

# 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

Friday, January 19, 1968

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

Prayer by Brigadier Alfred Davey of the Salvation Army of Augusta.

The journal of yesterday was read and approved.

### Papers from the Senate Divided Report

Majority Report of the Committee on State Government reporting "Ought to pass" on Bill "An Act Establishing a State Planning Office" (S. P. 772) (L. D. 1844)

Report was signed by the following members:

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

Messrs. DENNETT of Kittery  
WATTS of Machias  
Mrs. CORNELL of Orono  
Messrs. RIDEOUT of Manchester  
PHILBROOK  
of South Portland  
— of the House.

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

Report was signed by the following members:

Mr. STERN of Penobscot  
— of the Senate.

Messrs. STARBIRD  
of Kingman Township  
MARTIN of Eagle Lake  
— 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 Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker, I move we accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Manchester, Mr. Rideout, now moves the House accept the Majority "Ought to pass" Report in concurrence.

The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Before the House votes to accept the majority report of the Committee on State Government, I think it is wise at this time to analyze this bill in relationship to the bill which I had proposed, L. D. 1842.

There is no question among anyone's mind within the State of Maine that we do need a comprehensive State Planning Office, but I think at this point very often we lose sight of what should come first. The question before us of course is what form should such an office take. If you still have in your possession the material which was distributed under my name, the three page statement, which attempted to point out to you the differences between L. D. 1842 and L. D. 1844. Before I go into a somewhat detailed explanation of what these two bills would do, perhaps a little bit of background on these bills is necessary.

As you know, the state planning bill was passed by the regular session but failed of final passage because of lack of funding. Since that time, since the regular session of last July, people across the State attempted to participate in a redrafting of the bill in order to present a more comprehensive and meaningful document. I am sure it will be argued before you today that L. D. 1844 is the same as what we then knew as L. D. 1696 and there should be no change because this was the correct version. I would point out to you that the same thing happened to the University of Maine bill which we now have before us. It failed during the regular session. Individuals worked on the bill after the regular session and we now have it and a different type of legislation than was before us at the regular session, so certainly this cannot be used as an argument.

The meeting was held as late as December 20 with sixteen people being present after an invitation had gone to some forty people across the state. They included members of both political parties and some of the following individuals were present at the meeting: William MacDonald,

John Clark, Dr. Gardner Means, Dr. Dean Fisher, Wallace Hazelton, James Keefe, William Mathews and Joseph Campbell. In the afternoon several of these members of the group met to draft proposed legislation for recommendation to the special session. My bill, 1842, is that result.

It was not a hasty redrafting of the bill as has been suggested by the former State Planner in a letter or memo which you found on your desks a few days ago. The redraft of L. D. 1696 as it is incorporated in L. D. 1842 accomplishes a compromise and resolves some of the conflicts which L. D. 1696 contained. I would at this time point out to you the differences which are outlined in the sheets that I distributed to you. The significance and crucial difference between the two bills is the scope of the duties which would be assigned to the office. L. D. 1842 focuses on broad comprehensive planning as a policy-making tool of State Government. 1844 would do this but it also would include local and regional planning functions as well as technical assistance to communities in such areas as housing, schools and health facilities that are presently being administered under the Department of D.E.D.

I think it is important that we remember that there is a difference between state planning and community assistance. One is an administrative function and the other is planning coordination. The two are separate and should be kept separate. It is also important to remember that under 1844 as we now have it before us we are creating a new administrative department, and like all departments, you will find in a very short time that this new department will ask for new people to carry out its proposed functions. If we are attempting to create another monster in State Government, this is as good a way to do it as I know of. 1844 also places excessive emphasis on developing the State's physical resources but ignores entirely the development of human resources. If we are at-

tempting to give to a state planning office unspecified powers to absorb, duplicate and operate activities now done by other agencies, then let us by all means vote for the bill which we now have before us as L. D. 1844. This is true in respect to the departments of the Bureau of Finance and Administration, the Department of Economic Development, and other departments are affected as well. If we are attempting to place all planning into one office, then by all means, let's not stop here, let us include the planning that would be done by the Highway Department, the Department of Health and Welfare, the Bureau of Mental Health and Corrections and while we're at it, why don't we also include the Bureau of Public Improvements, because this is what we are doing; this is what we are starting.

Perhaps more important in my life — or I'm sorry, in my viewpoint as a legislator, is that what I figured to be my bill 1842 recognized the prerogative of the Legislature to establish state policy through appropriations and statutes. My bill 1842 did not provide for one plan, a master plan, but it provided instead for a number of plans which would be alternatives, and if you take a look at L. D. 1844 it calls in every section for a comprehensive plan which will then be distributed to the Legislature and to the Governor for its consideration. What happens if that plan is worthless, or in terms of policy the Legislature does not accept it? There is no other plan because it specifically specifies that there will be one comprehensive plan, not plans. A simple or a single plan as is provided for in 1844 does not give us alternate policies which should be open to the Legislature and to the Governor. A planning office which affects state planning should produce alternative comprehensive plans to clarify major alternatives and policies open to the Legislature, and it is up to us to establish a policy and to see which one we shall use, not for any one single department to tell us what plan we will be using.

My particular bill protects and strengthens the information analysis and planning capabilities of all existing agencies, and it is not an emasculation of any of the functions of other departments. A State Planning Office should concern itself only with the problems of the State of Maine as a whole and not with the individual communities as separate entities, but merely in relationship to its total picture. If we are attempting to create a new department which would have ten to fifteen people in its first year, then by all means let us pass 1844, but if we are attempting to start a State Planning Office on the basis that it should be started, then we should attempt to remove some of the things which have been added in 1844 and give it four or five people, not the fifteen as is anticipated would occur under 1844. I would suggest to the members of the Legislature that it would be more economical and realistic for the Legislature to approve 1842 or 1844 as amended if it were to be allowed to be amended, since it would give the state a simple, more effective and less expensive way of planning its program for the future. 1844 is by far the most expensive. It calls, if you will note the appropriation, for a million — I'm sorry, for \$159,000 for the next fiscal year, and by taking over the community planning activities from D.E.D. it adds to that \$159,000 another \$79,000. What we are therefore proposing in 1844 is a major new state department. It is important to remember that when the next legislature meets the personnel of this department is going to rise in typical bureaucratic form and let us not forget it.

There has been certain things which have been mentioned in reference to the 701 planning funds which supposedly would be transferred from the D.E.D. to this new planning office. There is no evidence to prove that 701 planning funds have been improperly handled by the Department of Economic Development. If you take a look at the record, you will find that Maine is in the top

sixteen of all states across the country in the terms of grants that it has used in the 701 program. If we are going to transfer the 701 funds and the funding and the administration of these programs into a new department, would it not be better at least to wait until that new department is operative, or do we simply close down 701 funds until such time as the new planning office is in operation?

The result of a bill which we have before us in 1844 would not be a state planning office per se, but it is, I repeat, it would be a major administrative department of which state planning would only be one function. I am certainly not naive enough to assume that my bill 1844 would ever have reached the Governor's desk, but I certainly hope that the members of the House of both political parties will analyze 1844 carefully and realize that what I have mentioned this morning does in fact take place. I think it is important for us to look at this as legislators and to become aware of what we are doing, and if we do not, then there is no reason to assume that in a very short time other planning functions will be removed from other departments and transferred. If this is the intention of this bill, let's by all means pass 1844 and send it on its way, but I point out to you that this is not the proper way to do it. We can't have our cake and eat it too at the same time if we don't carefully analyze what we're eating, and I am not merely saying this because I happen to be a member of the opposite party of the individual who introduced the legislation, but I personally, as an individual, am interested in state planning, and to it I want to see that a job is done and well done and we are not going to accomplish that job well if we do it with 1844.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker and Ladies and Gentlemen of the House: This bill does provide for the establishment of a State Planning Office which would put all

phases of planning, state, local and regional under one roof. As Mr. Martin pointed out this is the same bill that passed in the regular session of the 103rd as 1090 or its re-draft 1696. It died on the appropriations table along with many others.

This bill provides for a correlation of planning on all levels. I feel this is desirable for planning as a team effort for all departments and should be directed by one office, answerable to the Governor and not to the D.E.D., and if you will check the bill, you will see that there are in the several sections where it mentions plans, it mentions plans and not plan. I point out that forty-seven other states have planning offices with regional planning divisions. A majority of the State Government Committee felt that a central planning office for state, regional and local planning is best as provided in L. D. 1844 and I urge you to support this opinion. It was a good bill in the regular session; it's still a good bill.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I seem to be out of tune perhaps with the House because I'm a bit conservative and figures like \$1,800,000 is hard for me to comprehend. However, I'd like to ask a couple of questions of some member of this Committee or the House. What becomes of this \$1,800,000, who gets it? And the other question I'd like to ask, in changing this bill, will the same people get it, will it be handled in the same way, and that's my two questions.

The SPEAKER: The gentleman from Enfield, Mr. Dudley, poses a question through the Chair to any member who may answer if they choose. The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker, this figure of one million whatever the figure is, I fail to see in the bill. The appropriation is \$159,000 and the bill outlines how it would be spent. As far as the people getting it, this is the administration of a present program when we are

talking about 701 funds and it's just a different manner of handling it than it is handled right now, and I think as we go along with these funds, it is best that we do it under one roof.

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

Mr. BINNETTE: Ladies and Gentlemen of this House: I am quite concerned relative to the question that my friend the gentleman from Enfield, Mr. Dudley posed. I don't think that I thoroughly understand it. I know it's not in the appropriation but he must have some basis of where he picked that figure out, I don't think he picked it out of his hat. I would like to have further explanation.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: A few points in rebuttal to the remarks made by the gentleman from Manchester, Mr. Rideout. I am sure the gentleman remembers the remarks that Mr. Mathews made before the Committee on State Government in which he pointed out that what we are proposing in 1844 is being done in only three other states across the country, and in one of these states in particular in the State of Connecticut where these two functions are within the same department, they are even in Connecticut going to separate these two functions, and certainly we cannot say that all over the country do we have the same type of a program. Yes, we both have regional and planning functions, but where they are located is something different, and I still maintain that they should be separate.

I believe also that the \$1,800,000 to which the gentleman from Enfield, Mr. Dudley keeps referring is the amount of 701 funds which have come into the State of Maine under the existing program as it has been thus far administered.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: It is pretty hard as you

people have noticed for the last year for a session to be short or for a speaker to be as brief as possible as is said on many occasions, but I will try to take these words into conscience and try to be very brief this morning in view of the new mid-winter climate that we're having that I am sure Florida is no competition.

But it would seem to me under this new planning bill that we're trying or attempting to pass for our own state and the better coordination of effort, that over the last eight to ten years most states have been trying to combine their efforts by putting all these different planning areas into a one consolidated planning office, whether they be municipal, regional, and not trying to create in itself a separate entity or separate department. I think probably the State of Maine being a state of less than a million population that it would be wise for this Legislature and for the people of this State that we would retain somewhat of a system of being able to coordinate more than one office rather than to create an entire new department. I think the trend has been over the last ten years that they consolidate and group and regroup these departments so that they have a better coordination within the department rather than to separate and to create new and additional departments. Thank you.

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

Mr. DUDLEY: Mr. Speaker, I am sorry I don't consider my question answered as yet and I do consider \$1,800,000 a pretty big pot of gold and I would hope that this House would not pass judgment on something that nobody can answer a simple question like this, we don't even know who got it or what it was spent for. I think Mr. Martin did a good job explaining some aspects of it, but I would like to know the aspects of what was done with the money, who received it, it's quite a lot of money, and we continually let these kind of things go by us unanswered. I think before we vote on bills that involve this type of money that it's customary that every member of this House knows

for what it was spent and to whom, I think we should know that, and for these reasons I would hope that someone would know enough about it to know for what it was spent and so forth.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker, I misunderstood Mr. Dudley's question in the first instance. The 701 money goes into local and regional planning as outlined by the Federal Government in both urban renewal and in local and regional planning, and it is administered by both the State Departments and the local planning groups and the Federal Government so that it isn't just one expenditure. I am sure that many, many of you in your own localities have had benefit of these monies, and I think that they will be still expended in the same manner for the same programs only the administration on the State level will be different.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: Perhaps I can clarify what has been said a little more; perhaps I will confound the confusion. Simply stated, the present bill before us calls for an appropriation of \$159,550. The bill sponsored by Mr. Martin calls for an appropriation of \$65,000. I might point out that right here however, as Mr. Martin—I might emphasize what Mr. Martin has pointed out, that this \$159,000 is not all that the planning office created by 1844 would be spending. It would have the administration apparently of the 701 funds, the figure quoted that was \$1,800,000. This would — apparently at the present time is being administered by the D.E.D., so it is a difference between the two bills in my way of thinking of whether we shall spend or have the administration of together of approximately \$2,000,000 which is what this bill calls for in actual fact, federal, state and so forth, or whether we shall be administering a small little office—we will have a small little office in the Execu-

tive Department with a small appropriation of \$65,000, or whether we shall have a coordinating office or whether we shall have a monster; that's the difference. Do you want to spend \$2,000,000 or do you want to spend \$65,000? Take your pick.

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

Mr. RICHARDSON: Mr. Speaker, I hope that every member of this House will vote 'yes' when the vote is taken on this legislation. The cost of either program as suggested by the gentleman from Eagle Lake, Mr. Martin, or that plan which was approved as a bi-partisan measure in the last session of the Legislature which was expressly approved by His Excellency, the Governor, the costs are about the same. I think it is a substantially incorrect statement to say that one involves \$2,000,000 and the other \$65,000, as a matter of fact it is not substantially incorrect, it just plain is not so.

Secondly, this is a comprehensive for state planning which as I say will give us an opportunity to undertake on a comprehensive and sensible basis a planning function for this state. Every editorial writer in the state that I have happened to read has at one time or another favored the legislation which you now have before you. Therefore, I hope that every member of the House will vote 'yes.'

The SPEAKER: Is the House ready for the question? The Chair will order a vote. The pending question is the motion of the gentleman from Manchester, Mr. Rideout, that the House accept the majority report of the Committee on Bill "An Act Establishing a State Planning Office," Senate Paper 772, L. D. 1844, in concurrence with the Senate. All of those in favor of accepting the Majority Report will vote yes, those opposed will vote no and the Chair opens the vote.

A vote of the House was taken. 97 having voted in the affirmative and 32 having voted in the negative, the Majority Report was accepted in concurrence, the Bill read twice and assigned the next legislative day.

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn they adjourn to meet on Monday, January 22, at 2 o'clock in the afternoon. (S. P. 810)

Came from the Senate read and passed.

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

#### Non-Concurrent Matter

An Act relating to Schooling for Children Resident at Private Tax-Exempt Institutions (H. P. 1255) (L. D. 1761) which was passed to be enacted in the House on January 15 and passed to be engrossed as amended by Committee Amendment "A" on January 12.

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

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

#### Non-Concurrent Matter

An Act Amending the Maine Sanitary District Enabling Act (H. P. 1318) (L. D. 1861) which was passed to be enacted in the House on January 17 and passed to be engrossed as amended by Committee Amendment "A" on January 15.

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

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

#### Non-Concurrent Matter

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Repealing the Law Relating to Boat Registration" (H. P. 1297) (L. D. 1803) and Minority Report reporting "Ought to pass" on which the House accepted the Minority Report and passed the Bill to be engrossed as amended by House Amendment "A" on January 17.



Came from the Senate with the Reports and Bill indefinitely postponed in non-concurrence.

In the House:

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

Mr. ROSS: Mr. Speaker and Members of the House: Years ago I committed to memory a great many poems by the great Robert Service, including the "Cremation of Sam McGee," "The Shooting of Dan McGrew," "Pay Day at the Mines," "The Life of a Harlot," and so forth. Last night when I learned the fate of my boat registration bill I joined my friendly adversary, the great Portland teacher and coach, the esteemed gentleman from Portland, Mr. Cottrell and I recited to him a couple of stanzas of an inspirational poem entitled "The Game," and I would like to recite those to the House this morning:

"It's easy to cry that you're beaten  
and die,  
It's easy to crawlfish and crawl  
But to fight and to fight when  
hope's out of sight,  
Why that's the best game of all.  
And when you come out of each  
grueling bout,  
All broken, and beaten and  
scarred.  
Just give one more try—it's dead  
easy to die,  
It's keeping on living that's  
hard!"

However, there comes a time when we must relax and enjoy it and unfortunately that time has caught up with me today, so unenthusiastically I now move that we recede from our former action and concur with the Senate. (Applause)

Thereupon, the House voted to recede and concur.

### Orders

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker and Members of the House: As Chairman of the Legislative Research Sub - committee on Legislative Rules and Procedures and in the interest of saving time, I offer six orders which provide for changes

in the operational rules of the Legislature and are a result of the Sub-committee's interim studies and recommendations on methods of streamlining the mechanics of the legislative procedure. Again, in the interest of saving time according to House Rule 54 these orders must lay on the table for at least one legislative day. So with this in mind and with your permission, I will hold explanation of the recommended changes until the orders come off the table for action.

Thereupon, Mr. Rideout of Manchester presented the following Orders and moved that they be tabled under the rules:

### Tabled and Assigned

ORDERED, that the House rules be amended by amending the last paragraph of House Rule 1, to read as follows:

And to To appoint a Clerk and an Assistant Clerk of the House to fill any vacancy that may occur in said offices while the Legislature is not in session, to serve until the House in session shall elect a Clerk or Assistant Clerk; and to appoint a sergeant at arms, an assistant sergeant at arms, a document clerk, a doorkeeper and 2 pages, unless the House of Representatives otherwise directs.

ORDERED, the Senate concurring, that the joint rules be amended by amending Joint Rule 10 to read as follows:

10. Filing after cloture. Any bill or resolve to be introduced after the cloture date must be presented to the Clerk of the House, or the Secretary of the Senate, who shall transmit the same to the Joint Committee on Reference of Bills. The Committee will ascertain from the sponsor the facts supporting introduction notwithstanding cloture and, if a majority of the Committee approves, the bill or resolve shall appear on the calendar of the appropriate house, duly noted as having been approved by a majority of the Committee and if at that time, at least one tenth of the members present rise as objectors, the document shall not be received.

ORDERED, the Senate concurring that the joint rules be amended by repealing Joint Rule 11, as follows:

**11. Co-sponsorship.** With the approval of the Committee on Reference of Bills a bill or resolve may be presented jointly by not more than two members of the same house.

ORDERED, the Senate concurring, that the joint rules be amended by adding a new Joint Rule 17-A, to read as follows:

**17-A. Reports of committees.** All bills and resolves must be reported from committees by 1 P.M. on the last Friday of April or by such later time as may be fixed by the Joint Standing Committee on Reference of Bills.

ORDERED, the Senate concurring, that the joint rules be amended by adding a new Joint Rule 17-B, to read as follows:

**17-B. Ought not to pass referrals.** Any bill or resolve, which bears a unanimous ought not to pass notation by the committee to which it has been referred, shall be delivered to the Joint Standing Committee on Reference of Bills, which committee shall notify the house of origin of the delivery of such bill or resolve. No further action shall be taken on such bill or resolve unless within 10 calendar days after notification on the informational calendar a majority of the members of the house of origin sign a petition of discharge.

ORDERED, the Senate concurring, that the joint rules be amended by adding a new Joint Rule 18-A, to read as follows:

**18-A. Debate and amendment.** No debate or amendment shall be permitted on any bill or resolve until such bill or resolve is before the Senate in the second reading or before the House in the third reading, provided the favorable report of the committee to which the bill or resolve has been referred has been accepted.

Thereupon, tabled under the rules pending passage and specially assigned for Monday, January 22.

### **House Reports of Committees Leave to Withdraw Tabled and Assigned**

Mr. Berman from the Committee on Judiciary on Bill "An Act relating to Proof of Perjury" (H. P. 1267) (L. D. 1773) reported Leave to Withdraw.

Report was read.

(On motion of Mr. Richardson of Cumberland, tabled pending acceptance and specially assigned for Monday, January 22.)

### **Ought to Pass in New Draft New Draft Printed Passed to Be Engrossed**

Mr. Hewes from the Committee on Judiciary on Bill "An Act relating to Appeals by State on Questions of Law in Criminal Cases" (H. P. 1268) (L. D. 1774) reported same in a new draft (H. P. 1331) (L. D. 1876) under title of "An Act relating to Appeals on Questions of Law in Criminal Cases" and that it "Ought to pass"

Report was read and accepted and the New Draft read twice.

Under suspension of the rules the New Draft was read the third time, passed to be engrossed and sent to the Senate.

### **Divided Report Tabled and Assigned**

Report "A" of the Committee on Judiciary on Bill "An Act relating to Highway Safety" (H. P. 1306) (L. D. 1835) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. HILDRETH  
of Cumberland  
MILLS of Franklin  
HARDING of Aroostook  
— of the Senate.  
Messrs. HEWES of Cape Elizabeth  
DAREY,  
of Livermore Falls  
— of the House.

Report "B" of same Committee on same Bill reporting same in a new draft (H. P. 1330) (L. D. 1875) under title of "An Act relating to Speed of Motor Vehicles Measured Electronically" and that it "Ought to pass"

Report was signed by the following members:

Messrs. BERMAN of Houlton  
DANTON  
of Old Orchard Beach  
BRENNAN of Portland  
QUINN of Bangor  
— of the House.

Reports were read.

(On motion of Mr. Birt of East Millinocket, tabled pending acceptance of either Report and specially assigned for Monday, January 22.

### Divided Report

Report "A" of the Committee on Judiciary on Bill "An Act relating to Referendum under Maine Housing Authorities Act" (H. P. 1308) (L. D. 1837) reporting same in new draft "A" (H. P. 1332) (L. D. 1877) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. HILDRETH  
of Cumberland  
MILLS of Franklin  
HARDING of Aroostook  
— of the Senate.  
Messrs. BRENNAN of Portland  
DANTON  
of Old Orchard Beach  
— of the House.

Report "B" of same Committee on same Bill reporting same in new draft "B" (H. P. 1333) (L. D. 1878) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. DAREY  
of Livermore Falls  
HEWES of Cape Elizabeth  
BERMAN of Houlton  
FOSTER  
of Mechanic Falls  
— of the House.

Reports were read.

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

Mr. BRENNAN: Mr. Speaker, I move the acceptance of Report "A".

The SPEAKER: The gentleman from Portland, Mr. Brennan, moves the acceptance of Report "A".

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

Mr. HEWES: Mr. Speaker and Members of the House: As you note I signed Report "B". Now this is rather an involved bill which is in two parts, relating to Public Housing. One part would permit the rehabilitation of a particular house in a neighborhood that's not presently being developed through Public Housing. And that's the main part of the bill. Public Housing authorities and administrators tell us that's good and I went along with that part of the bill.

However, another very important part I think is the part relating to referendum. The second part of the bill would provide that the people concerned not have the right to vote—or the people in the towns not have the right to vote on whether or not there should be public housing in the area that's to be rehabilitated or rebuilt. You will note that the original bill, which was L. D. 1837, provided that none of the people in the State of Maine would have the right to vote on these issues.

I of course didn't want that for the people of Cape Elizabeth or for the people of Lubec or of any other area, Madawaska or Kittery, and so that part of the bill was not satisfactory. Well, a clever amendment was thought of and you note in L. D. 1877, which is in effect what we're voting on, which has been asked to be accepted, provides that this will apply only to communities of 60,000 or more. The reason for that was the Public Housing people in Portland would prefer that the people of Portland not have a right to vote on the referendum. And you cannot just pick one town or community out of the state and make a law applying to it; but because Portland has over 70,000 people and Bangor and Lewiston the next two largest cities have about 40,000, a way to have this apply only to Portland was to make the provision that it would apply to cities of 60,000 or more.

Well I don't think that the people of Portland should be deprived of a right any more than the peo-

ple of Cape Elizabeth or any other part of the state. At the present time there is Public Housing, as I understand it, in downtown Portland, but areawise this might only be I would say less than twenty per cent of the City of Portland. There is no Public Housing as I understand it now in Stroudwater, Woodfords, Deering, North Deering, Northgate, Riverside, Nason's Corner, Morrill's Corner. So I think that the people of Portland should have the right to vote on whether or not there is to be Public Housing or rehabilitation of Public Housing in their areas.

Because, however, Public Housing authorities do not want them to have this right, I suggest and would propose a compromise bill, which is L. D. 1878, which would give the people of the City of Portland, a chance to vote on whether or not they do want the chance, the opportunity to vote on this issue of Public Housing. And I submit that L. D. 1878, which is put in as Report "B", is comparable to Committee Report "A" and I would ask you to vote against the pending motion to adopt the Committee Report "A".

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

Mr. BRENNAN: Mr. Speaker and Members of the House: Report "A" eliminates the necessity of a referendum for Public Housing as Mr. Hewes has pointed out in cities of over 60,000 people. So obviously it only applies to the City of Portland. The Portland delegation is fairly unanimous as far as supporting this measure. There have been three referendums on Public Housing in Portland in the past ten years. It's my understanding that the voters supported Public Housing overwhelmingly in all of these votes.

Now we have been advised by federal officials in order for us to take full advantage of the Model Cities program that we have to eliminate this necessity of a referendum on all Public Housing votes, or all Public Housing situations. The foremost planners in the country say that this is an outmoded and it's a roadblock to

good Public Housing and to good development in these Model City programs.

I would also like to point out the fact that I appreciate the interest of the gentleman from Cape Elizabeth in what takes place in Portland, but the Portland city officials are quite strong in their support of this measure as is the Portland delegation and I would hope that he would give us just a little home rule in this area. Thank you.

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

Mrs. CARSWELL: Mr. Speaker and Members of the House: I would hate to have anybody believe that I was trying to take something away from the citizens of the City of Portland — I am trying to give them something. Public Housing is one hundred percent federally financed. Now as the gentleman from Portland, Mr. Brennan said, we have voted three times and there has been a yes, yes, yes vote every time. And actually what this does, it only delays us in construction of the Public Housing, and as we all know these federal funds are not always going to be available.

Now we are one of the sixty-three cities in the nation who have been chosen for Model City planning. Naturally there is only a certain amount of money in Washington for Public Housing and if the City of Portland does not get its plans off the planning board in time then financially the cities in the other states are going to take advantage of the Public Housing that's being offered.

Now many many citizens' groups who represent the citizens of the City of Portland have favored this. Child and Family Services, which is a state welfare organization serving the people of the City of Portland, they favor this. Portland Regional Opportunity Program favors this. Our City Council voted for it seven to two. Portland Housing Authority, who was responsible for providing the one hundred per cent federally financed housing favors it. The League of Women Voters, which is a non-partisan organization and a very well-

informed group, they favor it. Last but not least, the Citizens Committee, which is comprised of a cross section of the City of Portland, including professional people, the working man, the business man and the poor person who is involved in this, they voted unanimously to support this, and the legislative delegation. I don't know what more proof we need that we definitely need Public Housing. Thank you very much.

The SPEAKER: The Chair recognizes the gentleman from Hollis, Mr. Harriman.

Mr. HARRIMAN: Mr. Speaker and Members of the House: I am possibly a little confused about this and I would like to be firm in my mind as to just which way I want to vote. If I understand this correctly, if this is put to a referendum the Federal Government will not let Portland come under the program. In other words, the Federal Government is telling the citizens of Portland if a majority of them don't want it — what I'm trying to say is this, if you don't have a referendum, although the majority of the cities may not want it, the Federal Government is going to give it to them anyway. In other words, they have got nothing to say about it as to whether or not they get the money or they have the program.

If I am right on this, that they won't give them the money if they have a referendum, I don't think that they should have the right to have it without the referendum; I think the people still should have something to say about what they want in the towns. I think we have enough organized socialism without fostering any more.

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

Mr. CONLEY: Mr. Speaker and Members of the House: To clarify perhaps the doubt in Mr. Harriman's mind I would say that all we are asking to do is to remove the referendum from the Portland Housing clause. The fact is that the Legislature is the one who put it on back some years ago and they have the right to remove it.

To clarify things even more so I would like to say that there are

still what we might say checks and balances. The Portland Housing Board cannot just go in and induce spot Public Housing or anything of that nature. They first have to go before the Planning Board and secondly they must go before the City Council who has the final say of approval. Now it has been stated by the gentleman from Portland, Mr. Brennan and by the gentlewoman from Portland, Mrs. Carswell that almost the entire City of Portland's officials have given their support to this bill that is before you and as the gentleman from Portland, Mr. Brennan has asked you to adopt.

I would like to say that recently I had the honor of being placed on the Model Cities Advisory Committee of Portland West, and I would just like to read to you the Resolution that was adopted at our last meeting held on Tuesday evening of this week. It clearly states that —

“WHEREAS, the City of Portland has been given a unique opportunity to create a model neighborhood in the area designated Portland West through the Federal Model Cities Program; and,

WHEREAS, an increase in the supply of decent, safe and sanitary housing is an essential part of that program; and,

WHEREAS, public housing is a primary tool in providing such of that housing as must be at low rental; and

WHEREAS, recent nation-wide experiences have pointed to rehabilitation, leasing, scattered, and turnkey programs as improved techniques for providing desirable public housing; and

WHEREAS, existing State Law may possibly prohibit or effectively prevent the use of such improved techniques; and,

WHEREAS, to succeed Model Cities must proceed with greater speed, vigor, imagination, and flexibility than previous urban programs;

NOW, THEREFORE, BE IT RESOLVED BY THE PORTLAND WEST ADVISORY COMMITTEE, established by the Portland City Council to express citizen opinion

in matters affecting the Model Cities Program, that:

1. It urges consideration of this matter at the current special session of the 103rd Legislature.

2. It affirms its support for all legislation which will remedy this situation including the necessary elimination of technical references to popular referendum approval.

3. It instructs the Model Cities Director to report this action to pertinent Legislative officials."

And so again I would just ask, ladies and gentlemen of the House, that you will go along with the Portland delegation this morning in adopting Report "A" reported out from the Judiciary Committee.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Brennan, that the House accept Report "A" of the Committee on Judiciary on Bill "An Act relating to Referendum under Maine Housing Authorities Act," House Paper 1332, L. D. 1877. The Chair will order a vote. All those in favor of accepting Report "A" will vote yes, those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

81 having voted in the affirmative and 45 having voted in the negative, the motion prevailed.

Thereupon, the New Draft was read twice. Under suspension of the rules the New Draft was read the third time, passed to be engrossed and sent to the Senate.

### **Third Reader Tabled and Assigned**

Bill "An Act Increasing Hunting and Fishing Licenses" (H. P. 1327) (L. D. 1872)

Was reported by the Committee on Bills in the Third Reading and read the third time.

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

Mr. NADEAU: Mr. Speaker and Members of the House: At this time, due to such a lovely day and many of us have a long way home, I would most humbly request that this be tabled for one legislative day, please.

The SPEAKER: The gentleman from Sanford, Mr. Nadeau, moves

that L. D. 1872 be tabled until the next legislative day pending passage to be engrossed. Is this the pleasure of the House? All those in favor say yes; those opposed say no.

A viva voce vote being doubted by the Chair, a vote of the House was taken.

95 having voted in the affirmative and 33 having voted in the negative, the motion to table did prevail.

### **Third Reader Tabled Until Later in Today's Session**

Bill "An Act to Allow Research in Irish Moss" (H. P. 1329) (L. D. 1874)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion of Mr. Hennessey of West Bath, tabled pending passage to be engrossed and assigned for later in today's session.)

### **Passed to Be Engrossed Amended Bill**

Bill "An Act relating to Coordination of Public Higher Education (S. P. 777) (L. D. 1849)

Was reported by the Committee on Bills in the Third Reading and read the third time.

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

Mr. RICHARDSON: Mr. Speaker, I would now move that this bill be passed to be engrossed and request that any who share my feelings about the bill defer debate until Monday.

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

### **Finally Passed Constitutional Amendment**

Resolve Proposing a Constitutional Amendment to Correct Inconsistency in Election of Judges of Probate (S. P. 780) (L. D. 1852)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being

necessary, a total was taken. 117 voted in favor of same and 4 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair would call your attention now to Supplement number one.

The following Communication:

THE SENATE OF MAINE  
Augusta, Maine

January 19, 1968

Honorable Bertha W. Johnson  
Clerk of the House of Representatives

103rd Legislature

Dear Madam:

The President has appointed the following members of the Senate to the Committee of Conference on H. P. 1251, L. D. 1757, Resolve, "Providing Moneys for Cerebral Palsy Clinics for Home Care Programs":

Senators BERRY of Cumberland  
ROSS of Piscataquis  
GREELEY of Waldo

Sincerely,

(Signed) JERROLD B. SPEERS  
Secretary of the Senate

The Communication was received by unanimous consent, read and ordered placed on file.

#### Committee of Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on

Resolve Providing Moneys for Cerebral Palsy Clinics for Home Care Programs (H. P. 1251) (L. D. 1757) reporting that the Senate recede and concur with the House.

(Signed) EWER of Bangor  
LEWIN of Augusta  
HENNESSEY

of West Bath

—Committee on part of House.

BERRY of Cumberland  
GREELEY of Waldo  
ROSS of Piscataquis

—Committee on part of Senate.

Report was read.

On motion of Mr. Ewer of Bangor, the Report was accepted and sent up for concurrence.

#### Orders of the Day

Mrs. Brown of York presented the following Order out of order and moved its passage:

ORDERED, the Senate concurring, that the following be recalled from the Governor's Office to the House: Bill, "An Act Relating to Hearings Before Water and Air Environmental Improvement Commission," (H. P. 1322), (L. D. 1868). (H. P. 1334)

The Order received passage and was sent up for concurrence.

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

Bill "An Act relating to County Estimates and Finances" (H. P. 1328) (L. D. 1873).

Tabled — January 18, by Mr. Jalbert of Lewiston.

Pending — Passage to be engrossed.

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

Mr. JALBERT: Mr. Speaker and Members of the House: This measure stems from the Legislative Research Committee subcommittee as submitted to the full Committee on County Estimates and Finances. I would commend the Committee on Towns and Counties for their arduous work concerning this measure. They amended the bill in quite a number of areas properly. I have been in conference with them on several occasions and other members of the House concerning a certain portion of the bill and I had an amendment prepared which concerns itself with the elimination of capital reserve funds. Several counties do not have these; very few counties do have them. One of the counties that this involves a great deal concerns Aroostook County.

After having the amendment presented and discussing it with some of my colleagues on the committee and other members of the Legislature as well as departmental heads that helped to

draft the legislation in final form, I have come to the conclusion that in that we should look forward to the eventuality of wiping out capital reserve, it might be well to go along with the new draft of the Towns and Counties Committee and have them organize their programs which involve capital reserves so that possibly at the next session of the Legislature we might be in a better position to adjust the program to the satisfaction of all. It was with that thought in mind also that the Legislative Research Committee sub-committee will continue its work and work with those interested in this program and that thought now is that I would not present my amendment, but move the engrossment of the bill.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves this bill be passed to be engrossed. Is this the pleasure of the House?

The Chair recognizes the gentleman from Presque Isle, Mr. Wight.

Mr. WIGHT: Mr. Speaker, Ladies and Gentlemen: Thank you, Mr. Jalbert, for not amending this bill as the Committee has worked long and hard on this bill. We feel this is something at this time that we can get along very well with. I feel that the delegations of the next Legislature will have other problems that can be straightened out if there is anything wrong with this bill later. I think the County Commissioners are going to be most interested in the advancement that is being made in our County Government and I hope this bill passes in this form. Thank you.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I merely want to interject that the study committee, legislative study committee and the sub-committee be complimented on their work in formulating the most of this very important bill on county estimates and financing. I for one of the committee appreciate the work that they have done, and I am sure that we have

a bill that will be satisfactory now at least for the next two years for all the counties in the state.

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

Mr. NADEAU: I would just like to add one word again very briefly in the name of the committee I would like also to thank the Auditing Department who spent shall we say many hours and missed lunch periods just to give us information pertaining to these. Thank you very much.

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

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

Bill "An Act to Authorize Bond Issue in the Amount of \$850,000 for Dormitory Facilities at Maine Maritime Academy" (H. P. 1314) (L. D. 1857)

Tabled — January 18, by Mr. Scribner of Portland.

Pending — Passage to be engrossed. (Committee Amendment "A" (H-521) adopted)

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

Mr. JALBERT: Mr. Speaker, the original Scribner bill would have the Maine Maritime Academy and also a six story three hundred bed dormitory at Farmington. The Committee reported out the bill with the Maine Maritime Academy \$850,000 to be taken out of the surplus money. This is justifiable in view of the fact that presently the Maine Maritime Academy's base is not so that they could go into a self-liquidating program. It was the thinking of the Committee at first, as the Committee reported, to not include the Farmington State Teachers College in the program. I at least and followed later on by others, felt that possibly it might be that the bill which had the six story three hundred beds with no self-liquidating bond provision in it might be amended so that we would have a 150 bed program on a self-liquidating basis, which not only would amend the bill from non



self-liquidating to self-liquidating, but cut it in half. The substantiating data that I have would indicate that a 100 bed dorm is now being constructed but not only will the — if this was passed, this new 150 bed dormitory measure of a self-liquidating measure would pass, that even then, as the figures indicate another self-liquidating bond dormitory would have to be entertained.

I have checked with several members of the Appropriations Committee, this having been a unanimous report, and at least I found none who told me that they would oppose the amendment. As a matter of fact, I found several who stated that they would support the amendment. Consequently, Mr. Speaker, I present House Amendment "A" which would include into this program a 150 bed self-liquidating bond of the sum of \$955,000 up against the \$1,900,000 as originally submitted. I present House Amendment "A" and move its adoption.

House Amendment "A" (H-527) was read by the Clerk.

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

Mr. SCRIBNER: Mr. Speaker, Ladies and Gentlemen of the House: One minor correction I would like to make to the remarks of the gentleman from Lewiston, Mr. Jalbert. He mentioned that the Maine Maritime dormitory was a surplus issue, he intended to say I believe that it is a general fund bond issue. This would divide the original proposal into partially self-liquidating for Farmington, which is in the pool with the other state colleges. Maine Maritime is separate primarily because they are not in a pool and it makes it much more difficult for them to fund their own dormitories because they have a much smaller base of students to work from.

I have discussed this issue on several occasions with Dr. Scarlett, who is the President of Farmington State College. They requested two dormitories at the last session which they did not receive. I have the figures on the applications for admissions and enrollment for Farmington for this cur-

rent year that we're in now. They experienced a 200 student increase which is a 29 per cent increase in enrollment. What we would do, unless some provision is made for residential facilities at Farmington, it would work a considerable hardship because they are moving in one large class at this time which will move along with no appreciable increase in the residential facilities. This would mean that unless some action is taken now, that in future years they would have to curtail the size of the freshman enrollment to much less than what they accepted this time. They have shown steady growth in the average scores of the applicants that they have accepted for admission which is a good indication that they are trying to maintain a high quality student population at Farmington.

I have discussed it with the various people that are involved in the Department of Education and the Bureau of Public Improvements and they do feel that there is considerable justification at this time for residential facilities for some students. We feel that if a 150 student increase is reasonable and in view of the condition at the college at this time, that it would be appropriate to fund them with some facilities.

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

Mr. SHUTE: Mr. Speaker and Ladies and Gentlemen of the House: I would like to go on record as being in favor of this amendment which has been proposed by the gentleman from Lewiston, Mr. Jalbert. Yesterday we were rather late in arriving and were horrified to learn that Farmington had been deleted, and we can understand the reasons why, and we are thankful for the help and support and the work of the Appropriations Committee in coming out with this amendment, because we know that the planned growth of Farmington includes hopefully by the year of 1975 of having something in the order of 1,500 students where they have around 900 now. These people must be taken care of. It isn't a

commuter type of school, it is impossible in our country to find buses or street cars, and a second can in most families is unheard of. Therefore, this is a dire need and we hope this will receive passage.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I concur in the findings of the gentleman from Lewiston. It seemed to the Appropriations Committee that the original bill as presented for a six story dormitory was a little excessive and that was the reason that we turned it down in the first instance, but I do agree with the present proposal.

The SPEAKER: Is it now the pleasure of the House that House Amendment "A" be adopted?

The motion prevailed, the Bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" and sent to the Senate.

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

An Act Providing a Bond Issue in the Amount of One Hundred and Eighty Thousand Dollars for Constructing a Residential Facility for Mentally Retarded Children in Aroostook County (S. P. 762) (L. D. 1819)

Tabled—January 18, by Mr. Jalbert of Lewiston.

Pending—Motion of Mr. Martin of Eagle Lake to reconsider failure of passage to be enacted.

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

Mr. RICHARDSON: Mr. Speaker, I would like to support the motion to reconsider the action that was taken yesterday, and since I was somewhat instrumental in this bill failing of enactment yesterday, I think that I should point out to the House why.

Following our action of yesterday, several of us got together with Dr. Schumacher and reviewed this matter. I believe that the principal effort in mental retardation by the State should provide institutional care for those who must

be institutionalized, that is, the profoundly retarded. You will recall that this Legislature has already authorized the construction of a facility at Bangor that will provide care for the profoundly retarded, those who are not educable. We understand from Dr. Schumacher that there is in the works a 100% federally financed program that if approved, would allow us to build a facility at Pine-land, completely as I say federally financed for the profoundly retarded, those who are particularly below the age of five.

Now these facts being true, the question then is, is this facility at Aroostook one that we in good conscience can vote for as being a reasonable priority item in the area of mental retardation? I answered that question to myself yesterday, 'no,' today I answer it 'yes.' The Aroostook program is phase two of an existing program, it is a pilot program, it is an excellent program, it is ambitious and I think that it is a direction that this state should take, and not on a county by county basis by any means, but on a regional basis as we can afford it.

Secondly, there were apparently some statements made that this involved Federal moneys. Our discussion with Dr. Schumacher indicates that there is no question of any Federal funds being in any way jeopardized or even involved in this. If this issue goes to the people in November and they approve it as we hope they will, or I hope they will at any rate, by the time we are talking about available Federal funds which are now tied up with the Bangor facility, we will then have an entirely different biennium to confront. So, Mr. Speaker and Ladies and Gentlemen, I hope that the House will enact this legislation, because I believe that it is good legislation, and I might say in passing that our famous sale of a TB wing to Fort Fairfield for a dollar has somehow been dragged into this. I talked to Dr. Schumacher today, and asked the gentleman from Bath, Mr. Ross to join me on the 'phone, and we find that we do have full usage of this wing at

Fort Fairfield, that it is being used for several purposes connected with psychiatric and out-patient care for the mentally ill, and he told us that this hospital wing at Fort Fairfield is totally unacceptable, and Mr. Ross can correct me if that is not a correct quote, but it is totally a completely unacceptable alternative to the program that is before you in this bill. This bill would provide a residential area where these children—this school can serve a larger area. Please forgive me for the somewhat extended deal here, but I felt a little silly about changing my vote without explaining to you why I having started this whole problem had suddenly seen the light. I apologize to those who got bogged down.

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

Mr. HENNESSEY: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Governor's Committee on this retardation, I certainly thank the gentleman from Cumberland, Mr. Richardson, for his change of heart, and I hope we all go along with this motion.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Since I am the one who originally brought up that \$1,100,000 gift to Fort Fairfield that we gave for a dollar, I did talk with Dr. Schumacher this morning and I am convinced in my own mind that this hospital addition cannot be used for this purpose, and so I will go along with the bill too.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I have got the feeling this morning, as I said yesterday, that the gentleman from Cumberland, Mr. Richardson, had seen the light from our corner. Well again this morning I certainly want to thank the gentleman from Cumberland, Mr. Richardson, for seeing the light from our corner after he has ac-

quired a little bit more information. Now it's amazing in some circles that sometimes or at different times of the day or night when a little bit of information or inquiry is available the difference it will make in a final opinion. Thank you.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I know that the people up in the upper regions of the state who are looking upon our actions today will feel very kindly towards us, and somewhat facetiously, I'm for more Republican caucuses.

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

Mr. DICKINSON: Mr. Speaker, Ladies and Gentlemen: You may have wondered why I haven't spoken for this measure before; being an Aroostookan I guess you know where I would stand on it. However, I want to be on the record as in favor of this. We cannot claim a higher percentage in this bracket in Aroostook, and as has been pointed out by others better than I could, our geographical location makes it impractical to travel to the facilities of southern Maine even if there was room for our people up there, and I would certainly hope that you would go along with the motion of the gentleman from Cumberland, Mr. Richardson. Thank you.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: Being a member of that Health and Institution Committee I was greatly amazed yesterday at the stand that some of our members took relative to the vote and at this time on behalf of many parents who have aching hearts up there, who could not go to see their loved ones as often as they desired, and after this institution is built they will be in a better position to visit them more often; and I also with a group would like to commend the Majority Leader for his actions, his seeing the light and coming over in the right direction. Thank you.

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

Mr. DUNN: Mr. Speaker and Members of the House: I think the gentleman from Madawaska, Mr. Levesque, used the right phrase when he says—it's amazing!

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

Mr. CONLEY: Mr. Speaker and Members of the House: I am going to support the reconsideration motion this morning of the Majority Floorleader. I am a little bit concerned about the wild statements or so-called statements that were made by one of the members of the House yesterday when he stated, and I took it off the scandal sheet of yesterday where it says—I would just like to remind you that the Department of Health and Welfare and Corrections does not endorse this. Well, I think that we shouldn't get inflammatory statements like this in our House—they're not true.

Now this morning apparently there are different feelings over there and I would think that reports whether they be in the House or Senate they should be at least valid ones. So I again am willing to go along and vote for this bill this morning.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mr. Bourgoïn.

Mr. BOURGOÏN: Mr. Speaker and Members of the House: As the grandfather of two retarded children in a family of ten in one of my boys family, I wish to thank the Majority Floorleader very much for his good stand of this morning.

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

Mr. DUNN: Mr. Speaker and Members of the House: I think in regard to the gentleman from Portland, Mr. Conley's remarks, the Appropriations Committee was given a letter signed by Dr. Schumacher that certainly did not endorse this—they were definitely opposed to it. In front of the group yesterday he had somewhat softened his attitude. I don't have the letter here, I passed it along

to someone else in the Legislature, but I assure you that the Department did stand opposed to this measure originally.

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

Mr. HENNESSEY: Mr. Speaker and Members of the House: This is one argument in favor of our bureau. This whole thing has been a case of misunderstanding and lack of communication, and to me with this bureau that we are trying to establish in Retardation it would certainly simplify a lot of problems.

The SPEAKER: Is it the pleasure of the House to reconsider its action whereby it failed to pass this Bond Issue?

The motion prevailed.

Thereupon, in accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a total was taken. 122 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

HOUSE REPORT—"Ought not to pass"—Committee on State Government on Bill "An Act Providing for Appointment of Judges and Registers of Probate" (H. P. 1295) (L. D. 1801)

Tabled—January 18, by Mr. Dennett of Kittery.

Pending—Acceptance.

Report was accepted and sent up for concurrence.

The SPEAKER: The Chair now lays before the House item two under Third Readers, which was tabled and later today assigned:

Bill "An Act to Allow Research in Irish Moss," House Paper 1329, L. D. 1874.

Tabled and later today assigned pending passage to be engrossed.

The Chair recognizes the gentleman from West Bath, Mr. Hennessey.

Mr. HENNESSEY: Mr. Speaker and Members of the House: This amendment, House Amendment

"A" House Paper 1329, L. D. 1874. As you go down through this 1874 you will see figures, 69 degrees 45 minutes West. I wish to substitute this for just 70 degrees, no minutes, no seconds, West. This would allow the line to move from the area of the Georgetown area into the Bailey Island section, which will allow the New Meadows River to come under this bill. In the New Meadows River and its coves and so forth we have already one research place in Harpswell and I know that the Town of Brunswick is also interested in an oyster production place on the New Meadows, and as I told you yesterday I am also very interested in a project myself on the New Meadows. And this would get us into a position where we could move.

Thereupon, the same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-528) was read by the Clerk.

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

Mr. BENSON: Mr. Speaker and Members of the House: I feel the adoption of this amendment would get into an area of conflict which we have tried very diligently to avoid. We would once again include in this research area an area which generated a lot of opposition to the original concept of leasing. Now we are no longer talking of leasing — we are talking about research. But we are including, if we make this change we are including an area which generated considerable resistance to the idea of Irish Moss leasing.

So I would make the motion that this amendment be indefinitely postponed and I solicit your support for that motion.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson, now moves that House Amendment "A" be indefinitely postponed.

The Chair recognizes the gentleman from West Bath, Mr. Hennessey.

Mr. HENNESSEY: Mr. Speaker and Members of the House: In knowing the outcome of this bill, we know that this is the area that

is going to come up, it's going to keep coming up. But on the other hand, just a few degrees allows more people to take advantage of this law as it has been stated in the amendment.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I ask that this be tabled until the next legislative day.

Mr. Richardson of Cumberland then requested a division.

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird, now moves that item two be tabled until the next legislative day pending the motion of the gentleman from Southwest Harbor, Mr. Benson that House Amendment "A" be indefinitely postponed, and a vote has been requested.

All those in favor of tabling will vote yes; those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken.

47 having voted in the affirmative and 69 having voted in the negative, the motion to table did not prevail.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: Since my tabling motion was denied, apparently I have no alternative but to explain why I tabled it. All this week since I myself on the Committee approved of this bill I had a nagging doubt that there was something wrong with it and I think this morning that we found out with a little investigation what is wrong with it.

I wished that it could be tabled so that the item could be corrected. Apparently these three such areas, no single area shall exceed more than one mile, could be — the last end of it says, it shall not exceed ten square miles. Apparently we could have an area extending along the coast of Maine one hundred miles long but only a tenth of a mile wide. Apparently it would be possible for a square mile — not a square, an area one mile on each side, not 640 acres in a nice neat square. We could

have one person or one group controlling in these three areas three square miles, yes, but thirty miles of coastline twenty-five feet from the low tide. This I think may or may not have been intended, but this is exactly what the bill says — that each person to whom an area is set aside for experiment, or each corporation, or each group or what have you, could have an area thirty miles long — not necessarily butting on to one another but at thirty miles of coastline.

Now whether it is in order or not this is why I appeal that someone might table this now that I have explained it, so that this might be corrected. I am not enough of a parliamentarian to know whether I am in order now to retable it; I know I personally am not, but if someone could table it until the time specified in my original motion perhaps this could be corrected.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Mr. Starbird and I must be working along the same lines because this occurred to me in the night last night and again this morning, and I have an amendment at the present time in Mr. Slosberg's office being prepared to limit this to one half mile in width rather than leaving it open to a hundred yards or a tenth of a mile or what have you. I still feel that this would be a good amendment and I don't know how long it will take to get it out and reproduced, but it seems it might tie up today's session, and I will leave the parliamentary procedure to you.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Harvey.

Mr. HARVEY: This is a great day of dawning of lights; I'm glad to see that. That also means that three applicants can tie up twenty-five percent of the entire coastline, one hundred miles from the Kennebec River to the Canadian border, it's also quite possible through a little manipulation that one company can make up this entire one hundred miles. As to

the motion to defeat Mr. Hennessey's amendment, I can't see why we should go along with the experimentation in allowing large companies to use this sea moss area when your smaller people on the coast can't put this to the same use for the clams, it's the same intentions, they can cultivate clam beds, and if that is moved to the New Meadows River, that will enable not only Mr. Hennessey but other people there to put in for an acre and cultivate clams for harvest and sale, so I don't go along with this motion to indefinitely postpone the amendment.

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

Mr. LEVESQUE: Mr. Speaker, would it be in order to table this document to a specific hour on Monday?

The SPEAKER: It would be possible but your motion would not be in order.

Mr. LEVESQUE: Thank you, Mr. Speaker. Because there is the possibility that we can resolve the problem around this document that is presently before us, and because also of the pending motion that is now on Mr. Hennessey's amendment, and where in this document basically as was pointed out by Mr. Benson that it is not going to be in the leasing field but in the research field, it is my sincere feeling that we should possibly accept Mr. Hennessey's amendment so that that area also could be research and not involved in leasing as was originally thought of. Thank you.

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

Mr. PRINCE: Mr. Speaker, for a point of information, I would like to ask through the Chair if Mr. Hennessey's amendment was defeated, can the bill be tabled until the next day?

The SPEAKER: The Chair would advise the gentleman that the pending question is the adoption of House Amendment "A" and the gentleman from Southwest Harbor, Mr. Benson, moved that House Amendment "A" be indefinitely postponed.

Mr. PRINCE: I concur with that.

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

Mr. FORTIER: Mr. Speaker, since this is a day of dawning of lights, it might be well to call your attention to something that was omitted in the debate of yesterday and which might be very relevant to some of the people's efforts to get this corrected. It says the Commissioner may issue a certificate to set area apart. Nobody called our attention to the part below that says that the applicant shall record the certificate in the Registry of Deeds of each county. Now it would seem to me that this certificate might in effect be as valid as a lease. Thank you.

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

Mr. HUBER: Mr. Speaker, again I rise to point out the fact that we're talking about the redraft and the title is 1874 and it's an amendment to a law that's already on the books, and for the sake of the gentleman who would like to do research in the relative area of oysters which is a shellfish, they already have that right along the coast of Maine, if they would like to do the research, you may see the Commissioner. By the same token, if you are concerned about the ten square miles expanding into more and more and more, L. D. 1874 says the total area set aside for all applicants for experiments with seaweed shall not exceed at any one time ten square miles. I do wish that if the debate should continue on this bill that we stick to 1874 rather than some of the previous bills which have been discussed. And as far as

the amendment is concerned, the line on the map that I looked at was 70 degrees with no minutes and runs right smack dab through the middle of Harpswell. Now this is moving the line a little further west. The original bill, the original Kelp bill which was on the books for quite some time specified from the Kennebec River east, and spelled it out, and this is what the 69, 45 west is, it's the mouth of the Kennebec River.

The SPEAKER: The Chair recognizes the gentlewoman from Orono, Mrs. Cornell.

Mrs. CORNELL: Mr. Speaker, I would just like to comment on a remark made by the gentleman from Waterville, Mr. Fortier, a few minutes ago about a lease being comparable to a permissive type of research certificate I guess you call it. On page 2 of the bill, section 7, it gives the Commissioner — the Commissioner may revoke the certificate so granted after notice and hearing to the holder thereof, and so on and so forth, and there is in the bill and it was not brought out yesterday and I intended to and I am glad he brought it up today, it may be revoked by the Commissioner at any time, so it can't be as binding as a lease.

Thereupon, on motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mr. Benson of Southwest Harbor that House Amendment "A" be indefinitely postponed and specially assigned for Monday, January 22.

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On motion of Mr. Benson of Southwest Harbor,

Adjourned until Monday, January 22, at two o'clock in the afternoon.