danton, Drummond, Dudley, Edwards, Foster, Giroux, Hunter, Jannelle, Jewell, Kyes, McNally, Meisner, Payson, Quimby, Roy, Soulas, Susi, Tanguay, White.

Yes, 14; No, 112; Absent, 23.

The **SPEAKER**: The Chair will announce the vote. Fourteen having voted in the affirmative and one hundred and twelve having voted in the negative, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

The **SPEAKER**: The Chair will now call your attention to the

matters appearing on Supplement number 1.

The Chair laid before the House a matter tabled earlier and assigned for later in today's session: Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 543) (L. D. 1444) tabled earlier by Mr. Richardson of Cumberland pending reproduction of House Amendment "A".

Mr. Starbird of Kingman Township offered House Amendment "A" and moved its adoption.

House Amendment "A" was read by the Clerk as follows:

HOUSE AMENDMENT "A" to S. P. 543, L. D. 1444, Bill "An Act to Correct Errors and Inconsistencies in the Public Laws."

Amend said Bill by inserting after section 4, a new section, as follows:

'Sec. 4-A. R. S., T. 5, § 2302, amended. Section 2302 of Title 5 of the Revised Statutes is amended by adding at the end, a new paragraph, as follows:

The Hearing Commission shall suspend the liquor license for not less than 3 months of any liquor licensee who violates Title 28, section 1058.'

The **SPEAKER**: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members with the House: I agree wholeheartedly with my very good friend, the gentleman from Cumberland, Mr. Richardson that the Omnibus Bill as reported out from the Committee on Judiciary, except for extremely compelling reasons should never be used for amendments of this sort. Regardless of the merits or demerits of House Amendment "A" at this time I am going to have to move for indefinite postponement and do move for indefinite postponement of House Amendment "A" and I hope we won't have a situation where we are trying to change some basic laws which are not really errors or inconsistencies by tacking them onto the Omnibus Bill, and I trust that the good gentleman from Cumberland, Mr. Richardson, will support me in this position.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: It is apparent from the amendments that have crossed my desk in the last few minutes that there are others who feel also that they have items that are of compelling enough need to put them in this omnibus bill. Here and there at various times there are things that occur after the cloture date, beyond the time when it is convenient to introduce a subject as a bill, after a time when it is convenient to amend a bill of the same subject, that we feel, some of us feel, that a subject arises that should receive attention and this is the case at the present time, and I feel that the item that I am sponsoring in House Amendment "A" has received in the past, the hearing commissioner has in the past in this amendment perhaps assessed too light a sentence on licensees who have violated the law and I hope that the House will go along with me on this. It only sets a mandatory suspension of three months. It is my understanding and I think the — to my knowledge, that no licensee who is conscientiously in his business would violate the law. And there are some that are somewhat unscrupulous and this would make them think. It won't be a light tap over the fingers this time, it will be a loss of business for three months and I think that the amendment deserves your consideration. I will not argue on the merits or demerits of the other two amendments that have crossed our desks, but it seems that there are other people here that believe that they have matters that should receive immediate attention too and I do not believe that this bill, the errors and inconsistencies law, is any more inviolable as far as amendments are concerned than any other bill. I have been somewhat chided for my action in introducing this amendment, but I believe that I had a right to do so and I am sorry that the gentleman who chided me thought that I did not, and I apologize to that gentleman for not bringing to his

attention the amendment because I did not have time to do so and I have already explained that to him. Otherwise than that, I believe it is a good amendment and I urge that it be adopted.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Since I have been drawn into this discussion somewhat indirectly, I think that I should indicate to you that I do not believe that we should effect substantive changes in our law through amendments to the Errors and Inconsistencies bill which is meant to correct errors and inconsistencies. It is meant to keep our law in harmony and to make sure that we don't pass bills that are inconsistent with one another. I would inquire of the gentleman from Kingman Township, Mr. Starbird, whether or not the subject matter of the amendment that we are now concerned with, House Amendment "A", whether or not the subject matter that has been raised here has been the subject of a public hearing and if so what the consequences of that effort might have been.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, poses a question through the Chair to the gentleman from Kingman Township, Mr. Starbird, who may answer if he desires.

The Chair recognizes that gentleman.

Mr. STARBIRD: Mr. Speaker and Members of the House: In answer to the question by the gentleman from Cumberland, the subject matter of this amendment has not received a public hearing, but as he well knows there are many matters that have already been passed into law that have never received a public hearing, there are redrafts that come out of Committee session after session that are redrafts of bills that have been submitted that are entirely unlike the original bill, it may concern the same subject matter, but it is entirely unlike the original bill and these become law without public hearing, this is well known. There are amendments offered on the floor of this House to bill after

bill and on the floor of the other body that make substantial changes in our law and these are never subject to public hearing. This is well known. So, although sometimes this happens, whether it is right or whether it is wrong, we know it does happen and I do not believe that I am violating any accepted rule of this House by submitting this amendment, nor do I believe the other gentlemen who have submitted amendments to this bill are violating any rule of this House and I do not believe that we are in error or should be shown that we are in error for doing so.

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

Mr. QUINN: Mr. Speaker and Members of the House: I desire to support the gentleman from Houlton, Mr. Berman, in his statement of the intent of this particular bill, it is just what the title says it is, it is to correct errors and inconsistencies in laws that have been passed during this session and discovered by the Legislative Research Office and we certainly shouldn't try to make any changes in this particular bill.

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

Mr. COTE: Mr. Speaker: I would like to have a ruling from the Chair whether this amendment is germane to the law.

Thereupon, on motion of Mr. Richardson of Cumberland, tabled until later in the day pending the motion of the gentleman from Houlton, Mr. Berman, to indefinitely postpone House Amendment "A".

The Chair laid before the House item 2 tabled earlier in the day for later in today's session: Senate Majority Report "Ought not to pass" on Bill "An Act Providing for an Additional District Court Judge at Large" (S. P. 380) (L. D. 993) Minority Report "Ought to pass," tabled earlier by Mr. Shute of Farmington pending acceptance of either Report.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: This bill and the following bill on the calendar relating to District Courts came before the Committee on Judiciary. There were several members of the Committee on Judiciary who had personal knowledge of the problems involved with L. D. 993 and the problems involved with the companion measure and these gentlemen, of which I am not one who had previously served in a judicial capacity, felt that the solution to any problem that might exist would be in "Ought not to pass" from the present measure and an "Ought to pass" on the companion measure. With those reasons, and without wishing to take up any more time of the House this afternoon which probably has more pressing matters, I therefore move the acceptance of the eight to two Majority "Ought not to pass" report.

Thereupon, the Majority "Ought not to pass" Report was accepted in non-concurrence and sent up for concurrence.

The Chair laid before the House item 3 tabled earlier in the day for later in today's session: Senate Majority Report "Ought to pass" on Bill "An Act Creating a District Court Division of Northern Androscoggin and Franklin" (S. P. 544) (L. D. 1392) Minority "Ought not to pass," tabled earlier by Mr. Quinn of Bangor pending acceptance of either Report.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: This is the companion measure about which I spoke when I was speaking in regards to the previous measure, L. D. 993. This is a matter of which my good friend and colleague, the gentleman from Livermore Falls, Mr. Darey has personal knowledge. It was his feeling that this matter should receive an "Ought to pass" report. I now notice that the nine to one "Ought to pass" Report ran into trouble somewhere along the line. However, I would hope that the House would now accept the Majority "Ought to pass" report

and this matter is then in non-concurrence, we might have a Committee of Conference which I hope the gentleman from Livermore Falls who has personal knowledge of this matter might serve.

The SPEAKER: The gentleman from Houlton, Mr. Berman, now moves the House accept the ought to pass report in non-concurrence. Is this the pleasure of the House?

The motion prevailed, the Bill read twice and tomorrow assigned for third reading.

The Chair laid before the House item 4 tabled earlier in the day for later in today's session: Senate Majority Report "Ought to pass in New Draft on 'An Act to Establish Thirty-three Districts for the Election of Senators in the State of Maine and Report in Support Thereof'" S. P. 676, L. D. 1709 Minority Report "Ought to pass," tabled by Mr. McMann of Bath pending the motion of Mr. Richardson of Stonington to accept the Majority Report.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I would certainly urge you to pass the, accept the Majority "Ought to pass" report. Your Committee has spent a great deal of time in trying to equate all of the various factors which are concerned in this. We have attempted to be extremely unbiased in our approach to the thing and I certainly feel that we have. One of the mandates was to attempt not to cross county lines any more often than possible. We attempted to do this. This plan will propose to divide only those cities which have a population greater than 33,000. I think that most of the districts as outlined in the Majority plan are very clear, concise and are equitable to everyone concerned. I do feel that the Committee was just and correct in projecting the figures of the 1970 census and trying to correlate the two sets of figures. We felt that rather than upset the population of the State of Maine again as quickly as 1971, when we would have to reapportion again, that if

we could project the figures and come up with a plan which would be valid not only in 1967, but in 1971 also, that we would be far better off. Therefore, I would urge the adoption of the Majority "Ought to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: In working with the projected figures that Mr. Richardson has just told you about last night, quite late, on the matter of House districting, I used them for a projection of city districts. I tried to project my own figures using the basis of the 1950-60 growth or decline. In some cases my figures differed from the ones that were listed in the Majority Report. Of course, the figures, the purpose I was using it for was somewhat different than the subject we are discussing now, but I am wondering how I came out with different figures than he did.

The SPEAKER: The Chair recognizes the gentleman from Rumford Mr. Beliveau.

Mr. BELIVEAU: Mr. Speaker and Members of the House: I am speaking today in opposition to the pending motion to accept the Majority "Ought to pass" Report regarding this reapportionment plan which was prepared and presented by the Joint Committee on Reapportionment. It amused me to listen to the comments of some of the proponents who said that we attempted to be unbiased and we were just and correct in projecting certain figures. I can only hasten to add that they certainly did not succeed in their attempt because a careful analysis of their report clearly indicates that the report as presented here violates many of the standards which were outlined in the constitutional amendment and violating in addition to that, has usurped authority which is vested solely in the legislature by projecting their . . . figures.

Now, in reviewing this report, one can only conclude that whoever coined the phrase gerrymander had this report in mind. Now, we all know that the gerrymander is a device that is used by which

the ingenuity of certain politicians makes it possible for the dominant party so to group the political areas composing an election district so as to give undue advantage to its own local majority. The object is to concentrate the majority of the opposite party while scattering its own. In other words, to carry many districts by narrow margins while the opposition carries few districts but by large majorities. Let me cite you an example, let us suppose that there are ten counties casting 2,000 votes each to be divided into five districts by a Republican legislature. Each district to elect a State Senator. Six of the counties have Democratic majorities. In the whole area the Democrats have a majority of let us say some 2500 votes. But this majority is unequally distributed in the six counties, being very small in four and mainly concentrated in two. If now, without violating the law, the law requiring districts to be composed of continuous territory, the two nearly solid democratic counties can be formed into one district, that district will elect one Senator by a very large majority while in the remaining eight counties it may be possible to associate each Democratic county with a Republican county having only a slightly larger vote. Thus, in the ten counties so gerrymandered the six Democratic counties would be able to elect only one candidate though the four Republican counties will elect four. Though we may say that in the five districts, the total Democratic majority of 2500 elects one candidate while the Republican minority elects four.

By skillful application of such a plan to the various districts of a State, large party advantages may be gained. The system has been employed for manipulating election areas in cities in other states for some special object. Now we contend, ladies and gentlemen, those of us who signed the Minority "Ought not to pass" report that my previous statement applies specifically to this report which we are considering today. Now, I think the unfairness of gerrymandering is very well recognized because it has been used in the United States

from early American times. Of course, I think most of us are aware that this term is developed from the use in Massachusetts when the Governor Elbridge Gerry was Governor. Now, again as I said at the outset, in reviewing this plan very closely, and I ask you people to kindly look at the map which is entitled Project 71, Committee Plan. Now those of you who have not had an opportunity to analyze it district by district, need only to look at some of the districts without knowing the population and look at the geographic — the manner in which the one town for instance and I direct your attention more specifically to an area which I am very familiar with, district 4 and district 21. You will notice that the towns of Rumford and Mexico have been included with district 21 which is comprised primarily of towns in Franklin County. And the same thing of course holds true for district 9 which is that horse-shoe district which encircles the City of Portland.

Now the majority signers of this report have completely disregarded the scholarly nonpartisan report prepared by the Senatorial Apportionment Commission which was headed by Dean Edward Godfrey of the University of Maine Law School, and which was composed of members of the departments of History and Government from all the colleges and universities in Maine. Now certainly we cannot challenge or question the interpreting or the motives of these various individuals who served on this at some great sacrifice. We had for instance in our Professor James S. Leaman of Bates College; are we to suggest that Professor Leaman permitted political factors to consider his conclusion? Are we to suggest that Professor Ernest Helmreich of Bowdoin College, Department of History, in assisting and in drawing up these various districts was influenced by the Democratic or Republican Party? I think if we ever had a nonpartisan objective report on any issue, it is contained in this one entitled "A Senatorial Apportionment Commission."

And now the Majority signers of this report in justifying their — disregarding the Senatorial Reapportionment Commission, and I would again like to direct your attention to their report, in which they outlined the reasons for rejecting this Commission report, and it boils down to two reasons. The first one is that they say that the advantage to this report is that it does not divide the City of Biddeford — that's the first reason. The second reason is, that District 23 which is found up in Piscataquis and Aroostook County was too large a district and they had to do something with that.

Now the basis of these two reasons, they completely disregarded the Commission's report and accepted and adopted the report which certainly benefits the Majority Party here, and is not in keeping with the standards outlined by our Constitutional amendment.

Now, there was nothing in the Constitutional amendment — again I direct your attention to either one of the reports—which outlines the standards which the Reapportionment Committee was to follow, which permits them to project population changes. In other words, by projecting these figures they are not taking into consideration any population growth or shrinkage that may occur between now and 1971. They are in effect usurping the authority of the Legislature, of us here, and we alone can reapportion this. What they're doing now is trying to speculate, attempting to guess what our population will be in 1971; and furthermore, Ladies and Gentlemen, I would like to direct your attention to the Answer of the Justices, the opinion of the Justices on the two reapportionment plans that were submitted by the Majority and Minority. And more particularly on the so-called majority plan, which some suggest is the Republican plan, the opinion of the Justices in determining and arriving at the detrimental variation it said - the maximum detrimental variation in population on the average among the districts is 12 percent based on the most under represented district of 32,908

and the average district of 29,371. The seventeen districts of the thirty-three proposed the smallest population thus including the most over-represented districts contains 49.2 percent of the population. Now 49.2 percent of the population is clearly lower than the 50 percent requirement that was outlined last year by another opinion of the justices—and I'll read that one for you. Constitutional requirements, and I quote from the opinion of the Justices, 1966, found in 216 Atlantic Second, 651, and it states as follows: Constitutional requirements will be met if the Legislature makes a fair and honest effort to establish districts in such manner that it can reasonably be anticipated that a majority of the Senators will be so elected as to represent at least 50 percent of the population.

Now our Law Court in its opinion said that the Majority Report represents less than 50 percent of the population of the State of Maine —49.2 to be exact.

Another standard under which the Committee and the Commission was obligated to follow or to implement was that they were to retain county lines as much as possible. Now in the Commission's report, county lines were overlapped in only five different instances, and again, in the Majority report or the so-called Republican report we have an example that clearly violated this provision in overlapping county lines on eight different instances.

In conclusion, ladies and gentlemen, it is our opinion that the Majority Report is ill-conceived; that the Majority signers of the report did not follow the standards of fair play, and in other words that they did not make a fair and honest effort to establish districts which would conform with standards outlined in the Constitutional Amendment, and accordingly I strongly urge the Members of this House to reject the Majority Report and ultimately accept the Minority Commission Report.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I rise

in support of the motion made by the gentleman from Stonington, Mr. Richardson to accept the Majority Report.

It's very difficult, as you well know, to reapportion within the guidelines that were set down by Constitutional Resolve. I feel that under the circumstances the Committee did an excellent job. I further know that it is utterly impossible to please everyone. If you had the wisdom of Solomon and everything to go with it, everyone in this House could not be pleased. I believe the Committee did the best it could do under the circumstances and the guidelines as set forth, and I trust that you will support the Majority "Ought to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: Just one or two comments.

In the Minority Report, the Commission Report, there are many things in the Penobscot County area especially that I could find fault with from a political angle, if nothing else, but I believe that this was the most objective report, and this is the reason that I went along with it. I would have been willing to go with some variation of it, there were one or two variations suggested that I thought were reasoned out, and well thought out solutions to some of our knotty problems. In one case, the gentleman from East Millinocket, Mr. Birt, offered us a plan that was a variation of the Commission plan that solved the problem of Piscataquis County's wide disbursement of wild land from the southern end of it to the northern end of Aroostook County. I would have bought that. Representative Lewis and I at the time that the Majority plan was presented to us were in the process of ironing out the problem of splitting Lincoln County and we were practically on the verge of a solution to that. This could have been implemented into the Commission plan. However, the proponents of the Majority plan did not see fit to go along with these changes and so we are brought to the situation we are now in.

I would inquire through the Chair or Representative Richardson from Stonington if he can explain it, why the projected figures — possibly we used different methods of projection, but why the projected figures that I arrived at in my own small way last night are different from the projected figures that I find in the Majority Report?

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: Some people have a little hindsight — some people have a little foresight — some people have a little of both. I make no pretenses in that direction. I do know that some four years ago when I was Chairman of a Committee on Constitutional Amendments and Reapportionment when the situation came up of reapportioning the House of Representatives and writing a Constitutional Resolve to help go along with the one-man, one-vote proposition, that some of us felt that no one in the State of Maine should have more than one vote for a representative, but the political facts of life were such at the time that a more fair-minded Constitutional Resolve was not written, a less fair-minded Constitutional Resolve received acceptance in the Legislature, and later on we were forced to reapportion the House of Representatives as best we could.

Two years ago I personally thought that we were running into a hornet's nest when upon writing a resolve — constitutional resolve for reapportioning the Senate, if we crossed county lines. There were ways that this could have been avoided. I made no pretension to any degree of foresight, but it seemed to me that you could either enlarge the Senate, or you could take a progressive point of view which we may not have been ready for then, and may not be ready for now, to have a unicameral form of Legislature.

These were not the only alternatives, but certainly the fact that you're crossing county lines in the selection of Senators means that you're going to have problems in selecting Executive Councilors,

you're going to have problems when a Senator represents a bi-county or a multi-county district as to whether he should have a say in the budgetary affairs of both counties or of one county. But, it was written in the Constitution, and now the Committee of Reapportionment has come up with a majority plan. I say we've got to make the best of an unhappy situation and for that reason I support the good gentleman from Kittery, Mr. Dennett, and the good gentleman from Stonington, Mr. Richardson, and I hope that the Majority "Ought to pass" Report receives acceptance.

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

Mr. HEWES: Mr. Speaker and Members of the House: I am sorry to take exception to the most recent speakers. I feel that the Minority Report is the more favorable report. Living in Cape Elizabeth I have no axe to grind because our district is the same in both reports. However, this bill is of great interest to the public citizenry, electorate and even the students in school. The word "gerrymander" has a stigma to it that I think from early youth penalizes those that are accused of gerrymandering, and trying to think of the future, following this through, what will happen if we the Legislature and the Governor do not agree on this; the matter will then be referred to the Courts, and the Court doesn't want to be accused of — the Supreme Court doesn't want to be accused of gerrymandering, and I'm convinced the Supreme Court would look to the Committee that was headed by such a fine man as Dean Godfrey of the School of Law, and the others on that Committee, and so they won't get accused of gerrymandering I think the Supreme Court would adopt this Minority Report. In other words, I feel that the Minority Report is the report that unless there is something radically wrong with it that this Legislature should adopt, and therefore, I think that we are under great scrutiny in this particular bill just as the person who handles somebody else's funds is under great

scrutiny, and I think that we should think the thing through and I hope that we eventually adopt the Minority Report.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: I would like to concur with the gentleman from Cape Elizabeth, Mr. Hewes, and I would like to answer or remark on some of the things commented on by the gentleman from Houlton, Mr. Berman. I agree with Mr. Berman that by amending the Constitution we have amended ourselves into a hornet's nest. Possibly, I shouldn't say I told you so, but in serving on the interim committee on Senatorial Reapportionment of the 102nd Legislature, we the majority of the Committee, came out with a plan that would have kept county lines intact. This was not found favorable by a two-thirds majority of this House and so we had to go along and adopt the minority plan, thinking that it was better to do the job ourselves than have the court do it, keep the job in our own hands.

I might also remark that in the case of Councillor Districts, the compromise plan that was presented to us by Mr. Birt would have gone along on an idea to join counties where joining was necessary by joining those counties within the same Councillors' Districts where this was possible. I myself was willing to buy this and I thought a majority of the Committee was, but apparently it was not.

In closing, again, if I could have an answer from Mr. Richardson, I saw him start to get up one time, for the difference in my own figures that I arrived at last night, and the ones that the Committee arrived at as far as projection to 1970. I think we both are starting probably on very shaky ground in projecting figures, but I would like to find why we came out with different results.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Since I don't know what figures my good friend from Kingman Township came up with, it is most difficult to answer. I think that any two mathematicians would be able to come up with two sets of figures; they say that figures can't lie, but I would take issue with that statement. When we speak of gerrymandering, I can't think of anything more atrocious than the Commission's plan on Waldo and Lincoln County, dividing them by Knox County. I don't think personally, as far as I was concerned, that gerrymandering was one iota concerned with what I did with my decisions in this. I sincerely believe that we can come up with a plan. I sincerely believe that the plan is good and I think it is the best for—in answer to the gentleman from Rumford, Mr. Beliveau, I can see nothing in the Constitutional Amendment which was adopted which would prohibit trying to equate 1960 and 1970 census so long as we stayed within the bounds of 30,000 or 3,000 people, either way—either side of it. Thank you.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The gentleman Mr. Richardson makes comment that he can think of nothing more atrocious than the two towns that he was—in Waldo County that he was speaking about, if I am correct.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to the gentleman from Stonington, Mr. Richardson, who may answer if he desires.

The Chair recognizes that gentleman.

Mr. RICHARDSON: Mr. Speaker and Members of the House: I referred to the fact that two entire counties were separated by another county, not the two towns in a county were adjacent, but the two counties were separated by another county between them.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I was wondering if the gentleman would care to put adjectives in description as to what his opinion is of this plan he is for and would have if Lewiston Ward 1 Precinct, Ward 4, Precinct 1 in one district, Ward 6, Precinct 1 in one district and Ward 4, Precinct 2 and Ward 6, Precinct 2 in another district. What category would that come into, starting up and down on the word atrocious?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to the gentleman from Stonington, Mr. Richardson, who may answer if he desires.

The Chair recognizes the gentleman from Portland, Mr. Cottrell.

Mr. COTTRELL: Mr. Speaker and Members of the House: I think really this discussion is academic. I think the matter is going to finally rest in the Governor's hands and his decision whether or not to use the veto. I hope we can get more realistic and sensible and time saving in these last moments. I know a lot of us are getting tired and I think maybe we're so tired we get childish. I hope that these discussions can be carried on in a sense of reality.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Members of the House: I think in all due respect the ten members of the Committee have done a tremendous amount of work in trying to reapportion our Maine Senate and should receive a congratulatory note from each and every one of us.

Somehow or other I cannot agree with the opinion used by majority members of the Committee of using projected figures to arrive at a reapportioning bill, because when you project figures the one that holds the pencil could always project the figures in the way that he wants them to go. And you, I think that every one of you here can fully realize that using projected figures has never been too accurate nor has never been used too frequently in reapportioning any branch of the legislature. So,

therefore, I think probably the Minority Party in this position here feels justified in their position of going along with the commission plan which is purely a non-partisan commission. I think they have come out with not necessarily a perfect plan, because certainly not all the members of the Minority Party are in complete agreement but certainly a good plan that we could live with for years to come.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Members of the House: I feel that as a signer of the Majority Report, I would just like to briefly state, it is my point of view, and briefly my work with the Committee. Of course, we had a large committee and I recall our first meeting someone saying that the chances are this would be one of the least popular committees in the 103rd Legislature. I know I enjoyed working with the people on that committee as far as the charge of gerrymandering is concerned; there possibly was some but I have no knowledge of it. I know that we realized that with sixteen counties, the chances are that we would have sixteen different ideas as to how the Senate should be reapportioned. I think without question we all felt at the outset that we wished that we didn't have to do the job.

I know it was stated many times that we might end up with a stalemate and have it decided by the courts, but we had hoped that this body being so honored by the mandate would be able to arrive at a reasonably equitable solution. I, as far as I am concerned, in any aspirations that I might have politically, I wouldn't care less just what the Senatorial districts might be because I don't ever expect to be a Senator. But it seems to me that every plan that we came up with, everything that was suggested someone objected, on the Committee; and Mr. Beliveau of Rumford, of course, was on the opposite side of the fence, not just because of party but because he saw it differently than I did for my county.

I think that if a majority could have gone along with either one of those plans, I would have been willing to go along with it; but we worked very hard on that, a lot of people worked a lot harder than I did on it as I had to miss some of the meetings. But it seems to me that this majority plan eventually all of the members of the Committee, fifteen all told, received the least amount of objections of anything that was produced. For that reason, knowing that there would be plenty of objection, I still signed the majority report feeling that there were the least objections to this plan, and therefore I support the majority plan.

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

Mr. BRENNAN: Mr. Speaker and Members of the House: As I understand it, the Commission Plan was drafted and authored by several college professors whom I think were very objective since they had no particular row to hoe. During executive sessions I asked several members who signed the Majority Report — who authored the majority plan. No one seems to know. I would like to pose that question through the Chair now, as to who was the author or draftsman of the majority plan.

The SPEAKER: The gentleman from Portland, Mr. Brennan, poses a question through the Chair to any member who may answer if they desire.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House; I think the majority plan was, as it is stated, a product and the brainchild of the majority of the Committee. While I'm on my feet, I'd like to pose a question to the gentleman from Lewiston—oh, I'm sorry, he's stepped out. When he comes back I'll have a little question for him.

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

Mr. CONLEY: Mr. Speaker and Members of the House: Seldom do I ever come to rise to the defense

of the League of Women Voters in our fine State, but I would like to comment that they have gone on record as supporting the Commission's plan. It seems that everyone is being completely honest here today. I, too, will be honest and say that this is the second abortion bill that I'll vote against in this session of the Legislature.

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

Mr. FARRINGTON: Mr. Speaker and Members of the House: This will be a session known to Farrington as the concern for lines, I guess. It seems that we are being put in another county. It seems as though China in the representative districts that are now served will be the only town within the Senatorial District as outlined by this Majority Report. I'm afraid I will have to stand opposed to this Majority Report.

The SPEAKER: The Chair recognizes the gentleman from Harpswell, Mr. Prince.

Mr. PRINCE: Mr. Speaker and Members of the House: I made my pitch this morning on this bill and I am still sick and surprised to see certain Republicans drafting a bill of this majority plan and driving it down the throats of Cumberland County citizens so that they can get this thirty-third district, at least as I see it. Cumberland County being the largest county of the sixteen and importing 8,000 population from York County and exporting 18,000 on the other side of our County into Sagadahoc is something that I never will be able to understand.

This House of Representatives is the largest court in the State of Maine and in my way of thinking is closer to the citizens of this State than any other known body. I speak on this issue from a logical and realistic point of view plus the psychological and discontented effect it is having in my Town of Harpswell and I am sure the same holds true in Brunswick and many of the other towns that were included in District 11 of Sagadahoc County. Many of my constituents in Yarmouth are amazed of the eliminating of

Brunswick and Harpswell out of the County for Senatorial Apportionment. In my opinion it is poor political reasoning on the part of Cumberland County interests who conceived of this projection. I am a Republican, but I put the people I represent ahead of my Party and the people in my town are terribly upset over this projection. The psychological effect in my town is that they feel that they have been pushed around too much. I hope that the House will vote to accept the minority plan.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: The League of Women voters one of the reasons, maybe the main reason I have dedicated the rest of my life to the womanhood of this state was because of the League of Women voters who are, of course, absolutely right on this reapportionment. Just as they have been right for six or eight years on advocating after a four year study of an income tax in this State and that we will get probably in the next session of the Legislature or the following one. Thank you.

The SPEAKER: The pending question is the motion of the gentleman from Stonington, Mr. Richardson, that the House accept the Majority "Ought to pass" Report on "An Act to Establish Thirty-three Districts for the Election of Senators in the State of Maine and Report in Support Thereof," Senate Paper 676, L. D. 1709. All those in favor will vote yes and those opposed will vote no and the Chair opens the vote.

A vote of the House was taken.

59 voted in the affirmative and 62 in the negative.

Mr. Richardson of Stonington 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 desiring a roll call will vote yes, those opposed will vote no and the Chair opens the vote.

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 Stonington, Mr. Richardson, that the Majority Report be accepted. All those in favor of the Majority Report will vote yes, those opposed will vote no and the Chair opens the vote.

ROLL CALL

YEA—Allen, Baker, E. B.; Baker, R. E.; Benson, Beran, Birt, Bragdon, Brown, Clark, Cornell, Crosby, Cushing, Darey, Dennett, Dickinson, Drummond, D u n n , Durgin, Evans, Ewer, Fuller, Gill, Hanson, B. B.; Hanson, H. L.; Hanson, P. K.; Harriman, Hawes, Haynes, Henley, Hichens, Hinds, Hodgkins, Huber, H u m p h r e y , Immonen, Lewin, Lewis, Lincoln, Littlefield, Maddox, M c M a n n , Mosher, Noyes, P e n d e r g a s t , Philbrook, Pike, Porter, Quinn, Rackliff, Richardson, G. A.; Richardson, H. L.; Rideout, Robertson, Ross, Scott, G. W.; Shaw, Snow, P. J.; Snowe, P.; Susi, Thompson, Townsend, Trask, Waltz, White, Wight, Williams, Wood.

NAY — Bedard, B e l a n g e r , Beliveau, Bernard, Binnette, Boudreau, Bradstreet, Brennan, Bunker, Burnham, Carey, Carrier, Carroll, Carswell, Champagne, Conley, Cookson, Cote, Cottrell, Crockett, Crommett, Curran, Drigotas, Eustis, Farrington, Fraser, Gaudreau, Gauthier, Hall, Harnois, Harvey, Healy, Hennessey, Hewes, Hoover, Hunter, Jalbert, Jameson, Keyte; Kilroy, Lebel, Levesque, Lycette, Martin, Miliano, Minowsky, Nadeau, J. F. R.; Nadeau, N. L.; Prince, Robinson, Rocheleau, Sawyer, Scott, C. F.; Scribner, Shute, Starbird, Sullivan, Truman, Watts, Wheeler.

ABSENT — Bourgoin, Buck, Couture, D'Alfonso, Danton, Dudley, Edwards, Fecteau, Fortier, Foster, Giroux, Jannelle, Jewell, Kyes, McNally, Meisner, Payson, Quimby, Roy, Sahagian, Soulas, Tanguay.

The SPEAKER: For what purpose does the gentleman rise?

Mr. STARBIRD: Would I be in order to table this?

The SPEAKER: The gentleman would not be in order, he may change his vote.

Yes, 67; No, 60; Absent, 22.

The SPEAKER: The Chair will announce the vote. Sixty-seven having voted in the affirmative and sixty having voted in the negative, the House has accepted the Majority "Ought to pass" Report in concurrence.

Thereupon, the Bill was read twice.

Mr. Scott of Wilton offered House Amendment "A" and moved its adoption.

House Amendment "A" was read by the Clerk as follows:

HOUSE AMENDMENT "A" to S. P. 676, L. D. 1709, Bill, "An Act to Establish Thirty-three Districts for the Election of Senators in the State of Maine and Report in Support Thereof."

Amend said Bill by striking out all of that part designated "District Number 4" of section 1 and inserting in place thereof the following:

'District Number 4 shall consist of the municipalities of Brownfield, Denmark, F r y e b u r g , Gilead, Greenwood, Hebron, Hiram, Lovell, Mexico, Norway, Oxford, Paris, Porter, Rumford, Stoneham, Stow, Sweden, Waterford, Woodstock and the unorganized territory in Albany Twp., Batchelders Grant and Mason Twp.'

Further amend said Bill by striking out all of those parts designated "District Number 21", "District Number 22" and "District Number 23" of section 1 and inserting in place thereof the following:

'District Number 21 shall consist of the municipalities of Andover, Avon, Bethel, Byron, Carthage, Chesterville, Canton, Coplin Plt., Dallas Plt., Dixfield, E u s t i s , Farmington, Hanover, Hartford, Industry, Jay, Kingfield, Lincoln Plt., Madrid, Magalloway Plt., New Sharon, New Vineyard, Peru, Phillips, Roxbury, Rangeley, Rangeley Plt., Sandy River Plt., Strong, Sumner, Temple, Upton, Weld, West Paris, Wilton and all of the unorganized territory in Franklin County in addition to all the unorganized territory in Oxford County

except those listed in District Number 4.

District Number 22 shall consist of the municipalities of Anson, Bingham, Caratunk Plt., Dennistown Plt., Embden, Fairfield, Highland Plt., Jackman, Madison, Mercer, Moose River, Moscow, New Portland, Norridgewock, Pleasant Ridge Plt., Skowhegan, Smithfield, Solon, Starks, West Forks Plt. and all of the unorganized territory in Somerset County.

District Number 23 shall consist of the municipalities of Abbot, Athens, Atkinson, Barnard Plt., Blanchard Plt., Bowerbank, Brighton Plt., Brownville, Cambridge, Canaan, Cornville, Dover-Foxcroft, Detroit, Elliottsville Plt., Greenville, Guilford, Harmony, Hartland, Kingsbury Plt., Lake View Plt., Milo, Monson, Palmyra, Parkman, Pittsfield, Ripley, St. Albans, Sangerville, Sebec, Shirley, Wellington, Willimantic and all the unorganized territory in Piscataquis County.'

The SPEAKER: The pending question is the adoption of House Amendment "A". The Chair recognizes the gentleman from Wilton, Mr. Scott.

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House; Being from Franklin County, I feel that I should rise and state my position so there will be no misunderstanding.

The leadership on the Senatorial Reapportionment Committee has prepared this Republican Plan which crosses county lines eight times. Now it may be that County lines should be disregarded in this day and age. However, it isn't as easy as that. Some of the localities have grown and have a lot in common, and to cross a county line wouldn't matter in these cases. I can think of towns adjoining Franklin County where this would be advisable because people intermingle in their work, shopping and etc. This isn't true when you leave the Franklin County line and travel 20 miles or so to pick up two communities as recommended here, Rumford and Mexico. Being perfectly frank and partisan we in Franklin County wouldn't stand a chance in ever electing a Senator, a Republican to the Senate.

The cold blooded calculations behind this plan astonishes me. Franklin County has always been a Republican stronghold. The birth place of the Republican Party was in Strong, Maine.

It is very obvious because of our size in Franklin County that we are being pushed around and used as the sacrificial lamb. Now for the record, I want it clearly understood what we have done financially for the Republican Party in the last six years. We have raised and contributed \$24,529. We have met or exceeded our quota by as much as 19 percent every year for the last six except one. I remind the leadership that it is going to be very difficult to come anywhere near this in the future if this plan is enacted.

This amendment removes my objections to the plan before us, and I hope that you support me in its adoption. Thank you.

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

Mr. SHUTE: Mr. Speaker and Members of the House: We of Franklin County find that our ox has been gored, and as with the gentleman from Harpswell, Mr. Prince, we find that we don't appreciate it at all.

Now the purpose of this amendment to the majority plan again is a desire to be constructive in our approach and not destructive, and we have done something for the State of Maine which looks something like this. We believe it is workable because it follows the precepts set down by the Committee on Senatorial Reapportionment by causing all of the districts in the amendment to fall within the 27,000 to 33,000 population range under both the 1960 population and the projected 1970 population. Now the purpose of this amendment is to alleviate a case of "gerrymandering" in the original bill and to make the majority plan conform more closely with the mandate of the constitutional amendment calling for reapportionment. The original majority plan called for the towns of Rumford and Mexico to be in the same district as western Franklin County. It has been pointed out by

many of the opponents to the majority plan that these industrialized towns of Rumford and Mexico have little in common with rural northern Franklin County, and that this again is a case of gerrymandering. This amendment however, would correct this situation by placing Rumford and Mexico in a district with several of its adjacent Oxford County towns.

I would also point out that the majority proposal contains eight districts which transcend county lines. This amendment would reduce this number to seven districts which cross county lines, and as the old song goes—whatever you can do, we can do better; and in this case we think we have done it better. The proposed amendment would also reduce the number of counties which are not a nucleus of at least one district from two to one such as that of Sagadahoc. Therefore, I am in favor of the amendment offered by the gentleman from Wilton, Mr. Scott.

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

Mr. BELIVEAU: Mr. Speaker and Members of the House: I concur strongly with the comments of the two previous speakers, the gentlemen from Franklin County, and support strongly the proposed amendment. The towns of Rumford and Mexico under the plan which was just adopted here which as the gentleman from Farmington, Mr. Shute stated, are industrial towns. Our roots are in Oxford County. We have nothing in common with Franklin County, nothing neither socially, geographically, economically. We are tied to Franklin County under the proposed plan, the majority plan by the town of Carthage which is a rural community and I believe the border is some ten miles long. The only thing that we have in common, the towns of Rumford and Mexico with Franklin County, is this ten mile area. I would strongly support this proposed amendment because it would return Rumford and Mexico to Oxford County where we belong.

Rumford and Mexico at the present time comprise a third of the population of Oxford County.

The other sections of Oxford County, all of northern Oxford County are dependent economically, socially and commercially on Rumford and Mexico. To say that a Senator from Rumford and Mexico should represent Franklin County is certainly an inaccurate statement and again I urge the members of this House to adopt the proposed amendment to L. D. 1709.

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

Mr. RICHARDSON: Mr. Speaker, as much as I regret to do it, I find myself in the position where I would like to request the indefinite postponement of the amendment under House Filing 450. All of these things tend to upset not only one county, but they tend to upset the entire projections and figures for the entire state. Therefore, I would hope that you would go along with me in indefinitely postponing this amendment and I would request a division.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: Having failed in the effort to get a good plan adopted, I will go along with the gentleman from Wilton, Mr. Scott, and Mr. Shute in trying to make a bad plan better; I will go along with their amendment.

The SPEAKER: The Chair recognizes the gentleman from Solon, Mr. Hanson.

Mr. HANSON: Mr. Speaker and Members of the House: If you will consult the projected plan here of the majority, you will see that in Franklin County it crosses county lines twice, and if you will look to the east you will find where the projected plan causes districts in Somerset County to cross county lines twice. I have checked over the gentleman from Wilton, Mr. Scott's proposal, and I find that this will correct this to a great degree and cause these districts to cross over these county lines only once, and I feel that this will work in the best interests of Somerset County as well as Franklin County. I think this is highly desirable to

concentrate as much of the population of one county as we can within a given district rather than creating parts of different counties in the same district. I would have to support this plan and think this amendment would be very very worthwhile. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Phillips, Mr. Hoover.

Mr. HOOVER: Mr. Speaker, as a Representative from Franklin County, I strongly endorse the passage of this amendment as proposed by the gentleman from Wilton, Mr. Scott.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: You see what I mean? We are in it up to our necks. I can see the point of view of the learned gentleman who has spoken before me in favor of this amendment. I am of course strongly opposed to this amendment because of the patchwork results that it leaves in my county. I projected this amendment onto the towns of this map. It takes the lower part of the county and leaves it more or less intact up to include Woodstock, then it leaves a gap of Milton Township bordering Bethel and Peru, a gap which I presume would go with Franklin County, and then it includes Rumford and Mexico. I can understand why the Representative from Rumford, Mr. Beliveau would prefer to stay with the county. I value his friendship, I wish he could stay with the county, I don't want to lose him; but nevertheless I feel that it makes rather an awkward situation where we have a good solid block down on the south end and the central part of the county and then there is a gap and then Rumford and Mexico are included with that.

I wonder what about the people from Bethel and Newry and Peru, Sumner, West Paris, Mr. Immenen's town, whether they are particularly interested in being included with Franklin County. We have the greatest respect for the people in Franklin County, but this thing arouses local pride in all of our towns and all of our areas. None

of us want to be hooked on to any other county, so we are right back in a sense where we started. But I strongly urge the approval of Mr. Richardson's motion for the indefinite postponement of this amendment.

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

Mr. SHUTE: Mr. Speaker, I would like to make one correction in the gentleman from Norway, Mr. Henley's statements in regard to West Paris and Woodstock and that area. Under this proposed amendment District 4 would include South Paris and Norway, Waterford, West Paris, it would not be in Franklin County. Rumford and Mexico would still belong to the southern part of Oxford County the part it is now in is contiguous in the county anyway. All Franklin County would inherit under this proposed amendment would be the northern and less populated area of Oxford County, and the rest of the State would remain the same as the majority plan. District 22 would be largely of Somerset County and District 23 largely of Piscataquis County, and this amendment reduces the number of county lines that are transcended by one; so we believe that it is a distinct improvement over the majority plan.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Belanger.

Mr. BELANGER: Mr. Speaker, coming from Somerset County, I am highly in favor of House Amendment "A" and would like to see the rest of you support it.

The SPEAKER: The Chair recognizes the gentleman from Denmark, Mr. Dunn.

Mr. DUNN: Mr. Speaker, I am trying to check out the remarks of the gentleman from Farmington, Mr. Shute. This amendment, it leaves Bethel and West Paris in with number 21, Paris and the others are in with number 4. I don't think that as he read it that he had the towns quite in their proper districts. I hope very much that you will go along with the motion of the gentleman from Stonington and indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from West Paris, Mr. Immonen.

Mr. IMMONEN: Mr. Speaker, I believe there are some oversights in this patchwork for Oxford County. There is no mention here of the Town of Buckfield or for Milton Plantation, and it makes the thing look a lot worse when you have to jump — or do we have to jump over Milton Plantation to get into Rumford from the rest of the County? Now I am in the westerly end of this new district 21 and it is quite a distance for anybody that is interested in being a Senator whether it be a candidate from Eastern Oxford County or from Franklin County. Either one of the other two programs would be preferred to this one.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker, I rise to support the motion of the gentleman from Stonington, Mr. Richardson. I am very sorry for what's happened in some of these areas but I would point out to the members of the House that my constituency is not going to be that happy. Houlton is going to be in with East Millinocket and Lincoln, and at the present time we really have nothing in common with them. We know they are nice people down there, we're going to try to get along with them; so we are going to have to swallow hard and these reapportionment plans are never a happy situation, so I hope the House will go along with the majority thinking of this committee.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker, here again I would like to remark that the proposal of Mr. Birt joining southern Aroostook with northern Washington County was much the better idea than the present one of joining parts of Aroostook and Penobscot, for the people in northern Washington and southern Aroostook the country runs right in together there, there are some of those towns that you can hardly tell when you leave one and go into the other. This is a patchwork

plan and again I urge you to go along with this amendment that will correct some of the patchwork.

Mr. Dennett of Kittery requested a roll call.

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 in favor of a roll call will vote yes and those opposed will vote no and the Chair opens the vote.

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 Stonington, Mr. Richardson, that House Amendment "A" be indefinitely postponed. All those in favor of House Amendment "A" being indefinitely postponed will vote yes and those opposed will vote no and the Chair opens the vote.

ROLL CALL

YEA—Allen, Baker, E. B.; Benson, Berman, Bernard, Binnette, Boudreau, Bragdon, Brennan, Brown, Bunker, Clark, Conley, Cookson, Crosby, Cushing, Dennett, Dickinson, Dunn, Durgin, Evans, Ewer, Fortier, Gaudreau, Hanson, B. B.; Hanson, P. K.; Harriman, Haynes, Henley, Hichens, Hinds, Hodgkins, Huber, Humphrey, Immonen, Jalbert, Kilroy, Lebel, Levesque, Lewin, Lewis, Lincoln, Littlefield, Maddox, Martin, McMann, Miliano, Nadeau, J. F. R.; Noyes, Pike, Prince, Quinn, Rackliff, Richardson, G. A.; Richardson, H. L.; Rideout, Robinson, Sawyer, Scott, G. W.; Shaw, Snow, P. J.; Snowe, P.; Susi, Thompson, Townsend, Trask, Waltz, Watts, White, Wight, Williams, Wood.

NAY—Baker, R. E.; Bedard, Belanger, Beliveau, Bourgoin, Burnham, Carey, Carrier, Carroll, Carswell, Champagne, Cornell, Cote, Cottrell, Crommett, Curran, Darey, Drigotas, Drummond, Eustis, Farrington, Fecteau, Fraser, Fuller, Gauthier, Gill, Hall, Hanson, H. L.; Harnois, Harvey, Hawes, Healy, Hewes, Hoover, Hunter, Keyte, Mosher, Nadeau,

N. L.; Pendergast, Philbrook, Porter, Rocheleau, Ross, Scott, C. F.; Scribner, Shute, Starbird, Sullivan, Truman, Wheeler.

A B S E N T—Birt, Bradstreet, Buck, Couture, Crockett, D'Alfonso, Danton, Dudley, Edwards, Foster, Giroux, H e n n e s s e y, Jameson, Jannelle, Jewell, Kyes, Lycette, McNally, Meisner, Minkowsky, Payson, Quimby, Robertson, Roy, Sahagian, Soulas, Tanquay.

Yes, 72; No, 50; Absent, 27.

The **SPEAKER**: The Chair will announce the vote. Seventy-two having voted in the affirmative and fifty having voted in the negative, the motion to indefinitely postpone House Amendment "A" does prevail.

Thereupon, the Bill was assigned for third reading tomorrow.

Order out of Order

Mr. Bragdon of Perham presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Committee on Appropriations and Financial Affairs report a bill that will provide for a multipurpose building for Fort Kent State College. (H. P. 1229)

The Order received passage and was sent up for concurrence.

The Chair laid before the House item 5 tabled earlier in the day by Mr. Dennett of Kittery pending acceptance of either Report:

SENATE MAJORITY REPORT (8)—Ought to Pass—Committee on State Government on Bill "An Act Increasing Compensation of Court Justices and Certain Department Heads" (S. P. 695) (L. D. 1731)—**MINORITY REPORT** (2)—Ought to Pass on Bill "An Act relating to Pay Increases for Department Heads and Court Justices" (S. P. 696) (L. D. 1732) (In Senate, Majority Report accepted and passed to be engrossed)

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

Mr. DENNETT: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report of the Committee.

The **SPEAKER**: The gentleman from Kittery, Mr. Dennett, moves that the House accept the Majority "Ought to pass" Report of the Committee.

The Chair recognizes the gentleman from South Portland, Mr. Philbrook.

Mr. **PHILBROOK**: Mr. Speaker and Members of the House: As a signer of the minority report I would like to briefly state my position. The requests for large increases in the salaries were presented to the State Government Committee in different ways. In one instance we were given a list of nine state officials and shown that the salaries of these nine were larger than the man named in the bill. This is what I would call a game of leapfrog; not an effort to increase pay because of ability, work load or responsibility, but a pay increase as a status symbol. The only argument advanced was that nine other state officials were paid more than the applicant. Upon inquiring, I found out that this man had thirty-one employees on his staff. I believe that each one of those thirty-one employees are just as much entitled to a pay raise as this one man, and this is my entire position.

I believe that these department heads and others who are before you in L. D. 1731 for increases of fifteen to twenty-five percent are entitled only to the same increase and at the same time as all the other state employees. Another instance is the request of the department head for \$5,000 a year increase. What about the 220 persons in his department? Is this \$5,000 raise because of performance above and beyond the duties of his office? Is it because of increases in the cost of living? Is it because of competition from outside sources? No, gentlemen, it is only the old game of asking for a lot to receive something less. A request for a forty percent increase ought to be good for twenty percent. This man now receives \$12,500 and a five percent increase would give him \$625 or \$12.00 a week more than enough to compensate for any increased cost of living. What about the 220 people in his department, don't

they have children to feed, to clothe, to educate? Aren't they entitled to the same concern as this well paid official?

Another instance is the case of the overworked official who in addition to his state duties has an independent law practice, but asks for a twenty-five percent raise when the State would be better served with an assistant. Anyone who has had a case before the courts would unhesitatingly vote for more judges and quicker disposition of cases but not the judges, they would prefer more money and let the wheels of justice grind slowly.

Ladies and gentlemen of the House, L. D. 1731 will cost the State and the taxpayer \$266,000 for increases for fifty-two people in the next biennium. A five percent raise effective July 1, 1968 will cost \$38,000. Don't throw away a quarter of a million dollars for this select group, and remember, this \$266,000 is only the increases proposed in L. D. 1731 and not their total pay. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: I rise in support of the gentleman from South Portland, Mr. Philbrook. He and I were the two who signed the Minority Report. I will state here very plainly and very well and I would in fact urge very strongly again that this House go along with us and I say defeat the Majority Report, for I think that most of these named in the Majority Report received substantial interest—increases in the last session of the Legislature, and their plea of increased cost of living does not hold water with me for they I think have a pretty good buffer already for cost of living increases.

You can see the wide difference in the cost of our moderate proposal and the proposal of the majority of the Committee, and I hope again that you will go along with us and defeat the Majority and adopt the Minority Report.

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

Mr. NADEAU: Mr. Speaker and Members of the House: I too happen to be in the minority, not signing this, but in the minority at the hearing, and those of you in state government — Mr. Dennett will well recall that I stood there and gave my reasons as each department head asked for a pay raise. Mind you, they didn't even have the nerve to go up and ask for it themselves—they sent you know, the second or third-hand boy down the line. That's a fact now, I'm not kidding you, ask Mr. Dennett or members of the Committee, and do you know that there's not one mind you; I'd like to be able to say that just one had the nerve to say "I want a pay raise because I deserve it." Do you know what they said instead? "I want one because the other guy is getting this much, and that guy is getting that much, and we want them all even." Now have you ever heard of anything so ridiculous? Now if you people will look at this—this is nearly \$300,000. It's terrible. So just in case that we're in a spending mood I hope you will look on your desks that was distributed today, my amendment. You know I'm not against all pay raises, but I can't see where these department heads and certain other people are worth five times the man I am. And you people account for your own wishes—if you think they're five times better than you are, then vote for them this pay raise and then go along and vote yourself a thousand dollar raise, because this is what my amendment says.

But the main reason behind this, I was hoping that this amendment of mine would make you people think. Now for instance since these department heads didn't go on record and fight for their pay raises because they could give you a reason why they were worth it. I'll give you a reason why, they weren't worth it, I wouldn't go for a pay raise without giving you a reason, and I've been a department head—I had 81 people, and mind you those that deserved a raise never had to come up and ask me for one. And that's the way it should be. You wouldn't employ them if you were in charge of this

industry—no sir—believe me, there used to be the song of “Show me the Way to go Home.” Well over here in the state department it’s “I’ve found me a home.”

Now for instance—we know we’ve all been here past 22 weeks; that’s \$90.00 a week. When we were here on the 23rd week we earned mind you—with the ability that each of us feel that we have we earned \$86. On the 24th week, we’ve gone past this—we earned \$83.33. On the 25th week—this is it—we’re going to set a new record mind you, and we’ll be setting more—we were earning \$80.00 mind you—can you imagine, we’re not even worth eighty dollars a week. And of course we’re going to be here next week as you know, for the day of reckoning is coming and that’s going to put us down to \$76.00 and God knows how much lower we’re going. The only reason I’m giving you these figures is just for you people to understand, are you worth more than this? The question is here, are they worth \$300,000, or are we going to be fair? So now if we approve this, that means you’re all willing for it, that means you’re going to vote yourself a pay raise too. At least I hope you feel that way; but seriously I’d like to see this gosh darned bill, this amendment and the whole thing knocked down the drain and go on with 1732 and treat them fairly.

Now you’re going to say, they’re all earning about \$10,000 you know. We don’t have any people earning under \$10,000 here. Do you know that people are leaving industry nowadays just to get under the protective umbrella of state and federal government? It used to be the other way around. You don’t see job notices in the paper any more. Just imagine if one little department head died today, do you think they’d close shop? You’d find a man—they’ll all be here next year—and since I continue looking in the balcony, they don’t dare come up here and sit any more. I mean this sincerely. If you think I’m kidding you, you call some department head some morning about eleven o’clock, and don’t use your regular tone of voice—the lovely secretary will say - “well

due to an early appointment he’s taking an early lunch hour.” Now you change your voice like I did, and call at one o’clock - “well due to a late appointment he’s taking a late lunch hour.”

You know sometimes I feel like they do, I’ve taken a lot of lunches, but all kidding aside, I feel there comes a time and a day of reckoning and I feel they should be satisfied with five percent increase, and this way you’d really be doing a job. Personally I hope you defeat the whole doggoned thing.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I would be remiss in my duties if I did not rise to defend the Majority Report of the Committee.

Frankly, I cannot hope to match the eloquence of my very good friend, the gentleman from Sanford. I know that he is very sincere; I know he means everything that he says. He did attend every committee hearing, in reference to bills with pay raises, and with one exception he opposed them all; but the unfortunate part is he now wants to kill the bill that contains the raise that he was in favor of, so this of course is rather ambiguous.

I would remind the gentlemen who spoke against the bill that they have already voted themselves a thirty-three and one third percent raise as far as the per diem allowances are concerned, and with one exception I do not believe that anyone in this bill asks for a thirty-three and a third percent raise.

Now who are we dealing with? Let’s get down to being rational and calm. We are dealing with the administrative heads of the various departments in this state. I would go along with the gentleman from Sanford in saying, without a question there is not an irreplaceable man there, but I believe if we replace the men that were there, the type of man that we would seek certainly no doubt would ask for more money than these presently holding these offices are receiving.

Now men who are capable of being administrative heads are not

a dime a dozen — they're not wandering around the streets and they're not on the unemployment rolls. Now we come first to the Judges of the Superior and the Justices of the Supreme Court. These men are all capable of earning far more money in their professions than they are receiving from the State. They, too, to a relative degree are making sacrifices even as you and I are when we come up here for which I will admit is a rather meager sum, but when the amendment, if it is introduced comes, I will hit on that later.

We also deal with various commissioners — we deal with the Secretary of State; we deal with the Attorney General. In the case of the Attorney General, he's presently getting \$12,000 — this raises him to \$13,000 a year. Is there anyone in this House who does not believe that our present Attorney General or even the one that preceded him is not capable of earning more than \$13,000 a year?

As many of us go up and down the turnpike there are truck drivers that are driving these eight and ten wheel jobs over the roads who are making \$10,000 a year, and this doesn't call for too much gray matter at all — it calls for a lot of work and the monotony of a long drive, but you certainly couldn't compare the men who drive the trucks with the department heads in our state.

It increases the State Auditor from \$12,000 to \$13,500 which is slightly over a ten percent increase. The State Personnel Board, it gives them \$25 a day; they don't meet only on occasion and they have no yearly salary, but don't you think it's worth \$25 a day for persons administrating this department in their capacity to have \$25 a day?

The Hearing Commissioner, and this is a gentleman who is over in Lewiston, and I recall some years ago when he asked for a raise I endeavored to cut his salary — it didn't work, and I was somewhat in the same position then as Mr. Nadeau is now, but perhaps I was a little more irrational. I wanted to cut him rather than increase him. But now he is pres-

ently earning \$8,000 a year. He has a very heavy load; he himself came before the Committee and he told the conditions of his office, the hearings he had—he is really a hard-working person. He asked for \$12,000 a year; we cut him to ten. We didn't give all that they asked. Of course you can all argue they probably asked for more than they expected to receive, but we still cut it just as close as we possibly could. We were not in favor of granting these people all that they asked for, but we wanted to be reasonable. We know they're capable people — we know they are deserving of wages that are commensurate with their labors.

Now I don't want to prolong this argument and go in it and eat up too much of the time because time is of the essence and it's growing short, but I trust that you might accept the Majority "Ought to pass" Report of the committee. When the vote is taken I ask for a division.

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

Mr. NADEAU: Mr. Speaker and Members of the House: I also would not remiss if I would answer the answers of the Mr. Dirkson of the House. He stated there was one raise that I didn't oppose. He is correct, and might I state to you, ladies and gentlemen that this man was only earning \$8,000. We don't have department heads in that category. And he was the only one that stated "Here's why I need a raise. I do this, I do that," and he did this and he did that. And I was talking about this, Mr. Robinson incidentally he happens to come from Lewiston and if you people have ever been in a hearing, I haven't been there pertaining to myself but I went there in defense of someone, you would realize he is well worth the money.

But he came up there and talked on a pay raise upon his ability and his skill, not on comparison from one department to another. Point number two, Mr. Dennett also stated that these men were not wandering the streets. I will agree with him, they're not wandering the streets but they are

lobbying, they are wandering in the halls, they are lobbying.

Point number three. He said many of these men could earn more. Don't you think, ladies and gentlemen, that many of us here could earn more also?

Point number four. He only mentioned one department head, this was the Attorney General. I am not saying I am in disagreement with all of these so I will just not mention one, I think they should all be taken into consideration in general. I notice he didn't mention some of the other pets.

Another point, he mentioned about certain raises, don't you think those people are worth \$25 a day. I'd like to return that question and say, "Don't you think we're worth \$25 a day?" And another point says a lot of these people, he mentioned someone about that one time when he was in a position to cut. I say to you, ladies and gentlemen of this House, that if we were to cut every one of these department heads, they'd still be here next year. They've found a home. So it all depends which way you want to look at the question.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker and Members of the House; Very briefly, I would like to back up Mr. Dennett on this. We labored quite long and hard on a very touchy job with these pay raises and I think we have come up with a very satisfactory grouping and I would urge you to support the majority of the Committee.

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

Mr. GILL: Mr. Speaker and Members of the House: I arise to oppose the adoption of the Majority "Ought to pass" report. I feel for the most part the State Government Committee has done a wonderful job during this session. We all realize this was one of the later bills for them to report out and this Committee has been working hard as to what they thought was right. However, with no disrespect to anyone, I'd like to just mention that the Chief

Justice in the State of Maine now gets \$19,000, they propose to give him an increase of \$5,000. Under the Minority Report "Ought to pass" he would get a \$950 raise, which I think is quite good. The five Supreme Court Justices call for a raise of \$4,000 apiece for a year, under the proposal of the Minority Report, it would be \$900. The Superior Court Justices get raises of \$4,000 apiece, Chief in District Court \$3,000, and the members of the District Court \$3,000 a year. I agree, these are all fine men, but we have a great number of state employees who will be lucky if they get an increase of 5 percent and I don't see how we can justify a raise of four or five thousand dollars a year to one man while a large number of state employees will be fortunate to get a few dollars a week.

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

Mr. PHILBROOK: Mr. Speaker and Members of the House: I would like to briefly restate my position. I do not see the necessity for a \$1500 raise for a \$12,500 official, while you do nothing for the 220 persons in his department. Thank you.

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

Mrs. CARSWELL: Mr. Speaker and Members of the House: As I was one who spoke against a pay raise for the legislators, because I felt there were other pressing needs, I don't think these are some of the pressing needs that are in this bill today. I think that we should pass bills to give pay raises to those lower on the totem pole, so I hope that this bill does not pass.

The SPEAKER: The Chair recognizes the gentlewoman from Winthrop, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: I would just like to add to the remarks of Mr. Gill from South Portland that I do hope tomorrow when you are considering, a lot of you, the big bill, that we will be thinking very honestly of the poor state employees who are going to be

lucky if they get their 5 percent raise starting in July 1968.

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

Mr. CARROLL: Mr. Speaker and Members of the House: I too oppose the department heads salary raises. I oppose it from the point of view that they know that every two years there will be a fifty percent turnover in this House and every two years they will be in here for salary raises. In the past two years I called Augusta many, many times and I asked for the Department Head and he wasn't there. I asked for the Assistant; he wasn't there. Even went five steps down the ladder. Now ladies and gentlemen, I propose we put some time clocks in here and let them sign in and sign out, and get some efficiency. They say that we are operating at sixty percent efficiency. Now if these department heads are so good, why are they telling us to cut it down to forty percent.

If I had a business and operated it in this manner, the F.H.A. would own it by now I am sure. How long do you think you will run the State of Maine by rewarding people and raising their salary every two years, up, up she goes and you want to tax the little fellow, and the little fellow is where the money is going to come from. The arm twisting has been going on for two weeks here. I said two weeks ago you didn't have the votes yesterday, you won't have them today and you won't have them tomorrow, and I would like to know if we are going to have the votes tomorrow at eleven o'clock, because I am one of these small folks; I've got to get home. I don't get a \$5,000 salary raise and I'm not mad at that fellow if he can get in here and get it, but I am mad at the Legislators who come down here every two years consistently and continue to raise Department Head salaries without setting up a proper system of salary pay raises.

Therefore, I have no choice but to go back to my people and say I had to oppose these salary increases because I do not feel they are justified.

The SPEAKER: The Chair recognizes the gentleman from Hollis, Mr. Harriman.

Mr. HARRIMAN: Mr. Speaker and Members of the House: I'm going to vote against this bill. I do not think that all these salary increases are justified. I can see in this bill increases all the way from 10 to 33-one third percent for one individual, jumping from \$9,000 to \$12,000 a year. I think that most of the raises in this bill aren't justified and I'm going to vote against them.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Wood.

Mr. WOOD: Mr. Speaker and Members of the House: Sometime ago in this session, I introduced a bill that would give the state employees that are getting much less than a living wage an increase to \$80 a week for a forty-hour week. The bill never got consideration. There were two reasons given me for it. The first reason was that it was too much to raise them at one time. The second reason was that we didn't have the money, we couldn't find the money to give them that much raise, which I think was ridiculous and for that reason I'm going to vote against this bill.

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

Mr. McMANN: Mr. Speaker and Members of the House: I can't pass up this opportunity to remark that I am tickled to death to see that Representative Gill has a new bedfellow in Nadeau.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Harvey.

Mr. HARVEY: Mr. Speaker and Members of the House: I think I'd better get my two cents worth in. In viewing this little document here there's three people in here who I think should be fired and they are asking for a raise, so I'll go along with the bill.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: When I came down here in the Spring of '65, I went into a certain depart-

ment and asked for certain information. The head of the department wasn't there because he was busy — maybe he was busy fishing or something like that as far as I could find out. The second in command I asked him a few simple questions and he said "It will take some time to get the information." While I was talking to him — he was very nice he offered me cigarettes, and offered me if we wanted to sit down for a cup of coffee. I looked around and there were two of them having a nice conversation gossiping and smoking I should judge, very fine cigars while they were supposed to be looking after the interests of the taxpayers. The gentleman said — "oh" he said "it will take some time to get that information." So I said "some time — about how long?" He says — "ten days or two weeks." I looked at my watch and I said — "if I don't have that information it's going to be too bad for somebody, too embarrassing, and that somebody is going to be you." He immediately called over one of the fellows smoking the cigars and he read off what I asked for in about six minutes.

Now that's the thing you have to put up with. I went to another department and approximately the same thing happened. I asked him for the records of what certain employees in that department were getting. Oh, he told me, that wasn't available. I said "isn't available? But this is the second week in January '65—you should have that information — by the help you've got around here I would say you would have had it about certainly not later than last July 10." He was just giving me the runaround, but when he found I meant business I finally got it. Incidentally, that particular thing, one of them interested me very much so I started to look into his department and how much they really worked. Well, I looked into one of them and I found he only had six relatives on the payroll — that's how good these state jobs are!

Incidentally, I looked into another department and it's not far from where I live, and I've been checking on that now for the last

six years. Brother! And incidentally, I asked a number of people who work in that particular department, and I found out the gentleman who heads it who draws indirectly and directly from the state taxpayers \$20,000—and the gentleman is not available, he's out; in other words he's there about fifteen percent of the time. Now that's what you have going on. And of course the way these departments are set up, they get their jobs generally speaking through patronage; in other words most of these departments in this state they get their jobs like one of the gentlemen I referred to—until he got that job he never earned over \$4,000 in his life, and now he's getting \$20,000.

And incidentally, that particular gentleman—and I looked into it, is looking after a certain number of people—in order to look after about 189 people he only had 125 at home. Now that's what you've got going on in this state.

Frankly I'm sick and disgusted and most of these heads of departments that I have looked into, they're all overpaid now, and most of them—if I remember correctly—they all got about a ten percent raise the last time. Now ten percent raise, when you're getting twelve or fourteen or sixteen thousand dollars amounts to quite considerable sums of money, but it goes on and on and on. Now it's about time we stopped it; it's about time we had a little consideration for the taxpayers—and they always say—oh state money, state money, the state hasn't any money until they've taken it away from the taxpayers, and who do they take it away from mainly? The people with small incomes!

Fifty-five percent of the people of this state, and if you want to look into it get the reports of the last census—fifty-five percent of the people of this state; people with families and the average family is five, two adults and three children. Fifty-five percent get take-home pay of eighty dollars a week or less. Now come on—use your heads. Now I know that a lot of you don't like a spade being called a spade. Many of you don't

like the facts—you'd like in effect put your heads down and pretend this doesn't go on. My God—I'd be glad to take some of the jobs, of some of them that are getting \$20,000 for—or 16 or 18, and a lot of them have a lot of fringe benefits that you don't know about — because why? Because when they give out this, the salaries and the record book of what they get, you find they have a tremendous amount of fringe benefits.

Now it's about time this thing stopped. If most of you run your own affairs the way that the state taxpayers' money is handled, in my opinion you'd all be bankrupt. Sometimes I wonder the way you vote the taxpayers' money, I wonder if you think it grows on trees! Brother! I could on and on here for a couple of hours and tell you some of the facts that I've spent a lot of time in gathering. Now, come on—use your heads. These individuals all getting big salaries, the most that any of them deserve anywhere is five percent and frankly most of them don't deserve that. As I said before—God, I'll take some of those jobs for half of what they get and I think I'd do the job of about three or four of them—I'd be glad to take the job of certain departments I'd be glad to name—three of them I know about. I'd be glad to do the job of what half of the lowest one is paid and take the job of all three and save the taxpayers a little money. Thank you.

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

Mr. CROMMETT: Mr. Speaker and Members of the House: I rise in support of the department heads. This is my third term with the Legislature and I think I have visited all the departments. I was treated with courtesy and furnished with the information which I asked, but at the same time, ladies and gentlemen, I will support the Minority Report.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Kittery, Mr. Dennett, that the House accept the Majority "Ought to Pass" Report.

A vote has been requested. All those in favor of accepting the Majority "Ought to pass" Report will vote yes, and those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken. 31 voted in the affirmative and 75 in the negative.

Mr. McMann 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 will vote yes, and those opposed will vote no, and the Chair opens the vote.

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 Kittery, Mr. Dennett, that the House accept the Majority "Ought to pass" Report on Bill "An Act Increasing Compensation of Court Justices and Certain Departments Heads," Senate Paper 695, L. D. 1731.

All those in favor of accepting the Majority "Ought to pass" Report will vote yes, those opposed will vote no, and the Chair opens the vote.

ROLL CALL

YEA—Beliveau, Benson, Ber- man, Birt, Bragdon, Brennan, Brown, Clark, Cornell, Cote, Cottrell, Darey, Dennett, Durgin, Farrington, Fuller, Hanson, B. B.; Hanson, P. K.; Hewes, Huber, Humphrey, Jalbert, Lewin, Martin, McMann, Pendergast, Pike, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Sahagian, Scott, C. F.; Shute, Snow, P. J.; Thompson, Watts, Wheeler, White.

NAY—Allen, Baker, E. B.; Baker, R. E.; Bedard, Belanger, Bernard, Binnette, Boudreau, Bourgoin, Bunker, Burnham, Carey, Carroll, Carswell, Champagne, Conley, Crommett, Crosby, Curran, Cushing, Drigotas, Drummond, Dunn, Eustis, Evans, Ewer, Fecteau, Fortier, Fraser, Gauthier, Gill, Hall, Hanson, H. L.; Harriman, Harvey, Hawes, Haynes, Healy,

Henley, Hennessey, Hichens, Hinds, Hodgkins, Hoover, Hunter, Immonen, Keyte, Kilroy, Lebel, Levesque, Lewis, Lincoln, Littlefield, Lycette, Maddox, M i n k o w s k y, Mosher, Nadeau, J. F. R.; Nadeau, N. L.; Philbrook, Porter, Prince, Quinn, Rackliff, Robertson, Robinson, Rocheleau, Roy, S a w y e r, Scott, G. W., Scribner, Shaw, Snowe, P.; Starbird, Sullivan, Susi, Townsend, Waltz, Wight, Williams, Wood.

ABSENT—Bradstreet, B u c k, Carrier, Cookson, Couture, Crockett, D'Alfonso, Danton, Dickinson, Dudley, Edwards, Foster, Gaudreau, Giroux, Harnois, Jameson, Jannelle, Jewell, Kyes, McNally, Meisner, Milliano, Noyes, Payson, Quimby, Soulas, Tanguay, Trask, Truman.

Yes, 39; No, 81; Absent 29.

The SPEAKER: Thirty-nine having voted in the affirmative and eighty-one in the negative, the motion to accept the Majority Report does not prevail.

Thereupon, upon motion of Mr. Philbrook of South Portland, the Minority "Ought to pass" Report was accepted in non-concurrence, the Bill read twice, and assigned for third reading tomorrow.

The Chair laid before the House Item 6 tabled earlier in the day by Mr. Richardson of Cumberland pending further consideration:

Bill "An Act to Correct Errors and Inconsistencies in the Education Laws" (S. P. 358) (L. D. 966) (In Senate, passed to be engrossed as amended by Committee Amendment "A" (S-176), House Amendments "A" (H-430) and "B" (H-438) and Senate Amendment "A" (S-281) (In House, passed to be engrossed as amended by Committee Amendment "A" and House Amendments "A" and "B"))

On motion of Mr. Richardson of Cumberland, the House voted to recede.

Senate Amendment "A" was then read by the Clerk and adopted in concurrence.

Mr. Richardson of Cumberland then offered House Amendment "C" and moved its adoption.

House Amendment "C" was read by the Clerk as follows:

HOUSE AMENDMENT "C" to S. P. 358, L. D. 966, Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws."

Amend said Bill by adding at the end the following:

'Sec. 18. P. & S. L., 1965, c. 42, amended. Chapter 42 of the private and special laws of 1965 is amended by adding at the end the following new paragraphs:

The school directors of School Administrative District No. 34 are authorized and empowered to borrow the sum of \$212,500 in the aggregate and to issue said district bonds or notes in payment thereof, for the purposes of completing the capital construction program adopted by said school directors by their resolution dated February 8, 1967, notwithstanding the limitations contained in the Revised Statutes of 1964, Title 20, section 304, as amended, and without the necessity of further proceedings required by said section 304 and also notwithstanding any limitations contained in said resolution of the school directors dated February 8, 1967.

The said School Administrative District No. 34 is also entitled to all the provisions of chapter 224 of the public laws of 1967 as though expressly included therein.

All proceedings taken by the school directors or officers of School Administrative District No. 34 in connection with the authorization, issuance, sale, execution and delivery of said bonds or notes for capital outlay purposes or notes in anticipation of state aid for school construction pursuant to the Revised Statutes then in effect and all such bonds or notes heretofore or hereafter issued thereunder by School Administrative District No. 34 are hereby validated, confirmed, approved and declared legal in all respects notwithstanding any defect or irregularity therein.'

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Very briefly, S.A.D. 34 is asking us to validate proceedings taken by them in accordance with this Private and Special Law. We feel that this amendment to the basic omnibus

education bill was consistent with good legislative practice, and I would therefore urge everyone to vote in favor of the adoption of the amendment.

Thereupon, House Amendment "C" was adopted and the Bill passed to be engrossed as amended by Committee Amendment "A", Senate Amendment "A", and House Amendments "A", "B" and "C" in non-concurrence and sent up for concurrence.

The Chair laid before the House item 7 tabled earlier in the day by Mr. Benson of Southwest Harbor pending further consideration:

Bill "An Act relating to the Water and Air Environmental Improvement Commission" (S. P. 635) (L. D. 1635) (In Senate, passed to be engrossed as amended by Senate Amendment "B" (S-280) (In House, passed to be engrossed without amendment)

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

Senate Amendment "B" was read by the Clerk and adopted in concurrence.

Mr. Martin of Eagle Lake then offered House Amendment "F" and moved its adoption.

House Amendment "F" was read by the Clerk as follows:

HOUSE AMENDMENT "F" to S. P. 635, L. D. 1635, Bill "An Act Relating to the Water and Air Environmental Improvement Commission."

Amend said Bill by inserting after section 7 the following:

'Sec. 7-A. R. S., T. 38, §367, amended. Section 367 of Title 38 of the Revised Statutes is amended by adding at the end the following new paragraph:

The commission may, after careful consideration, public hearings and in consultation with other state agencies and, where appropriate, federal and interstate water pollution control agencies, and the municipalities and industries involved, raise the classification of any surface waters, or portions thereof, and such new classification shall thereafter be the classification applicable to such surface

waters, or portions thereof, until 90 days after the date of adjournment of the next regular session of the Legislature unless such next regular session shall adopt by legislative enactment such new classification.'

Further amend said Bill by inserting after section 10 the following:

'Sec. 10-A. R. S., T. 38, §411, amended. The first paragraph of section 411 of Title 38 of the Revised Statutes, as repealed and replaced by chapter 268 of the public laws of 1967, is amended by adding at the end the following:

The commission may pay up to an amount equal to 35 per cent of the cost of such project where they find that such project is part of a sewerage treatment system designated to serve 2 or more municipalities, provided such project is not eligible for assistance under 8 (f) of P. L. 660, 84th Congress, as amended.'

Further amend said Bill by inserting after section 13 the following:

'Sec. 13-A, Report, The commission shall study and report to the 104th Legislature revised criteria for standards and revised descriptions of all surface waters.'

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

Mr. MARTIN: Mr. Speaker and Members of the House: I first want to review with you the amendments that have been adopted by this body when we accepted Senate Amendment "B". First, the number of members of the Water and Air Environmental Improvement Commission would be changed from 8 to 10 to allow two members to be associated with the air pollution field. An attempt was also made by Senate Amendment "B" to remove the so-called midnight dumping which I had referred to in the last speech I made on the floor of this House in relationship to this item. This was also done in relationship with B1 water, B2, C and D classifications as well as to SC and SD. A new appeal section is provided in the bill which substitutes the Superior Court instead of the appeal procedure to the

Administrative Hearing Commissioner. The phrase which I referred to as the escape clause on the last trip around and I quote "notwithstanding any contrary provisions, the Commission may for good cause shown from time to time extend any time limits established by or under this sub-chapter." has also been removed. This loophole I had referred to as being as big as a barn door.

There is also a new enforcement provision which says that the Attorney General after thirty days when the Commission has handed its decision, must act to enforce the decision of the Commission. The amendment also provides for the personnel services appropriations to be increased to allow for clerical help.

The amendment certainly does not remove all of the objections that I had covered but it certainly, in my opinion, is a step in the right direction.

The amendment that I presented to you as House Amendment "F" today attempts to meet some of the objections that I had and I will attempt to go over each one individually in order to make it understandable not only to myself but to everyone, I hope.

The first amendment in the amendment itself, deals with the Commission having the power after careful consideration to upgrade the classification of any surface waters or any portion thereof. If you recall, I had posed the possibility of what would happen if the Federal Government should find the standards of the Androscoggin River unacceptable under the Federal guide lines, what would have to be done to correct the situation to allow Federal funds to be allocated to communities along that river.

Under the present redraft of L. D. 1635, the Legislature would have to be called into special session to change the classification and this would be true of any other stream that was found unacceptable. This would be true for people as well as those living along the Androscoggin, as those living along the Saco, the Piscataqua and the St. Croix River.

You will note that the amend-

ment allows that the classification can be changed by the Commission but will remain in effect only until the next regular session of the legislature and then the legislature would set the standard by legislative act.

The second portion of the amendment is the one which says that the Commission could pay an amount equal to 35 per cent of the cost of such projects if the sewerage treatment system was designed to serve two or more municipalities, as is now the case if the project is eligible under Public Law 660 as amended. The present bill leaves out the five per cent bonus. At the present time there are only two communities in the State that would receive the Federal five per cent bonus and these are the Lewiston-Auburn and the Portland areas because they are classified under the Standard Metropolitan Statistical Areas Classification by the Census Bureau.

The present bill clearly ignores the incentive features of joint systems which in the end would save money for both the community and the State. If two communities exist side by side and both decide to build a separate treatment plant, the cost to both could be exorbitant. If the systems are combined, they will save money and so will the State.

The third portion of the amendment deals and directs the Commission to study and report to the 104th Legislature how criterias are set and whether or not they should be changed.

This morning, as you well know, I presented these amendments into four separate amendments and after this morning we got together and agreed on three of the four amendments. By we, I am referring to the industries involved, to the House Chairman of the Natural Resources Committee and also the Senate Chairman.

We did not agree, however, on the fourth which would have removed the "D" classification from the existing law. I personally feel this should be removed but I will not offer the amendment to do this today because it is my feeling that first of all it would not go through

and secondly because I do think that probably the industries have a point when they say that perhaps we should keep the "D" Classification on the books for the time being.

I still feel the bill is not perfect but I suppose you can say this about any bill that this House considers. I hope that we as a body will accept House Amendment "F" to the bill because I think now at this point that I, as an individual and as a legislator hoping to do a good job, would be in a position to accept the bill as rewritten, and I certainly hope that every member of this House goes along with my amendment itself.

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

Mr. PIKE: Mr. Speaker and Members of the House: This bill has gone through a long and tortuous process. There have been a great many conferences, a great many changes. I think on the whole there is no question that the amendments that have been put on in the other body and this one, Amendment "F", offer a real tightening up of the bill without doing, I hope, any undue injustice to any people involved. It has been taken up with most of the people who are going to be affected and I think their objections are pretty well cleared and I agree with Mr. Martin that it would be the best thing for this House to pass this bill with Amendment "F". I hope we do.

House Amendment "F" was adopted and the Bill passed to be engrossed as amended by Senate Amendment "B" and House Amendment "F" in non-concurrence and sent up for concurrence.

The Chair laid before the House item 8 tabled earlier in the day by Mr. Richardson of Cumberland pending passage:

JOINT ORDER re recall of Bill "An Act Authorizing the Issuance of Bonds in the Amount of One Million Two Hundred Thousand Dollars for a Regional Airport to Service Central Maine" (H. P. 779) (L. D. 1141) from legislative files.

Thereupon, on motion of the same gentleman, tabled pending passage and specially assigned for tomorrow.

(Off Record Remarks)

The Chair laid before the House item 2 on page seven of the House Advance Calendar, which was tabled and later today assigned: An Act to Authorize the Issuance of Bonds in the Amount of Sixteen Million Eight Hundred Thousand Dollars on Behalf of the State of Maine to Build State Highways (H. P. 1174) (L. D. 1673)

Tabled—June 19, by Mr. Waltz of Waldoboro.

Pending—Passage to be enacted.

Thereupon, on motion of Mr. Richardson of Cumberland, tabled pending passage to be enacted and specially assigned for tomorrow.

The Chair laid before the House item 6 on page seven of the House Calendar, which was tabled and later today assigned: Bill "An Act Creating The University of the State of Maine" (S. P. 496) (L. D. 1258) (In Senate, passed to be engrossed as amended by Committee Amendment "A" (S-225)

(In House, Committee Amendment "A" adopted and House Amendment "A" (H-431)

Tabled—June 20, by Mr. Benson of Southwest Harbor.

Pending—Adoption of House Amendment "C" (H-447).

Thereupon, on motion of Mr. Dunn of Denmark, House Amendment "C" was indefinitely postponed.

The same gentleman then offered House Amendment "D" and moved its adoption.

House Amendment "D" was read by the Clerk as follows:

HOUSE AMENDMENT "D" to S. P. 496, L. D. 1258, Bill "An Act Creating The University of the State of Maine."

Amend said Bill by inserting at the end of that part designated "Sec. 4," of section 1, before the period, the following:

'but shall continue until January 1, 1969'

Further amend said Bill in that part designated "Sec. 4-C" of Sec-

tion 2 by striking out in the first sentence the words, punctuation and figures, "**Effective July 1, 1968**" and inserting in place thereof the following:

'Effective January 1, 1969'

House Amendment "D" was adopted and the Bill passed to be engrossed as amended by Committee Amendment "A" and House Amendments "A" and "D" in non-concurrence and sent up for concurrence.

The Chair laid before the House item one on the Supplemental Calendar, tabled earlier in the day pending the motion of Mr. Berman or Houlton to indefinitely postpone House Amendment "A"

Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 543) (L. D. 1444)

Thereupon, on motion of Mr. Richardson of Cumberland, tabled pending the motion of Mr. Berman or Houlton to indefinitely postpone House Amendment "A" and specially assigned for tomorrow.

The following papers from the Senate appearing on Supplemental number 2 were taken up out of order by unanimous consent:

**Ought to Pass with
Committee Amendment
Amended in Senate**

Report of the Committee on Judiciary on Bill "An Act to Conform the Statutes with the Amendments to the Rules of Civil Procedure" (S. P. 428) (L. D. 1082) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" was read by the Clerk and adopted in concurrence. Senate Amendment "A" was read by the Clerk and adopted in concurrence.

Tomorrow was assigned for third reading of the Bill.

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs, acting in accordance with Joint Order (S. P. 687) reporting a Bill (S. P. 700) (L. D. 1737) under title of "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1968 and June 30, 1969" (Draft "A") and that it "Ought to pass".

Report was signed by the following members:

Mr. ALBAIR of Aroostook

— of the Senate.

Messrs. HINDS of South Portland
BIRT of East Millinocket
DUNN of Denmark
HUMPHREY of Augusta
BRAGDON of Perham

— of the House.

Minority Report of same Committee, acting in accordance with Joint Order (S. P. 687), reporting a Bill (S. P. 701) (L. D. 1738) under title of "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1968 and June 30, 1969" (Draft "B") and that it "Ought to pass"

Report was signed by the following members:

Messrs. BERRY of Cumberland

DUQUETTE of York

— of the Senate.

Messrs. SCRIBNER of Portland
JALBERT of Lewiston

— of the House.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed.

In the House: Reports were read.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I move the acceptance of the Majority Report "A".

The SPEAKER: The gentleman from Perham, Mr. Bragdon, moves that the House accept the Majority Report in concurrence.

The Chair recognizes the gentleman from Portland, Mr. Scribner.

Mr. SCRIBNER: Mr. Speaker and Members of the House: I would like to point out for the benefit of the members of this House that there are some items that are in the other report which will affect seriously, I feel, some areas of some of our departments. One of the more important ones are the funds for the depreciation records for the Augusta State Hospital. As many of you know, the Augusta State Hospital is involved in the Medicare Program. In order for the State to receive some of these funds, we have to have adequate cost records. The hospital has informed me that they won't be able to do this unless they have an appropriation that was included on that basis for them to bring up their records on fixed assets.

Also, the other report deletes the personnel for the State Archives, in order for them to prepare to get ready for the transfer to the new museum. There are several other items in this which I feel are fairly important. It includes also an actuary for the Insurance Department. Most of you that are in the insurance business, there are quite a few of you, are aware that the Department of Insurance has never had an actuary. Now, I feel that this is quite important, that with all the property that the State owns that there should be one actuary working for the State, that the State would receive benefits and a number of us on the Appropriations Committee felt these items were important enough to include them in the other report.

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

Mr. HINDS: Mr. Speaker and Members of the House: I would correct one statement that Mr. Scribner made. He said that the State Archives personnel were cut out. It was only cut down in the first year of the biennium and the two new employees were left in the second year of the biennium because it was felt by a majority of the Committee on Appropriations that this building will not be ready for three years and that if we gave them two more personnel, a records man for the sec-

ond year of the biennium that would be sufficient.

The Appropriations Committee, the Committee Report "A" which has been moved by the gentleman from Perham, Mr. Bragdon, is \$100,000 for the biennium less than Report "B" and it was the feeling of the Committee, it was mentioned about the Department of Mental Health and Corrections, their budget totals over \$33 million at the present time and it was the feeling that perhaps somewhere in a \$33 million dollar budget they could find \$32,000. These items, I might add, were all supplemental items that were requested from Department memos recently, for a supplemental budget to the current services budget which we have already passed here. We had a great many other items that aren't even included in either of these L. D.'s and every day on my desk I get another request and I am sure the other members of the Committee do also, from other state departments requesting that additional funds be added to their budget for one thing or the other. I think this could go on for quite some time until we would need a State Income Tax and two or three cents on the Sales Tax in order to take care of all of these requests.

I hope that you will go along with the Majority Report of the Committee on Appropriations.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I can appreciate the comments of the gentleman from South Portland, Mr. Hinds; however, where I look at one of these items that was deleted which calls for the actuary in the Insurance Department. Actually, this item, should we adopt the actuary would be a saving of funds because we bring in by contract several people in the course of the year and it costs us more money than if we hired a first-class man and would retain him to work as an actuary. Because of the lateness of the hour, I won't comment any further than the remarks wherein it concerns

this item of the Insurance Department, and I would also suggest that the gentleman from South Portland, Mr. Hinds, appoint himself a Committee of one to look over another mammoth program and probably delete from it just as much as he has deleted in percentage from this one here.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I pose a question through the Chair to the gentleman from South Portland, Mr. Hinds, in relationship to L. D. 1727, page 2, where it concerns the Department of Education and in particular Fort Kent State College, was this a late request or am I wrong in assuming that it was in the departmental requests and in the Governor's request as well?

The SPEAKER: The gentleman from Eagle Lake poses a question through the Chair to the gentleman from South Portland, Mr. Hinds, who may answer if he desires.

The Chair recognizes that gentleman.

Mr. HINDS: Mr. Speaker and Members of the House: There is nothing in the L. D. under consideration at this time from Fort Kent College. The education figure on the front on page three has to do, if you are speaking of that, has to do with administration in the Department of Education and has nothing to do with either colleges.

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

Mr. MARTIN: Mr. Speaker: In further reference to my question, I was talking about L. D. 1727, the Minority Report which contains the provision for the funds for the multi-purpose building at Fort Kent State and my question was, was this not a portion and contained in the requests of the Department of Education and the Governor's budget and it was not a late request as he mentioned that most of those were?

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a further question to the gentleman from South Portland,

Mr. Hinds who may answer if he desires.

The Chair recognizes that gentleman.

Mr. HINDS: Mr. Speaker: Mr. Martin is talking about an L. D. that is not before us. We are talking about a different L. D. altogether, you are talking about a bond issue and we're talking about a supplemental money bill for departments.

I'll answer your question and say that I think the Governor did recommend on the other bill that you are speaking of, did recommend the Fort Kent item but we are not discussing this. The matter before us now is the supplemental money bill which does not include this bond issue. I suppose that will probably come up tomorrow sometime.

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

Mr. JALBERT: Mr. Speaker and Members of the House: In further explanation, I am sure the gentleman from Eagle Lake's question was an honest error. We are talking about 1737 and the bond issue is 1727, so it's easy to understand how he would possibly get confused, even though he is a graduate of the U. of M.

Mr. Martin of Eagle Lake was granted permission to speak a third item.

Mr. MARTIN: Mr. Speaker: In my own defense, first of all the gentleman from South Portland, Mr. Hinds, is correct, I was talking about 1727 but I fail to find L. D. 1737 before me and I do not have a copy of it.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Perham, Mr. Bragdon, that the House accept the Majority "Ought to pass" Report, and the Chair will order a vote. All those in favor will vote yes and those opposed will vote no and the Chair opens the vote.

A vote of the House was taken.

76 having voted in the affirmative and 24 having voted in the negative, the Majority "Ought to pass" Report was accepted in concurrence.

The Bill was then read twice and assigned for third reading tomorrow.

On the disagreeing action of the two branches of the Legislature on Joint Order H. P. 1213 relative to recalling House Paper 1120, L. D. 1592, Bill "An Act Granting Complementary Fishing Licenses for Certain Maine Residents in Armed Forces" from the Legislative Files,

the Speaker appointed the following Conferees on the part of the House:

Messrs. LEWIN of Augusta
HARVEY of Woolwich
CARRIER of Westbrook

On motion of Mr. Richardson of Cumberland,

Adjournment until nine-thirty o'clock tomorrow morning.