

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

Monday, January 22, 1968

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

Prayer by the Rev. Mr. Kenneth Brookes of Augusta.

The members stood at attention during the singing of the National Anthem by the Sanford High School Glee Club.

The journal of the previous session was read and approved.

**Papers from the Senate
Non-Concurrent Matter
Tabled and Assigned**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act to Authorize Bond Issue in the Amount of \$384,000 for Development of Education, Sewage and Water Facilities at Indian Reservations" (H. P. 1315) (L. D. 1858) which was accepted in the House on January 18.

Came from the Senate with the Bill substituted for the Report and passed to be engrossed in non-concurrence.

In the House: On motion of Mr. Richardson of Cumberland, tabled pending further consideration and tomorrow assigned.

Messages and Documents

The following Communication:

PUBLIC UTILITIES COMMISSION
State of Maine
Augusta, Maine

January 19, 1968

Honorable Bertha Johnson
Clerk, House of Representatives
State House
Augusta, Maine
Dear Mrs. Johnson:

In compliance with a House Order of January 12, 1968, enclosed you will find the Commission's report relative to the curtailment and discontinuance of gas service by the Portland Gas Light Company and the gas explosion on January 11, 1968.

Very truly yours,

(Signed) DAVID K. MARSHALL
Chairman

The Communication was read and with accompanying Report ordered placed on file.

Orders

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

WHEREAS, one of the highlights of the 27th annual Agricultural Trade Show at Lewiston, Maine was the coronation of the Maine Apple Queen for 1968; and

WHEREAS, Miss Kathleen Ann Harkins, daughter of Mr. and Mrs. Robert Harkins of Poland, was adjudged from a field of eight contestants to be the recipient of this honor; and

WHEREAS, the stimulating charm and winning talents of this seventeen year old senior of Edward Little High School will be of much credit to the State throughout her reign and beyond; now, therefore, be it

ORDERED, the Senate concurring, that Queen Harkins be extended the warmest congratulations with special hopes for her future happiness and success by members of both the Senate and the House of Representatives of the 103rd Legislature of the State of Maine, now in its second special session; and be it further

ORDERED, that duly attested copies of this Joint Order be transmitted forthwith to the award recipient and her parents in honor of this occasion. (H. P. 1338)

The Order received passage. Sent forthwith to the Senate.

The SPEAKER: The Chair would request the gentleman from Mechanic Falls, Mr. Foster, to escort to the rostrum the young lady who has just been elected the Maine Apple Queen at the 27th annual Agricultural Trade Show at Lewiston.

Thereupon, Miss Kathleen Ann Harkins, the 1968 Maine Apple Queen, was escorted to the rostrum by the gentleman from Mechanic Falls, Mr. Foster, amid prolonged applause, the audience rising.

The SPEAKER: It is good to see you here this afternoon.

This is the delightful apple, the Queen of Apples of Maine, Miss Kathleen Ann Harkins.

Miss HARKINS: Good afternoon, ladies and gentlemen. I would just like to say that I am very pleased and honored to be here, and I am very proud to represent Maine as the 1968 Apple Queen. Thank you, very much.

Whereupon, Miss Harkins was escorted from the Hall of the House of Representatives amid applause, the members rising.

On motion of Mr. Nadeau of Sanford, it was

ORDERED, that Elizabeth Brock, Helen Topping, Dennis Abbot and John McLeod, all of Sanford, be appointed to serve as Honorary Pages for today.

**House Reports of Committees
Ought to Pass in New Draft
New Drafts Printed
Passed to Be Engrossed**

Mr. Foster from the Committee on Judiciary on Bill "An Act relating to Tax on Real Estate Transfers" (H. P. 1265) (L. D. 1771) reported same in a new draft (H. P. 1335) (L. D. 1879) under same title and that it "Ought to pass." (**Later reconsidered and amended**)

Mr. Dennett from the Committee on State Government on Bill "An Act Proposing a Salary Plan for Certain Unclassified State Officials" (H. P. 1311) (L. D. 1840) reported same in a new draft (H. P. 1336) (L. D. 1880) under same title and that it "Ought to pass"

Reports were read and accepted and the New Drafts read twice. Under suspension of the rules, the New Drafts were read the third time, passed to be engrossed and sent to the Senate.

Divided Report

Report "A" of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act Creating the State Witness Immunity Act" (H. P. 1269) (L. D. 1775)

Report was signed by the following members:

Mr. HILDRETH
— of Cumberland
— of the Senate.

Messrs. FOSTER
— of Mechanic Falls
HEWES of Cape Elizabeth

DAREY

— of Livermore Falls
QUINN of Bangor

— of the House.

Report "B" of same Committee on same Bill reporting same in a new draft (H. P. 1337) (L. D. 1881) under same title and that it "Ought to pass"

Report was signed by the following members:

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

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

Reports were read.

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

Mr. RICHARDSON: Mr. Speaker, I move the acceptance of Report "A" of the Committee and I would speak to my motion.

Ladies and Gentlemen, I am not violently in disagreement with Report "B" but I believe that Report "A", the report I ask you to accept, is a constructive step forward in law enforcement in this State. It would create a State Witness Immunity Act and would permit the Court, after request by the County Attorney and the Attorney General, to grant immunity to an informant so that he could testify as to transactions that take place during a criminal conspiracy.

There has been a great deal of discussion of late about the Mafia, but I don't propose to rest the soundness of this legislation on the existence and activities of the Mafia. This is good legislation. It's the kind of legislation that Maine should have. It follows a pattern set by many other states. Lawyers always disagree I suppose; that's an integral part of being a member of the profession, but I solicit your support for Report "A" and when the vote is taken, Mr. Speaker, I request it be taken by a division.

The SPEAKER: The question before the House is the motion of the gentleman from Cumberland, Mr. Richardson, that the House accept Report "A" of the Committee.

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

Mr. BERMAN: Mr. Speaker and Members of the House: Before we vote on the pending motion, I would like to bring several facts before this honorable body. My good friend from Cumberland, Mr. Richardson, and I agree that there should be some kind of a witness immunity act here in Maine. We do, however, happen to have differences of opinion as to what act should be adopted.

Now the Report "A" which my good friend the honorable gentleman from Cumberland has moved for adoption basically is not an emergency measure. If you will look on page 124 of the history of the Register of all bills and resolves, History and Final Disposition of the 103rd Legislature which met in 1967, you will note that this same act which Mr. Richardson is asking you to accept today seemed to have had a unanimous ought not to pass report, and was therefore at that time disregarded. Now at this special session of the 103rd Legislature, with no apparent showing of an emergency, because as I understand it, neither Report "A" or Report "B" has an emergency preamble, somehow or other the same bill came back to this special session.

Now far be it from me to quarrel with the powers that be that let the same type of measure that we had a unanimously ought not to pass report at the regular session with apparently no debate come back in special session, but I would call to your attention certain very salient facts. If you will look at Report "A" you will see that the witness immunity proposed by that report is a broad, general immunity. If you will look at Report "B" you will see that it is a very specific, and I trust, rather well drawn immunity act. Now in regard to these immunities, which frankly, ladies and gentlemen, are basically very complex problems which deserve a great deal more time and study than our very able Legislative Research Committee was able to give them, and if you will look at the report of the Legislative Research Committee, and the evidence or lack

of evidence which was presented to that Committee for consideration before a recommendation, you will see precisely what I mean. This is an area I suggest, upon which we should move very, very carefully, for ladies and gentlemen, a general immunity is nothing more or less than a blank check with the amount left to be filled in. Now I don't think that this Legislature should go and approve blank checks, and that no Maine Legislature should sign a blank check with regard to immunity. Specific immunities I suggest, make far better sense.

Now the fact of the matter is that juries, who are people like yourselves, often find it hard to believe people who are self-confessed criminals and who attempt to save their own skins by implicating other people, unsavory or otherwise. The great intelligence agencies on this planet, such as British Intelligence, American Intelligence and Russian Intelligence keep their informers out of court and out of the limelight, for once an informer is exposed to the public, his value is at an end. Frustrated people may fume and fuss and hope to get convictions on the testimony of informers, but members of the House, this seldom works.

What happens is that the self-confessed criminal gets off scot-free because the State has already given him a general immunity, and the defendants, who are sought to be convicted on the testimony of the informer, get off scot-free, because juries very sensibly do not like to convict on the testimony of accomplices, or call them what you will, people who hope to save their own skins by testifying.

Now the notorious murder trial in Boston that occurred within the past two weeks is a specific example of just what I am trying to say. There you have a situation of a self-confessed criminal who apparently was promised general immunity if he would testify against three other allegedly unsavory characters. Now what happened in that case? The defense very poignantly pointed out to a Massachusetts jury that they should be very leery of con-

victing defendants, no matter how unsavory they are, upon the testimony of an informer who was given immunity in order to save his own skin. What happened in that case? Instead of getting one conviction on the self-confessed criminal, and waiting until an opportunity presented itself under a statute of limitations to present concrete evidence against the three defendants, the informer got off under his general immunity and the jury in Massachusetts, as I understand it, was not willing to convict these three unsavory defendants upon the testimony of a self-confessed criminal. This is a situation that I hope we will try to avoid here in the State of Maine.

This is why the Congress of the United States over the years, when they have considered this matter without the fuss and furor that has accompanied the last — I think it was the Presidential Commission on the enforcement of law and order and the prevention of crime, a Commission which was working under, I suggest, a great deal of pressure, this is why the Congress of the United States and past Legislatures in Maine have restricted the immunity to certain specific instances. This is what I think that the State of Maine ought to do at the present time. We have no quarrel with law enforcement. As a matter of fact, we want stricter law enforcement. We want law enforcement with teeth in it. We want defendants, when they are brought into court on serious criminal charges, to be convicted. We don't want defendants to be brought into court on serious criminal charges their conviction depending upon the testimony of a self-confessed criminal whose testimony juries in Massachusetts, and I suggest in Maine, are likely to disregard as being unworthy of belief. This is why, as I understand it, we in the State of Maine should give immunities, we should give immunities in addition to the antitrust immunity which as I understand it already exists on the Maine statutes; we should give it in the fields of narcotic and one other specific area. We should see if this works. If we have a narcotic problem in

the State of Maine, and specific immunity works in that, I see no reason why a proponent of this type of legislation cannot come back into another Legislature and ask for a specific immunity, not for a blank check type of immunity.

Now if we are going to solve the problems of crime, the problems of gambling, the problems of loan-sharking, we have to go at this in a very sensible concrete point of view. If gambling is allowed in social circles and in clubs, and let your own knowledge be your guide here, if credit is loose, that people have to resort to small loan organizations, legal or otherwise, to try to hold themselves up in economic quicksand, why allow these conditions to exist upon which gambling and loan-sharking exists?

Now I for one like many of you was brought up in a hard school, a school which frowned upon gambling, as taking money from people who could not afford it and which frowned upon easy credit as worse than walking on thin ice when ice fishing. So I say that nothing which would hurt the very cause which you seek to espouse should be accepted by this Legislature today; rather we should reject Report "A" which my good friend the gentleman from Cumberland has asked you to accept and accept Report "B" which would grant specific immunities, which would not be a general immunity situation which would allow the sort of thing to happen as happened last week in Massachusetts. I say if we are going to grant any immunities let's grant some specific immunities and not a general immunity.

I hope you will agree with what I have to say. I have tried to be reasonably brief on a very very complex matter. Whichever way you vote certainly will be accepted in good grace, but I hope you will vote no on the pending motion to accept the general immunity Report "A".

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to read just a few paragraphs from a Portland Evening Express editorial dated January 12, 1966: "Questionable Laws."

"Granting immunity to criminals who provide state's evidence should be challenged most seriously. It invites abuse. And it will be abused just as surely as the Fifth Amendment has been abused. It invites denunciation of innocent persons by punks and hoods who will do far worse things than lie to save their own skins. It returns to the streets, to strike again, an element often as guilty as those convicted. There is no defense whatever for this proposal on ethical grounds.

It is not comparable to the informers who assist investigators and who are paid for their information. The informer does not implicate himself ordinarily.

If the immunity law should be passed it would indeed be well to beef up the perjury law.

And immunity from prosecution isn't going to bring about a wealth of testimony against leaders of organized crime. The discreet criminal may find it much better to take his chances with prosecution than to risk the retribution of organized crime if he squeals.

A case can be made for all the measures advocated by Mr. Erwin. But they are not beyond challenge and the increasing crime rate should not prod prosecutors, enforcement people or legislators into hasty action. These proposals may well need far more airing than they're likely to get in a special legislative session and before they're made into law the people might like to hear more discussion on both sides."

I recommend we accept Report "B" which limits immunity to drug cases and certain sex cases and that we refer the general immunity bill to the proposed Planning Committee to study criminal law for further study. Therefore I urge you to vote against the motion of the gentleman from Cumberland, Mr. Richardson, to accept Report "A".

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Although you would never know it, there are two reports here which are basically the same except in one very important area and that is the scope of the immunity about which we are talking. If you will read the bill you will see that the bill recommended by Report "A" signed by the members of the Judiciary whose names appear on page two of your House Advance Journal and Calendar. Report "A" would cover all classes of crimes including the transportation and sale of stolen property and all the other elements, types of crime which criminal conspiracies, the conspiracy of silence are subjecting Maine to a terrible toll. Limiting the application of this sort of legislation to sex crimes involving minors—and let's go ahead and discuss what we're talking about in open and candid terms, and the sale and possession of narcotics, is just one step. It doesn't do the job that needs to be done, and I would suggest to the gentleman from Houlton, Mr. Berman, that if there is no emergency with respect to Report "A" there isn't any with respect to Report "B" and he shouldn't have signed Report "B". Either this Legislature is going to face up to the problem of organized crime, is going to face up to the problem of an antiquated law enforcement procedure, or it shouldn't face up to it at all.

I feel very strongly that we should support the law enforcement people of this state who under the present decisions of the Supreme Court of the United States are so oppressed to get convictions in cases in which they know very well criminal conduct is involved. I suggest there is an emergency and I suggest that this bugaboo about the discrediting of the informer witnesses testimony is just that of bugaboo.

Juries in the State of Maine every day decide on whether or not a witness is telling the truth. Does he have an ax to grind? Is he biased or prejudiced? Does he stand to gain financially? Our

juries in Maine have been making these decisions, ladies and gentlemen, for well over a hundred years and there is absolutely no reason to expect they aren't going to continue to exercise the same good judgment under this legislation.

I again ask you to vote yes in favor of Report "A". Thank you.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I had hoped to be able to speak only once on the bill this afternoon, but since my good friend from Cumberland, Mr. Richardson has spoken it seems as though I should answer at least one of the questions that he has raised.

First of all, when a bill comes before the Judiciary Committee we really don't have anything to say as to whether we are going to hear it or not. We listen to whatever evidence is presented on this bill and frankly there was really no concrete evidence, and I say that in all good faith, that was presented on this bill — I mean we listened to Mr. Richardson who was the sponsor of the bill.

We didn't feel that we should permit the State of Maine to sign a blank check with regard to this, but we were willing to give it a try. I don't think that the members of the Judiciary Committee should take a negative attitude; I think we should take a positive, concrete, intelligent approach to these problems, and if this subject of immunity is going to work on the specific areas in which there is an apparent need for it in the State — well and good. I'm willing to be progressive, I'm willing to give the law enforcement people a chance to show their mettle. What I am certainly not willing to do, and it certainly is not a bugaboo, I'm certainly not willing to have Maine go through the same frustrating sort of thing that has just transpired in Massachusetts, of letting not three punks go free frankly speaking, but three very dangerous people. These people can no longer be tried for that particular murder; they are free to roam the streets.

Now under the situation that I would propose on something like that, wait until you have strong evidence so that you do not have to rely upon the testimony of self-confessed criminals. Now I think that we should get convictions in this. This is no bugaboo when three very dangerous people are now free to roam the streets of the Commonwealth of Massachusetts. And if you think that this is a bugaboo I suggest that you go right ahead and vote for Report "A". I personally am interested in getting convictions of these people, not taking the chance of letting them go free.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: As an individual member of this august body I would like to ask a question to members of the committee or any other members of the great barristers association of the State of Maine — how many states in the country presently have a general immunity law versus the number of states that have specific immunity laws in the country?

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

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

Mr. RICHARDSON: Mr. Speaker, I will answer the question if I may by saying that I really don't have the answer, I don't have the specific states, state by state. A great many states grant immunity in certain species or certain classes of cases. The Federal Government has several immunity statutes that deal with various areas of crime. I think that it is silly of us to try to pick out the circumstance under which we think a criminal conspiracy is going to be involved. I think it's rather silly to grant specific immunity coverage to the two crimes that are enumerated in Report "B". As far as I am concerned that just doesn't make sense, because I think that organized crime, one of its greatest activities or two of its great-

est are in the transportation and sale of stolen property and in gambling. So the two specifics that are pointed out in this Report "B" don't meet the question. I favor Report "A".

Mr. Speaker, if I may I would like to request that the vote be taken by the yeas and nays.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Cumberland, Mr. Richardson that the House accept Report "A" of the Committee on Judiciary on Bill "An Act Creating the State Witness Immunity Act," House Paper 1269, L. D. 1775.

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 vote 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 Cumberland, Mr. Richardson that the House accept Report "A". All of those in favor of accepting Report "A" will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, E. B.; Baker, R. E.; Belanger, Benson, Birt, Bragdon, Brown, M. F.; Brown, R.; Bunker, Carey, Carswell, Clark, Cookson, Cornell, Cottrell, Crockett, Crosby, Cushing, Darey, Dennett, Dickinson, Drigotas, Drummond, Dunn, Durgin, Eustis, Evans, Ewer, Farrington, Foster, Gill, Hall, Hanson, B. B.; Hanson, H. L.; Hanson, P. K.; Harriman, Hawes, Haynes, Henley, Hichens, Hodgkins, Hoover, Huber, Humphrey, Immonen, Jameson, Kyes, Lewin, Lewis, Lincoln, Littlefield, Lycette, Maddox, McMann, Meisner, Miliano, Morrell, Mosher, Noyes, Payson, Pike, Porter, Quimby, Rackliff, Richardson, G. A.; Richardson, H. L.;

Rideout, Robertson, Robinson, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Shute, Snow, P. J.; Snowe, P.; Soulas, Susi, Thompson, Trask, Waltz, Watts, White, Wood.

NAY — Bedard, Beliveau, Berman, Binnette, Boudreau, Bourgoin, Bradstreet, Brennan, Burnham, Carrier, Carroll, Champagne, Conley, Cote, Couture, Crommett, Curran, D'Alfonso, Danton, Dudley, Fecteau, Fortier, Fraser, Gaudreau, Gauthier, Harnois, Harvey, Healy, Hennessey, Hunter, Jewell, Keyte, Kilroy, Lebel, Levesque, Martin, McNally, Minkowsky, Nadeau, J. F. R.; Prince, Rocheleau, Sawyer, Scribner, Tanguay, Truman, Wheeler, Williams.

ABSENT — Bernard, Buck, Edwards, Giroux, Hewes, Hinds, Jallbert, Jannelle, Nadeau, N. L.; Pendergast, Philbrook, Quinn, Roy, Starbird, Sullivan, Townsend, Wight.

Mr. Lycette of Houlton was granted permission to change his vote from no to yes.

Yes, 86; No, 47; Absent, 17.

The SPEAKER: The Chair will announce the vote. Eighty-six having voted in the affirmative and forty-seven in the negative, the motion to accept Report "A" does prevail.

Thereupon, the Bill was read twice.

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

Third Reader Tabled and Assigned

Bill "An Act Establishing a State Planning Office" (S. P. 772) L. D. 1844)

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

(On motion of Mr. Benson of Southwest Harbor, tabled pending passage to be engrossed and tomorrow assigned.)

Passed to Be Enacted Emergency Measure

An Act Permitting Livermore Falls Water District to Take Water

From Certain Sources (H. P. 1277) (L. D. 1783)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Raising the Discount on the Sale of Cigarette Tax Stamps by the State Tax Assessor to Licensed Distributors (H. P. 1284) (L. D. 1790)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of same and 7 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to Compensation for Certain Municipal Officers who Appear in District Court (S. P. 753) (L. D. 1811)

An Act Establishing Procedures for State Medical Examiners and Creating the Office of Chief Medical Examiner for the State of Maine (S. P. 759) (L. D. 1816)

An Act relating to Payment for Drugs Under Health and Welfare Appropriation (H. P. 1250) (L. D. 1756)

An Act Increasing Fees for Copies in Office of Register of Probate (H. P. 1298) (L. D. 1804)

An Act to Allocate Moneys for the Administrative Expenses of the State Liquor Commission for the Fiscal Year Ending June 30, 1969 (H. P. 1302) (L. D. 1831)

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.

The SPEAKER: The Chair now will call your attention to Supplement No. 2, Enactors.

Passed to Be Enacted Emergency Measure

An Act to Clarify the Law Relating to Truth-in-Lending and Disclosure of Interest and Finance Charges in Retail Sales (H. P. 1316) (L. D. 1859)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

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

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

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

Mr. RICHARDSON: I would first like to make it clear to you that I have no axe to grind. I am not a graduate of the University of Maine but rather of Colby. I have no political ambitions which dictate that I shall vote for the super university concept even if I, in good conscience, do not believe in it. I am opposed to the legislation and am sincere in my opposition.

In the regular session of this Legislature, the concept we are discussing was defeated. I know that this watered - down version will be held up as a totally new concept, but it is not, it is just a bleached by-product of the former. A committee was hastily appointed and rushed into being when it was known that the original bill would be killed. The job of this group was simply to keep the idea alive.

We had an illustrious committee and it did its work well. However, it would seem that the sponsor of the legislative document was the only one that was convinced of its need. At least, that is the conclusion that I must reach when I find that he was the only member of the committee which studied this to appear in its favor before

the Education Committee. One other person appeared in favor but by his own statements he did not convince me that he was really sincere.

I would like to point out that two members of this study committee appeared in opposition to the bill. One of those members, at least, had hoped to put out a minority report but did not. The report was short, concise and effective, but he was discouraged by statements emanating from the chairman which led him to believe that everyone except him agreed in principle.

There is an appropriation attached to this L. D. for over \$100,000. Mind you, this is just for the second year of the biennium. Dr. Cutler, chairman of the Board of Trustees of the present University of Maine, asked what the cost of the super university might be and no member of the Education Committee, the sponsor, nor anyone else in the room could give even a vague figure of what the future cost might be. I would challenge them today, on the Floor of this House, to dare to put forth a figure which can stand for posterity to examine. I am reasonably certain that not one of the proponents of this bill will do more than say, "Oh come now, you know we can't predict," or "What difference does it make if we get better education," or "How can we know?"

I think that we have a right to know those figures and what future figures may conceivably be. I doubt if any one on the Committee on Education can even tell you what the complete budget of the present University is. I wonder if one of you in this House would care to speculate on how much of the University's private capital will be diverted by the new Board of Trustees to the other campuses which it will be acquiring. I wonder if anyone would care to speculate on the effect that this would have on the grants to the University, or on the scholarship funds which are given by graduates and by other people.

One of the statements that you have heard repeated over and over in this House during the past year is that we are wasting money with

duplications. I asked this question concerning duplication and waste privately of one of those who attended the hearing that day but who did not speak. His discerning answer was "how can you say there is waste and duplication when each of us must turn down from 2,000 applications on down to lesser refusals in the smaller schools. Until we can accommodate all who apply and are qualified to attend, we have not reached the point where waste is rampant."

I am concerned about many aspects of this bill but my prime objection is that I do not feel that the two groups we are talking of throwing together are, basically, the same. I am concerned that tuition will jump to the point where it will be too expensive for many. I realize that an amendment prohibiting this immediately is encompassed in the bill, but this only proves to me that my fears are justified. Our state colleges have done an excellent job with the upper third of the graduating classes of our high schools just as the University is more interested and does an excellent job with the upper ten or twelve percent. What is to happen to this very worthy group of students who perhaps cannot meet the academic requirements of the super U but who all the same want to become teachers? In the last analysis, this group has kept the Maine school systems from going bankrupt for want of teachers for a long, long time. We still have a teacher shortage and, I am convinced, need the state colleges to fill this need.

After listening to our good friends, the attorneys, on various simple bills, I am wondering how in the world it will ever be possible for this transition to take place in the limited time available under this bill. It would appear to me that it will take a legal staff more than a year to unravel all of the problems attendant upon transfer of all of the assets, both physical and financial. Any thought that fifteen men, dedicated though they may be to the philosophy of this legislation, can bring into being a new corporate body who can develop the planning, policy and operation of nine separated cam-

puses before the next regular session of the 104th Legislature is unreasonable. Such a board should have a full biennium for planning and policy development before it is given operational responsibility.

No mention has yet been made of the buildings that are now authorized but not built or even started. Will it be within the province of these new trustees to decide that perhaps a building authorized and voted for Aroostook State should better be built in Portland?

I would, in closing, like to call your attention to a couple of articles which have appeared recently in this week's Time and Newsweek Magazines. Under the Education section, the university system of California is featured. It is not pleasant reading; it is not working as we have been told for the past year that it does; it is undergoing complete change with decentralization recommended. And here we are discussing putting together campuses and California, after some years of experience with the system we have had suggested to us, are on the point of breaking it up into smaller units.

My very good friend, Roger Snow, presented to the Education Committee a reprint of an article in the January 12 Time Magazine, and one of the items that he did not underline for us but which I would now like to underline states,—"A college does not automatically become better by renaming it a university." And a little further on it goes,—“into the political pressures in North Carolina last year catapulted four one time teachers colleges into regional universities, but they are still essentially teachers colleges and they merely pose a threat to the financial support that has made the University of North Carolina at Chapel Hill the best public institution in the south.” And this warning comes from Clark Kerr, who is heading a Carnegie-financed study of higher education in the United States.

I think one of the most telling things in this week's article January 19 in Time and January 22 in Newsweek—they both cover the same thing, is the statement that they have forgotten at the Uni-

versity of California that their purpose is to educate the youngster.

Mr. Speaker, I would now move that this bill and all its accompanying papers be indefinitely postponed and when the vote is taken I request that it be taken by the yeas and nays.

The SPEAKER: The pending question now is on the motion of the gentleman from Stonington, Mr. Richardson that L. D. 1849 and its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Raymond, Mr. Durgin.

Mr. DURGIN: Mr. Speaker and Members of the House: Having been one of the members privileged to serve on this study committee, I would like to inform the gentleman from Stonington, Mr. Richardson that if he looks back to the first few days of this special session, bills were coming in rather fast, hearings were being held rapidly, I was serving on the Labor Committee which had bills to hear, and that day we had a hearing which lasted until almost six o'clock. I had no opportunity to attend the hearing on this bill; had I had the opportunity I certainly would have been in favor of it.

After many weeks and months of studying this bill I had many reservations and I resolved them in my own mind when I considered what this merger would do for the students, the boys and girls in this State. All the extraneous circumstances, all the sectional disputes, were resolved. I was more interested in what this bill would do for the boys and girls, and I certainly would hope that the motion of the gentleman from Stonington, Mr. Richardson would not prevail.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Allen.

Mr. ALLEN: Mr. Speaker and Members of this House: I believe there is a need for this legislation; I am backed up by very good authority. The consultant panel states, — “In the Consultant Panel's judgment there is no more urgent matter requiring the immediate attention of the citizens of the State of Maine and the im-

mediate action of the state's leaders than the development and improvement of higher education," and I doubt that there will be another session of the Legislature better informed on this subject than we are here. There are duplication of services in some of these programs, there are wasteful rivalries, uneconomical use of funds, a luxury I don't believe we can any longer afford. As one of the reports have stated the status quo is unacceptable. For nearly three years we have studied, consulted, held hearings, and then compromised and debated. We spent \$60,000 on this study and we have two reports of the Committee, and that's followed by the report of the Committee on Coordination of Higher Education.

I recognize that it is probably imperfect but I don't think we ought to put our responsibility off any longer. I feel that a start should be made and I don't believe there's any better time.

We will recall the Sinclair Act was passed some years ago. It was imperfect and we've refined it and amended it several times since, but in the process, as your Education Committee has traveled to New Hampshire and conferred with the education committees of northern New England there and seen what was accomplished in Vermont, we have to acknowledge the Sinclair Act has done a good job for Maine.

This is a compromise of many and widely divergent views. Nobody seems to be altogether happy. The attitude of I think most people, who have no ax to grind and were not interested particularly in one institution, seemed I think to be for it. But it's like a corporate merger, the stockholders generally like it but the employees, the administrators, the faculty people, oppose it and wonder how it is going to affect them. Good education is expensive and it's going to cost more and more I'm afraid, but we can't afford to be wasteful with our money. I hope that we will defeat this motion for indefinite postponement.

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

Mrs. HANSON: Mr. Speaker and Members of the House: As you all know in the regular session I opposed the merger of the University and other institutions of the state, and it took a great deal of convincing for me to agree to this one. But I have studied it and I have listened and I was ready to not agree with this one until Mr. Shute brought up his amendments. In discussing the amendments the bill has been more or less modified and amended and clarified, so that I find now I would like to vote that this be not indefinitely postponed.

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

Mr. ROBERTSON: Mr. Speaker and Ladies and Gentlemen of the House: I find that I must rise in opposition to this bill now before us and support the stand of the gentleman from Stonington, Mr. Richardson, not because I am a graduate of the University of Maine or because I am affiliated with the University of Maine, but rather because I personally am convinced that this bill which would consolidate our states colleges under one head, a supposedly progressive step to create an educational giant that will lessen our educational headaches, to me I am not assured that it is the best answer to the diversity of problems that each of our colleges encounter.

Certainly I want to recognize and appreciate the great amount of work which this special committee has put into this subject before us and I must admit that it is a bill that has a great deal of magnitude, that it requires extensive research and planning to eliminate the possibility of later discovering that we have created problems to which we do not have the answers. Ladies and gentlemen, I must ask if it is necessary that we recognize this problem as an emergency and rush into the acceptance of a program that may have many relative unknowns.

Now our present University of Maine stands high in comparison with our other New England colleges. This college of 102 years of age issues degrees, degrees that are accepted in other states, they

issue them with a degree of accreditation. Is it not within the realm of possibility that this new massive giant will tend to lower the standard of recognition? Of course many say that this will not be the case, that it will bring up the other four colleges involved. I might concede that probably this fact will eventually be true, but for a time I am somewhat convinced that despite the fact that the other colleges stand high in recognition, that there will be a degree of degrading of our own University of Maine.

I cannot convince myself that this consolidation has reached the proportion of an emergency, at least not at this time. Is it necessary to combine the other state colleges with the University, this highly acclaimed institution, despite the fact that the trustees, its graduates and present students feel that this action is improper; they feel that this University should stand on its own as an individual.

Now truly in this bill now before us we have left out this time the vocational schools, we have left out the Maritime Academy, assumedly because it was felt that these schools were not in the same category, not compatible with the state colleges in many respects. Two of the five institutions concerned are opposed to this consolidation, they have cited their objections; I am not going to elaborate upon them at this time. But may I ask, is it possible that we can revise our legislation to erase these objections? Should we consider the opinion of the trustees of the University of Maine? Somehow I can't help but respect the judgment and opinions of Dr. Lawrence Cutler of that board, whether he be right or whether he be wrong.

I think we all realize that educational costs are constantly going up; there certainly is no relief in sight, and of course this is the argument for this measure now before us — more efficient operation under a super university. The University of Maine is operating on one of the lowest cost per pupil of any state college in the United States. We have one of the highest land grant college institution's

tuition in the United States. It is a recognized fact that each year we find it impossible to accept many of the applicants who apply to this college because we just do not have the facilities at our Orono campus. We have insufficient funds to erect the facilities to take care of this ever expanding educational demand. Somehow I cannot help but ask myself, under this new cooperative, under this new super university, will the University of Maine budget receive lesser or greater consideration? Will its ratio be hampered or will it be assisted? One thing sure, there must be constant growth on the Orono campus and nothing must deter this progress, and I reiterate — on the Orono campus.

Consolidation and merging I think is a current trend, a modernization in our everyday financial living; the big massive companies overpower smaller business and they must merge or they must go out of business. I would like to relate to you for a moment a classic example. One of our larger industries in the State of Maine which appeared to be operating successfully until one morning its employees found the name of the industry had been changed and now they were a division of a great corporation, a corporation that operated nationwide. They had many brothers, they had many sisters now, and they were told that big things were going to be accomplished because they would have the money now to expand and to modernize.

What some of them did not realize was that all the profits from this industry would now go to the giant central office where the profits would be dispersed to its brothers and to its sisters, and should it show a loss its neck was sure to be severed. Now this industry has endured a shutdown of two phases of its operation with a lack of manpower because the operations assumably were not showing proper profits. Many are now wondering what the future of this remaining industry might be in the next few weeks, the next few months, the next few years. My friends, this business has lost its local identity, it has lost its

individualism and become a small cog in a big wheel. I am quite sure they would prefer to be back in their own individual status prior to merger. I would like to ask you ladies and gentlemen — can our super university place the University of Maine in a similar category after this merger? Let's think it over very seriously before we decide to jeopardize our individualism.

Now I had no personal ax to grind here today, I am only attempting to consider every aspect and attempt to determine in my own mind what is the best answer for our colleges, the best answer for our students, the best answer for the people of the State of Maine. In my personal opinion we should procrastinate until our next regular session when we can be more assured of a greater degree of acceptance, when we can be more assured of answers to our fears and our anxieties. It can be a great advance in our educational management if it can accomplish its desired goals. However, let's be sure; let's not rush. After all, there will be the 104th, and I would like to suggest that you go along with the motion of the gentleman from Stonington. Thank you.

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: What you have just heard are the voices of the status quo; the voices of people who are happy with things as they are, who have not offered anything constructive other than to do nothing and stay as we are until the 104th. I submit to you initially that no Legislature past or in the future will be as knowledgeable about all of the ramifications of higher education than this Legislature. Why? First of all, each one of you has received, and I hope has perused a copy of the \$50,000 A. E. D. Report. You know Mr. Allen has already quoted from this. The Coles Commission has spent weeks and weeks of exhaustive study. This has been followed by the Lund Committee. We've studied higher education to death.

Ladies and Gentlemen, L. D. 1849, and its accompanying amendments, its accompanying papers, is a product of compromise. Now we admit that we are not ecstatic about this new form of coordination of higher education in our state, but we are happy with it, because it's a step forward. We aren't willing to accept the status quo. As you know, we, along with the gentle lady from Lebanon, Mrs. Hanson, and the gentleman from Stonington, Mr. Richardson, did espouse what we believed and still believe was our idea of the perfect way to coordinate higher education and that was with a super board of different boards coordinating education. This, we now recognize, is politically impractical, it's completely unacceptable to the Board of Trustees of the University of Maine. Conversely, the University of the State of Maine bill which you accepted by a scant two votes in this body last spring, also is unacceptable to those who represent the faculty and the student body of the state colleges. As far as we were concerned then, the best way would have been through the coordinated board approach, but this was not to be and we accepted it, nor is it to be. The University of the State of Maine is not to be; it was defeated in the final hour on Saturday, July 7th.

Now the Lund Committee, so-called, was formed by you to investigate this problem further during the interim and report to this special session or the 104th. Recognizing the fact that no other Legislature would be as knowledgeable as this one is this Committee came back to the special session, ably assisted by dedicated House members Mr. Percy Porter, the gentleman from Lincoln, and Mr. Dean Durgin, the gentleman from Raymond. This Committee came out with an excellent bill to present to the Education Committee for its hearing.

Here, in L. D. 1849, our main objections have been erased with the Committee amendments. Now we who feel strongly about the role of the state colleges and their principal job in turning out teachers, have preserved their identity, preserved their treasured auton-

omy of their separate institutions, identified the head of each institution as the chief educational officer who is in charge of the day-to-day affairs of his particular institution. What more autonomy can you get than that? We have the assurance we did not have before that the state colleges will not be governed by a board of trustees unfamiliar and unsympathetic with their problems. Three of the new board will be named from among the members of the State Board of Education. And to assure that this new University continues to have the same high quality of men presently serving on the University of Maine Board of Trustees, this bill provides that seven of these will be appointed by the Governor to serve.

Now as a freshman Representative, we learned early here by examples set by many of you, that the art of good politics and good government is practiced with a high degree of compromise, and so it is with this bill. The amendments which you see before you, and I would like to have you look at them and study them, are the results of faculty and administrative head consultation, of the hearing and several fruitful committee executive sessions.

Chief among the results of these compromises have been number one, the identity of the institutions. This is important to alumni of the states colleges, be they at Gorham or Fort Kent or wherever, or the University of Maine. We have insisted upon the establishment of an administrative council who would advise the Chancellor. We have insisted on the assurance of property reversion to the state in case a building or a group of buildings, for one reason or another, should be sold to a private institution, then this property would revert to state ownership. We have insisted too upon the preservation of faculty rights, and most important, for students who come from low income families, the preservation of the current ratio in tuition. The gentleman from Stonington has mentioned this. We have guaranteed that the present ratio in the tuitions between the state college and the

University of Maine be preserved for a four-year period beginning this September. Ladies and Gentlemen of the House, do you realize that the University of Maine tuition is one of the highest for land grant colleges in the country today? On the other hand, the state colleges have a one hundred dollar a year tuition. We are concerned that low income families have this in mind, at least for the next four years, and we can't in our crystal ball determine what our economic conditions will be four years hence.

Now what does all this mean to the student other than this? Three of our state colleges are not accredited state institutions. Within a reasonable time, we can expect that the University can achieve accreditation for these institutions, just as it did when it took over the Law School at Portland, now a fully accredited law school of which we are all proud. It means transfer of credits from one institution to another, and it joins some 3,300 students to one a little more than twice as large in student population, not the hundreds of thousands of students you find at the University of California.

What does this mean to the taxpayer? True, there is an appropriation with this, but the 104th Legislature will have to determine by a very few short months of activity in this higher education coordination picture just what it will mean to the taxpayer, but coordination essentially means an end to costly program and services duplication. It removes program jealousies of one institution for another. Let me cite an example. In Farmington, we have an excellent special education course, where they train student teacher therapists, speech therapists, it is called a speech and hearing referral center. With the Federal funds, they have built a fine studio, but now, because of action at the regular 103rd session do not have adequate personnel to man it, but they have television cameras which came to them as a result of a grant, they have audiometers, tape recorders, the type of thing that will train teachers to be speech and hearing therapists. Another institution in our

state and it shall remain nameless, took a look at this program and decided that they too would like to get in the special education business, and have started to duplicate this type of program. Now ladies and gentlemen I submit to you one other, and I can enumerate several, but in the matter of facilities, we have two gymnasiums eight miles apart, one at the University of Maine at Portland and the other the Warren Hill Gymnasium at Gorham. Is this not duplication of expensive facilities just a few miles apart?

The gentleman from Stonington has brought you some quotations from Time Magazine that are impressive. Last week you had some other editorials that were culled from a Maine newspaper. I don't believe any of us have had access to what a gentleman who is here almost daily observing our actions had to say in a recent broadcast over WRDO and WCSH. Jim Brunelle in his January 17 program called 'Notebook,' observed the following: "The advantages of such a merger" speaking of this bill, "are obvious. A single administrative unit allows for more economical use of the taxpayer's dollar . . . supply companies offering far more attractive bids to a super university than to individual schools . . . the university student will benefit greatly from the ability to move freely through the sprawling university system with its individual superiorities; an outstanding library here, unsurpassed athletic facilities there. Wasteful duplications can be ended in a thousand different areas."

And what does the establishment of this and we might as well call it a Multiversity system now, mean to you, Mr. and Mrs. Legislator? It means that you have a Chancellor whose task it will be along with this Board of Trustees and this other Administrative Council, to carry out the coordination that is needed; to avoid unnecessary duplication of plant; to present through its board to you the needs of the University in a single budget. It means that expensive programs will no longer be duplicated; that the building needs and demands that strut before us from regular to special session, will fret us no

more because of the designated priority system for requested bond issues. Frankly, it means the end of constant harrassment from seven different interests or more who want dormitories, learning centers, gyms and food centers and research centers. This is not a standardized education system we now propose. We need these different institutions to train people for different functions, but we are establishing higher standards in public higher education. And we are establishing this new system to meet the greatest needs for the growing numbers of young men and young women, and achieve this goal at the taxpayer's benefit and not his expense.

On page 125 of this \$50,000 document, higher education in the State of Maine today, the students, the programs, the facilities is the product of untold numbers of plans, decisions and actions which have taken place over 172 years which have passed since the founding of Bowdoin College. Ten years from now higher education in the State of Maine must accommodate over twice the number of students enrolled today, and buildings yet to be built, the equipment for which is still to be invented. In many instances the substantive content of the courses which must be offered has not yet been discovered. The faculty for these programs have yet to be trained. The textbooks and other service materials have yet to be written. The visual sound and other electronic devices which will be so essential to program offerings have yet to be perfected. The consultant panel undertook this study with the belief that the people of the State of Maine desire for the future nothing less than the best with respect to higher education. All of these challenges are well within the capabilities of the State of Maine to achieve. All that is needed is the decision to make them.

Ladies and gentlemen, this Legislature, this special session today, has the opportunity to be known as an historic Legislature, for it is the beginning of a new day for all of our higher education in the State of Maine. I urge you to vote

against the motion for indefinite postponement. Thank you.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I certainly would like to have your attention for a few brief moments on this important issue. I think each and every one of you here recognizes the area that we're trying to better, and that is the school system of higher education. I think no area can be best suited in this state than trying to consolidate the efforts that have been so well recognized by the present University of the State of Maine.

Now the University of the State has been recognized on a national level as being one of the outstanding schools of our country. Heading this same university we have a group of distinguished gentlemen who have made the university possible. The intent of this legislation is to use these same available heads to be able to consolidate a program of all higher education in Maine. By so doing we are not going to put on one campus as you probably have heard in California and New York who have probably in just one wing of their campus three times the number of students that the entire system of higher education in Maine would be. So this is not going to be a great big monster of population in one concentrated area as has been pointed out, it will be at different campuses already established in our own state and will serve multi-dual purposes.

Also by trying to do this, the trustees of the University of Maine have been recognized for performing excellence in education. We are going to use this advantage to try to do that for all higher education. An earlier gentleman has pointed out that some members of this House as well as some members of our own state would like the thing to be pursued as they are with the thinking that it was good when I was there and it should be good for a good many years. Well what is today is never good enough for tomorrow, because if that would have been the case there would never be any

initiative to initiate new programs or to better a present program; so therefore, if we are going to promote higher education in our own state for our own students, we've got to initiate new systems. If we don't try, we will never be able to find out, and if we are afraid or if we fear that this will create a monster as some have indicated, that if you don't try, that even if you wait ten years or twenty years, if you don't give it the effort, you will never know. Thank you.

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

Mr. BIRT: Mr. Speaker, during the hearing on this bill there was one comment that was made to the effect that the Director of Development at the University emphasized that the University is not state supported but is state assisted. It should be pointed out that the state only provides thirty percent of the cost of operating the University. This statement bothered me a little bit because it gave quite a wide coverage, it obtained quite a bit of wide coverage in the Press of the state, and without attempting to influence this particular bill either way, but there have been some comments made on the budgetary costs of the University, I have gone over the budget and attempted to find out just what the relative apportionment of costs are. In the year '65-'66 the State provided 54% of the operating costs of the University. Federal grants contributed 9% and tuition contributed 30%. In 1966-67 the State's share dropped to 51% as the gifts to the University were a little higher in that year. The proposed budget for '67-68 and '68-69 showed that the State's share will be 56% and 58%. Federal grants 8.2% and 7.9% and tuition will be 29% and 27%. The balance in all years is made up from gifts, endowments, scholarships and various others, and this is only a small amount, it's usually about 7%.

The general rule of thumb that the University has always used in their appearances before the Appropriations Committee this year is that it costs slightly in excess of \$1500 a year to maintain a student,

of which the tuition amounts to \$400, which is about 27% of the overall operating cost. And I do feel that the statement that only 30% of the cost of maintaining the student at the University of Maine is paid by the state, when actually the figure is nearly twice that amount, is somewhat of a disservice to the tax effort of the people and the efforts of this Legislature to procure funds to maintain the excellent University that we have, and because of the wide coverage, I felt that these points should be brought out to be given to the members of this body if in any way they might have been influenced by the comments that had been made at the hearing.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I feel today is the day for editorials and new articles and what-not, so I felt I should read an editorial which appeared in the Bangor Daily News on Wednesday, January 17, 1968, and I quote: "Go Slow On Merger Plan. The latest plan for merging the state university and five state colleges has run into strong opposition from the University of Maine trustees—sufficient to rate further study of the whole merger concept rather than make a final decision at the present special session of the Legislature.

The new proposal was shaped by an interim committee after another merger measure had been rejected by the Legislature at its regular session. It would enlarge the university's board of trustees to 15 members from the present 11 and establish a new office of chancellor.

The latter, it would seem, as a salaried, full-time administrator would come close to running the whole works of higher education in the public area. The trustees would shape policy, but the chancellor would be the one man on the job day in and day out with a staff of aides at his service. Under the circumstances, we would think the extent of his authority would have to be clearly spelled out.

At last week's brief hearing on the new merger plan, Dr. Lawrence M. Cutler, president of the U. of M. trustees, said his board does not go along with the chancellor concept. He also warned that consideration should be given to the 'magnitude of costs.'

The trustees, he said, favor a higher education merger but 'under the structure of the university as it now exists.'

Spokesmen for state college interests aren't altogether in favor of the plan either, citing complications that might arise by the possible shifting about of faculty, and the difference between tuitions at the state colleges and the university. Neither, of course, do they want to become mere satellites of the university.

We do not know what the answer to coordination of higher education among state-supported institutions should be. But we do say that some serious questions have been raised and should be carefully examined. It is too big a step to be taken in the hurried atmosphere of a special session.

Indeed, it is going to be difficult enough to resolve at a regular session. We have in mind the botched job that was done with the original Sinclair Act which speeded up school consolidations. A variety of amendments had to be tacked on later as snafus made themselves evident.

The thinking on a higher education merger has changed a lot since the original Coles report, which would have included post-high school vocational schools and the Maine Maritime Academy. With more discussion and study there may be yet other changes. We urge the Legislature to go slow and, in fact, leave the decision to the 104th Legislature at its regular session next year."

The present University of Maine setup I feel should continue until such time as a proper compromise is reached in order to provide a proper takeover smoothly and without serious disruption in the educational efforts now taking place. Because of this and many of the other reasons which you have heard today, I feel this legislation should be sent over to the 104th

Legislature. I urge you to go along with the gentleman from Stonington, Mr. Richardson, and vote 'yes' to indefinitely postpone.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: I hope every member of the House will vote against the motion to indefinitely postpone. I say this because while I recognize that attendance at the University of Maine at Orono doesn't grant any one a special insight into these matters, I believe that this matter has been studied over and over again, that this is the best practical solution we have to starting to bring an end to the factional sectionalism, the disputes, the intra-campus bickering, and the duplication of course curricula and costs.

For this reason I hope that you will vote against indefinite postponement and allow us to bring under a coordinated program publicly supported higher education in Maine.

The question of cost has been brought up and I ask that if this legislation becomes law the following statement of legislative intent be considered by each of us as incorporated within our view of the problem. The statement is, that it is the intent of the Legislature that the Board of Trustees of the University of Maine shall during the remainder of the 1967-1969 biennium follow the appropriations as appropriated by the 103rd Legislature for the University of Maine and the state colleges. The purpose of this is to ensure that if a new University of Maine does come into being, and I sincerely hope that it does, that the trustees of the new university will follow the appropriations schedule as set out by this Legislature and by this means we know that we are going to ensure continuity of program. Thank you.

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

Mr. CARROLL: Mr. Speaker and Members of the House: I invite you today to go forward, to

go forward with this document which you have been asked to vote against, to indefinitely postpone. I ask you this question and I hope that you will examine it. There is an old saying, let's pass the buck, pass the buck, pass the buck. But if you had sat on this committee and listened to the testimony that I have listened to the last two sessions you would say that today the bucks stops here, it's not being passed any longer. The only thing they say to you is pass it on to the 104th. Now what do you think the opponents are going to say to the 104th? Let's not hurry now, let's pass it to the 105th, and they'll be there at the 105th and they'll say — now let's not hurry now, let's give this to the 106th.

I invite you here today to join with me. This is a great opportunity. We've studied, we've studied, and ladies and gentlemen we're ready for our degree. Let's vote for this right now.

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

Mr. PORTER: Mr. Speaker, you appointed me to that interim committee. I fear you're going to think that was a poor choice. I sat through twelve long meetings of that committee. I listened to every single word. I have read volumes and volumes and volumes, and I came up with a contrary conclusion.

I did prepare a minority report that I expected to submit to the Committee report. I also took steps to draw up a different L. D. than this one, but in the last moment when it became time for me to sign the Committee report I refused until I had time to think it over. Twenty-four hours later I called our Chairman and told him that reluctantly and with serious reservations I would sign the report but I would speak against it on this Floor.

I have many serious reservations on this bill; I would voice only two. First, I think this is going too far and too fast. And second, I am afraid that this bill will not do the job that ought to be done. We spent \$50,000 on that A.E.D. Re-

port and they either overlooked or ignored a very, very important point. Fortunately on our committee there were two very capable lawyers, attorney Sidney Wernick and Senator Jon Lund. I suppose it was because of their training, but they immediately began to ask what have the courts said about the University of Maine, and so they began digging into the decisions of the courts. They found that in several occasions our courts have made decisions concerning the University of Maine. Most of them kept referring to a very important decision that was passed down in 1909. Let me read just one portion of it. "The University of Maine, while chartered by the State and fostered by it, especially in recent years, is not a branch of the State educational system, nor an agency nor an instrumentality of the State, but a corporation, a legal entity wholly separate and apart from the State." As an old friend that I used to have in Aroostook would say: that changed the water in the beans. It's a new ball game now. Last spring we thought we were combining several state institutions; that is no longer true. The University is not a state institution.

This bill calls for dumping five state colleges into a private university. Some of you may think that is wise; it happens that I don't. Because when those state colleges are put into this private university, the state loses control over those colleges and out goes line budgeting.

The second reason, I don't think this bill will do what we want it to do. When your committee began studying this, we found many instances of duplication. I could find only one case in which the State Board of Education duplicated a facility that was provided by the University of Maine, but I can give you any number of cases where the University of Maine duplicated a facility already provided by the State Board of Education. The gentleman from Farmington, Mr. Shute, described the course they have over in Farmington. The University of Maine is now duplicating that in Orono. The University of Maine has brought on this duplication. It is expensive, it is waste-

ful, and I think it is unnecessary, and I'm afraid that this bill won't eliminate that duplication.

We had from the University or for some members of the University Trustees a request that all of the trustees of the present University of Maine serve on this new board of trustees. I am quite certain that that suggestion wasn't made because they considered those members the most capable in the State. That suggestion came because they wanted control of the whole shebang. The gentleman from Raymond, Mr. Durgin and I thought that four of those trustees would be quite satisfactory. The Committee decided on seven. That gives the present Board of Trustees of the University of Maine seven votes out of a board of fifteen. All they would have to do is convince one more member and that would give them control over the whole works. Then if there was to be elimination of duplication I think I could guess where that elimination would take place. If there was to be coordination, I think I would know who would be coordinated. I think this bill stacks the cards against our state colleges and I am opposed to it.

It is very difficult for me to ask you to vote against L. D. 1849, because what is the alternative? The alternative, as I see it, is the status quo which the 102nd said was not acceptable and the 103rd agrees that it is not acceptable; so you have two choices, 1849 or the status quo. To my mind, neither of them are satisfactory. Having been on that committee, I think I owe it to you to suggest another alternative. I shall try to do so, with two thoughts in mind, that this bill goes too far too fast and doesn't do the job.

I would suggest that a commission be set up for three years. That commission would do five things. First, it would get in there and eliminate that duplication that is so expensive and unnecessary. Second, it could bring about some real coordination, especially in the Portland-Gorham area. I would think they would even consider studying the possibility of a formation of the University of Southern Maine. Third, that commission

would have financial control over all of these institutions. That commission would present to the Governor and the Legislature a combined budget for all of these institutions. Once the Legislature has approved of it, then they would allot that money in the way this Legislature wants done, so then they could say to any branch: you eliminate that section because you aren't going to get a cent for it, and in that way, we could bring in some form of line budgeting. Personally, I don't like line budgeting. I prefer to call it project budgeting, so that this commission could allow so much money for a particular project, and only for that project.

Fourthly, this commission could come in to the Governor and the Legislature with a priority list of construction needs. And fifth, and I think this is very important, having coordinated these institutions, having studied them for three years, they could submit to this Legislature their idea of a system of coordination for higher education in Maine. I think that idea is simple. I think it is workable and I would like to see the 104th try it if at all possible. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Pike.

Mr. PIKE: Mr. Speaker, most of the discussion this afternoon has been on the question of organization, the various trustees, the Legislature in respect to the University and in respect to the state colleges. There has been little mention of the people for whom these educational institutions were set up namely, the young people of Maine, the students and scholars.

It has come to my attention, not just recently, but over a period and including recently, that there is a lack of coordination which has not been emphasized here. That is, that boys and girls taking certain courses in certain of the colleges are unable to get credit when they try to change and switch to the university, particularly going into graduate work. I'm afraid there are similar difficulties for people who want to switch from

one place to another, particularly if their parents have moved, and it does seem to me that while this bill may not be perfect, and I would doubt very seriously if any overall first attempt is going to be a perfect bill, it is a good bill and it does avoid that thing that we talked about so much this afternoon, the further study without much of anything to study on. It avoids the word that has been used, the only time I ever heard it used in praise, procrastination, and it does avoid shoving it over as the last suggestion was made not only to the 104th, to the 105th Legislature. I really believe that we should vote against this motion to indefinitely postpone; that we should pass the bill, and if, as I suspect various things will come up that are not quite right, that we fix them up as they come up rather than argue about them in a vacuum. I hope this motion does not prevail.

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

Mr. EWER: Mr. Speaker, not to take either side in this question, but simply to clarify one remark that has been made by two previous speakers regarding the speech therapy course at the University of Maine being a duplication of what is being given at Farmington. This course has been used very effectively by two Bangor Institutions, the Cerebral Palsy Clinic School and the Eastern Maine Friends of Retarded Childrens School. They have sent their children, their boys and girls to this speech institute and it has worked out very successfully for those two fields.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I think basically the question that we are asking ourselves is how can we take a step now, a step forward, and develop a little unity in our education and at the same time preserve autonomy. Now it seems to me that this was the same question that faced our little nation at the Constitutional Convention. This is such an impor-

tant subject I do not wish to impel my own thinking into the debate, and so I am going to quote from Benjamin Franklin, our great diplomat, our statesman, our inventor, our scholar, our writer, our newspaper man, the author of our post office system, one who is called our first civilized American, and at the close of the Convention after a long five months hot summer debate, he says: "We had assembled with all our prejudices, our passions, our errors of opinion, our local interests and our selfish views," and then he speaks to his delegates on the last day of the Convention and he says this: "I confess that there are several parts of this Constitution which I do not at present approve, but I am not sure I shall never approve it, for having lived long, I have experienced many instances of being obliged by better information or fuller consideration to change opinions even on important subjects, which I once thought right but found to be otherwise." And he closed his statement to those of the Convention who still had doubts about the Constitution: "I wish you, with me, on this occasion doubt a little our own infallibility."

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

Mr. RICHARDSON: Mr. Speaker, I do not wish to prolong debate, but I do feel that my good friend Mr. Pike has raised what is my primary concern also and that is the welfare of the young people in the State of Maine. I would like to point out to Mr. Pike that there is absolutely no certainty that if this bill is accepted that credits could be transferred from any one section of the University to another section of the University. You will have three sections which will be unaccredited sections of the University and nothing will require that the various credits be transferable.

Frankly, I am concerned about another area too which my good friend Mr. Pike mentioned. Apparently it is his feeling that we can amend and change this at a later date. I would point out to

you that the University of Maine will still be a private institution, and it will be beyond the rights of this body to then change it once we have given the state colleges to it.

I would like to leave you with just one thought, that it is much easier to get in than it is to get out.

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

Mr. SHUTE: Mr. Speaker, I would like to address myself to the problem of this corporate ownership business. The gentleman from Lincoln, Mr. Porter, advised me some weeks ago about the legality or the legal setup of the University of Maine where the Courts or the Attorney General's office at least had declared it to be a private corporation, and in our investigation of this we learned that this is not a real problem. Indeed a previous Legislature has deeded to the Maine Maritime Academy one of our own former state colleges, Eastern State Normal School. I don't recognize any great hue and cry as a result of this transfer which took place some years ago. So therefore, we submit that this is an invalid argument, that the University by virtue of its fine personnel, its dedicated board of trustees, and those who will participate in this new board, will make a big attempt to see that the non-accredited state colleges in the northern part and the eastern part of the state do in fact become accredited and therefore operate a far better school for our young men and our young women. I hope you will vote against indefinite postponement.

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

Mr. JALBERT: Mr. Speaker and Members of the House: In my frequent sallies in the back or outside the Hall of the House during debates or during the session, and also by notes sent to me, I have been asked, not that my opinion would matter too much anyway, but I have been asked because of my strong feelings over the years in a given area, how I felt about this piece of legislation.

After I listened to the argument as presented by the gentleman from Cumberland, Mr. Richardson, to the effect that it was the understanding that the University of Maine understood that the intent of the Legislature was that the procedure as presently entertained and the monies as allocated in the various categories for the state teachers colleges would remain intact for the remainder of the biennium, certainly is pleasing to my ears, because over the many years I think the words line budgeting have certainly been heard by me wherein it concerns the entire state program. With the feeling that I have for the present Finance Officer and the Finance Office, and the assurance that I have from them that insofar as they are concerned wherein state moneys are involved, be it on the state teacher college level or even those monies that the University of Maine—that is given to the state by the University of Maine would have absolute full scrutiny, I feel at this time that I'm willing at least with my vote to go along with this measure. I respect certainly the thinking of the gentleman from Stonington, Mr. Richardson when he says that it is easier to get in than it is to get out. I assure him of this, that God being willing, if this new project gets away somewhat markedly from the intent of the Legislature, which is line budgeting, I assure him that I for one will find a quick way for both of us to get out.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Stonington, Mr. Richardson, that L. D. 1849 "An Act relating to Coordination of Public Higher Education" 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 Stonington, Mr. Richardson, that L. D. 1849 be indefinitely postponed. All 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 — Baker, E. B.; Bedard, Berman, Bernard, Bunker, Carrier, Cookson, Cornell, Crommett, Curran, Cushing, Dennett, Drummond, Dudley, Edwards, Eustis, Farrington, Hanson, H. L.; Hawes. Henley, Hodgkins, Huber, Humphrey, Jewell, Lewis, Lincoln, Littlefield, McMann, McNally, Meisner, Minkowsky, Noyes, Porter, Rackliff, Richardson, G. A.; Robertson, Rocheleau, Ross, Sahagian, Scott, G. W.; Shaw, Snowe, P.; Soulas, Starbird, Tanguay, Thompson, Trask, Truman, Waltz, Wight, Williams.

NAY — Allen, Baker, R. E.; Belanger, Beliveau, Benson, Binnette, Birt, Boudreau, Bourgoin, Bradstreet, Bragdon, Brennan, Brown, M. F.; Brown, R.; Burnham, Carey, Carroll, Carswell, Champagne, Clark, Conley, Cote, Cottrell, Couture, Crockett, Crosby, D'Alfonso, Danton, Darey, Dickinson, Drigotas, Dunn, Durgin, Evans, Ewer, Fecteau, Fortier, Foster, Gaudreau, Gauthier, Gill, Hall, Hanson, B. B.; Hanson, P. K.; Harnois, Harriman, Harvey, Haynes, Healy, Hennessey, Hewis, Hichens, Hoover, Hunter, Immonen, Jalbert, Jameson, Jannelle, Keyte, Kilroy, Kyes, Lebel, Levesque, Lewin, Maddox, Martin, Miliano, Morrell, Mosher, Nadeau, J. F. R.; Nadeau, N. L.; Payson, Pendergast, Pike, Prince, Quimby, Richardson, H. L.; Rideout, Robinson, Sawyer, Scott, C. F.; Scribner, Shute, Snow, P. J.; Susi, Watts, Wheeler, White, Wood.

ABSENT — Buck, Fraser, Giroux, Hinds, Lycette, Philbrook, Quinn, Roy, Sullivan, Townsend.

Yes, 51; No, 89; Absent, 10.

The SPEAKER: The Chair will announce the vote. Fifty-one hav-

ing voted in the affirmative and eighty-nine having voted in the negative, the motion to indefinitely postpone does not prevail.

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

An Act relating to Schooling for Children Resident at Private Tax-Exempt Institutions (H. P. 1255) (L. D. 1761)

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.

Order Out Of Order

On motion of Mrs. Baker of Winthrop, it was

ORDERED, that Exchange Students, Pissu Phocharoen from Thailand and staying in Yarmouth; Alberto Copelli from Italy and staying in Augusta; Aman Lutfy from Afghanistan and staying in Winthrop; Miss Judith Anne Douglas from New Zealand and staying in South Windham; and Miss Cristina Madero-Myra from Uruguay and staying in Dover-Foxcroft be appointed to serve as Honorary Pages for today.

Orders of the Day

The **SPEAKER**: The Chair recognizes the gentleman from Mechanic Falls, Mr. Foster.

Mr. **FOSTER**: Mr. Speaker, I would like to inquire if the House has in its possession House Paper 1335, L. D. 1879, Bill "An Act relating to Tax on Real Estate Transfers."

The **SPEAKER**: The answer is in the affirmative.

Thereupon, the House reconsidered its action of earlier in the day whereby the Bill was passed to be engrossed.

The same gentleman then offered House Amendment "A" and moved its adoption. House Amendment "A" (H-531) was read by the Clerk.

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

Mr. **THOMPSON**: Mr. Speaker and Members of the House: I have read the amendment and I would like to pose a question to the gen-

tleman from Mechanic Falls, Mr. Foster. I don't see where this changes anything in the bill.

The **SPEAKER**: The gentleman from Belfast, Mr. Thompson, poses a question through the Chair to the gentleman from Mechanic Falls, Mr. Foster, who may answer if he chooses, and the Chair recognizes that gentleman.

Mr. **FOSTER**: The word "be" apparently is a typographical error. It's surplusage and does not make for good reading. With the deletion of it, then the full import will be set forth with the new reading.

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

Mr. **HEWES**: Mr. Speaker, in answer to the gentleman's question, the "be" that's to be stricken as I see it is actually the third line so that the sentence will read, "Failure by either the grantor or grantee to affix the stamps shall subject either or both," and although the amendment says it is the fourth line that includes the title line. I think that this amendment does improve the wording of the bill.

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

The **SPEAKER**: The Chair recognizes the gentlewoman from York, Mrs. Brown.

Mrs. **BROWN**: Mr. Speaker, I would inquire if the House has in its possession House Paper 1322, L. D. 1868, An Act relating to Hearings Before Water and Air Environmental Improvement Commission?

The **SPEAKER**: The Chair would advise the gentlewoman in the affirmative.

Thereupon, under suspension of the rules, the House reconsidered its action of January 16 whereby the Bill was passed to be enacted.

On further motion of the same gentlewoman, under suspension of the rules, the House reconsidered its action of January 12 whereby the Bill was passed to be engrossed.

Mrs. Brown of York then offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-529) was read by the Clerk.

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

Mr. HENNESSEY: Mr. Speaker, isn't this substitution of words actually weakening the whole part of the bill itself?

The SPEAKER: The gentleman from Bath, Mr. Hennessey, poses a question through the Chair to any member who may answer if they choose, and the Chair recognizes the gentlewoman from York, Mrs. Brown.

Mrs. BROWN: I was led to believe that this gave the Water Improvement Commission the right to call somebody into hearing, it did not force them to call them. If you use the word "shall" if there was somebody that was doing something illegally they would have to call them to the hearing. This way they have the right to call them, but they don't have to — the difference between "shall" and "may".

Thereupon, House Amendment "A" was adopted and the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

Mr. STARBIRD: Mr. Speaker, I would like to inquire if the House has in its possession House Paper 1297, L. D. 1803, Bill "An Act Repealing the Law Relating to Boat Registration."

The SPEAKER: The answer is in the affirmative.

Mr. STARBIRD: I would like to move that we reconsider our action whereby the Bill was indefinitely postponed.

The SPEAKER: The Chair would advise the gentleman that the House reconsidered and concurred on yesterday.

Mr. STARBIRD: I would like to move that we reconsider our motion to recede and concur.

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird, now moves that the House reconsider its action whereby it receded and concurred on yesterday. Is this the pleasure of the

House? All those in favor of reconsidering will say yes — will the gentleman defer please — unless you wish to speak on the motion to reconsider.

Mr. ROSS of Bath: Yes I do, sir.

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

Mr. ROSS: Mr. Speaker and Members of the House: This is my famous boat registration bill that I quoted some poetry on last week. I had no idea it was being held and I would like to have the gentleman further explain the reasons he would like to reconsider.

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

Mr. STARBIRD: I would only be too glad to. I have an amendment to offer to the bill. I would be perfectly happy that Mr. Ross's original bill would go through and I would hope that someone, if this reconsideration motion went through, would table the bill and I would be glad to explain to anyone what the amendment consists of.

The SPEAKER: The Chair would advise the gentleman that the only motions that will be entertained will be recede and concur, insist, or adhere, providing it is reconsidered.

Is the House ready for the question? The pending question is on the motion of the gentleman from Kingman Township, Mr. Starbird, that the House reconsider its action whereby it receded and concurred on yesterday. All those in favor say yes; those opposed say no.

A viva voce vote being taken, the motion to reconsider was lost.

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

House Order proposing amendment to House Rule 1 re appointment of officers.

Tabled — January 19, under the Rules.

Pending — Passage.

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

Mr. RIDEOUT: Mr. Speaker and Ladies and Gentlemen of the House: With your permission I will

speak generally and briefly to the several orders concerning rule changes. The Legislative Research Committee was charged by the 103rd Legislature to determine any changes or improvements that might be made in the mechanics of the legislative procedure, to make them conform more closely to the requirements, necessities and practicalities of increased legislative workloads.

Historically the legislative burden of the State of Maine has grown in size and complexity with each passing biennium as we in the 103rd, the longest session ever, well know. In order to effectively meet the demands of this increase in flow of legislative business, the Legislative Research Committee took the position that legislative leadership should play a greater role in the actual day-to-day mechanical business of running the Legislature. To accomplish this objective, the committee felt that specific changes in the legislative rules were necessary to provide the leadership of both parties with additional power and responsibility.

As a result of the public hearings and its own deliberations, the committee compiled a long list of suggestions for changes and improvements to expedite the legislative process. Each suggestion was discussed and debated in a series of executive sessions, followed by formal recommendations which were adopted for introduction at the second special session of this Legislature.

For example, we considered the following subjects: Limiting of debate, unanimous "ought not to pass" reports, elimination of third readers, early filing, prefiling, changing Rule 7, committee reporting systems, powers of Speaker, unanimous consent after cloture, cloture date change, limiting roll call votes, ad infinitum.

It should be noted that the 103rd, in addition to its directive to study the legislative rules and procedures, also ordered the Research Committee to study and make recommendations in two additional and related areas; namely legislative compensation and annual sessions. The committee was of the opinion that these three subjects

are so closely related that they are interdependent and that logic requires they be dealt with together. However, the committee has simply not had sufficient time since the regular session adjourned in July to complete a tripartite study of this complexity prior to the second special session. On the other hand, the committee felt that certain rule changes were in order regardless of whether legislative compensation was adjusted or annual sessions were eventually adopted, and saw no reason to delay making specific recommendations at this time. Further, the committee was of the belief that there is considerable merit in having these recommended rule changes voted upon by an entirely experienced Legislature, even though they would not, if adopted, become effective until the 104th Legislature convenes in 1969.

Since the committee will not finally conclude its studies until such time as it reports to the 104th Legislature, the several recommendations before you as orders are the result of its deliberations thus far and are submitted for your favorable consideration.

It was the philosophy of the Research Committee that with the growing size and complexity of the legislative burden, the leadership should play a greater role in the actual day-to-day mechanical business of running the Legislature, and that the foregoing changes would better equip leadership to carry out that role. Some recommendations do not relate to speeding up or making more efficient the legislative process, but are in the nature of "house-keeping" measures which the committee feels are logical and worthy of attention. Such is the case on item number one.

This would amend House Rule 1, enabling the Speaker of the House and, with the amendment of our Senate Rule 32, the President of the Senate to appoint sergeants-at-arms, postmaster, document clerk, doorkeepers and pages. Presently elected respectively by the members of the House or the Senate, these individuals once elected are, as a practical matter, not responsible to anyone for the

performance of their duties. Further, they are virtually unknown to many, if not most of the members of the Legislature at the time of their election. The Research Committee felt that their appointment by the Speaker of the House and the President of the Senate would clarify their avenues of responsibility and assure a high degree of character and performance. I would therefore move the passage of this order, Mr. Speaker.

Thereupon, the Order received passage.

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

Joint Order proposing amendment to Joint Rule 10 re filing of bills and resolves after cloture. (H. P. 1339)

Tabled—January 19, under the Rules.

Pending—Passage.

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

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

Joint Order proposing amendment to Joint Rule 11 eliminating co-sponsorship of bills and resolves.

Tabled—January 19, under the Rules.

Pending—Passage.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: Just a few brief words of my feelings towards the Joint Order number three. It has been my personal experience that in the 102nd Legislature when we had co-sponsorship of bills by two members of the same branch that it worked very effectively and very well, and I for one would certainly like to retain the co-sponsorship for the simple reason of being able to get two persons to be able to agree that they want to pursue the same avenue for the same purpose. And although I have found that in this session of the Legislature that very few measures were co-sponsored or were allowed to be co-sponsored by

going through the Reference of Bills Committee.

So I will not make any motion that it be tabled or indefinitely postponed at this time but I just thought that where the Legislature is encompassing some revisions that the Speaker and the leaders of either branch of the Legislature should act a little bit closer to the Legislature by cutting some of these corners. I still feel that the co-sponsorship would eliminate a lot of duplication in the normal course of drawing legislation. So these are my personal reasons why we should somewhat retain co-sponsorship. Thank you.

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

Mr. RIDEOUT: Mr. Speaker, in answer to the gentleman from Madawaska, I just offer the Committee's feelings on this co-sponsorship measure. It was felt that joint sponsorship adds nothing to the merits of a given bill. On the other hand, joint sponsorship sometimes lends an erroneous air of bi-partisanship or worthiness to a bill which it doesn't actually have and tends to force upon leadership of either party the burden of overcoming it. The leadership again of either party rather than individual members should have the sole privilege and responsibility of determining which bills have particular merit in the eyes of their party.

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

Mr. NADEAU: Mr. Speaker and Members of the House: Unless my eyes have deceived I recall definitely of reading that many many times in Congress of the United States they co-sponsor bills, fifty-sixty at a time now. Is that not so, Mr. Rideout? For that reason I would oppose eliminating this co-sponsorship.

The SPEAKER: The gentleman from Sanford, Mr. Nadeau, poses a question through the Chair to the gentleman from Manchester, Mr. Rideout, who may answer if he chooses.

Mr. RIDEOUT: It is so, Mr. Nadeau, but we are talking about the rules of the Maine House.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I voted for all of these rule changes and I know that every member of the House of either party would join me in, not commending the Legislative Research Committee but commending the gentleman from Manchester, Mr. Rideout for the arduous work that he has done in preparing this report to his sub-committee and to the full committee. Now I mean exactly what I say, I know that he has devoted a tremendous amount of time not only to the rule changes but to the sub-committee that he heads.

And then, however, that I voted for this thing and then when co-sponsorship first came up, it was my opinion that I was neither hot nor cold about the co-sponsorship in the House. I would have preferred if we were to have such co-sponsorship to have it by a member of either branch. But that went by the boards when the rule was put in that we allow co-sponsorship. Now there is a certain group that would like to have co-sponsorship and another group that would not be for co-sponsorship. I was wondering whether or not the rule could stay on the books and add the words "provided," or have the words in effect that co-sponsorship would be allowed if an okay is given by the presiding officer of either branch.

I am just throwing this at you for your thinking. This is not earth-shaking, whatever we do, but I know we all want to do what might be pleasing all around; and I am wondering whether or not this particular rule, just for digesting purposes until tomorrow at least, could be tabled so that we might be able to discuss the pros and cons of this thing, and we're all here and we can arrive at it. I mean as far as I'm concerned I am neither hot nor cold about it, but I was wondering if it might not be an idea to table this thing until tomorrow anyway.

Thereupon, on motion of Mr. Richardson of Cumberland, tabled pending passage and specially assigned for tomorrow.

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

Joint Order proposing amendment to Joint Rule 17-A re reports of committees. (H. P. 1340)

Tabled — January 19, under the Rules.

Pending — Passage.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: In fairness I think I should present the committee's reason for this, this is one of the important time-saving bills in our opinion. The thinking was that prior to this proposal, legislation could be held in committee for a variety of reasons, often for trading purposes, until the closing days of the session, thereby causing unnecessary delay in bringing the session to an end.

This change will give the Reference Committee, made up of leadership of both parties, the ability to keep legislation moving, and the discretion to allow committees to hold complex legislation for further work after the end of April.

I would move the passage of this order.

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

Mr. PORTER: Mr. Speaker, I would pose a question to the gentleman from Manchester, Mr. Rideout. Sir, did your committee consider having so many legislative days after the hearing and then have it reported back; and if so, why was it rejected?

The SPEAKER: The gentleman from Lincoln, Mr. Porter, poses a question through the Chair to the gentleman from Manchester, Mr. Rideout, who may answer if he chooses; and the Chair recognizes that gentleman.

Mr. RIDEOUT: Mr. Porter, in answer to your question, the answer is yes. We considered many and various methods by which this same end could be accomplished. The thinking on your particular question was that the scheduling of the hearings could be delayed thereby defeating the purpose of the general idea. This perhaps is not the alpha and omega of trying

to save this much time, but in the best thinking of the committee it was felt we should adopt this type of rule, work with it, and see where we might better improve it.

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

Mr. BERMAN: Mr. Speaker and Members of the House: Looking at this bill it strikes me as though this is a very basic proposal. Now it could very well be that a joint rule of this nature might be honored more in the exception than in the observance, and quite possibly this type of joint rule might lead to more manipulation rather than less. I personally am a bit troubled by it and I would like to know more from the Legislative Research Committee or anyone here who may be able to answer how this type of joint rule has been adopted in other parliamentary institutions and how it seems to work there.

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

Mr. RIDEOUT: Yes, Mr. Berman, in many other states there are various and sundry rules, this being one of them, and the date does vary. Some of the states have the rule, as Mr. Porter indicated, on a certain number of days after hearing; some states have a certain number of days after introduction; there are all sorts of different ways that different states do handle them. And in our considerations we did consider all of these various alternatives and in our good judgment hopefully this seemed to be more acceptable for our rules of procedure and therefore we introduced this for your consideration.

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

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

Joint Order proposing amendment to Joint Rule 17-B re "Ought Not to Pass" bills and resolves.

Tabled — January 19, under the Rules.

Pending — Passage.

Thereupon, on motion of Mr. Susi of Pittsfield, retabled pending passage and specially assigned for tomorrow.

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

Joint Order proposing amendment to Joint Rule 18-A re debate and amendments to bills and resolves. (H. P. 1341)

Tabled — January 19, under the Rules.

Pending — Passage.

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

Mr. MARTIN: Mr. Speaker and Members of the House: In a report prepared by the Legislative Research Committee on the rules, I quote from page three. It says that "this would not prevent debate on the initial acceptance or non-acceptance of the committee report, nor would it prevent tabling." I realize that I'm not an attorney but in reading over the way that Joint Rule 18-A is proposed, as amended, and as it would now become a part of our rules, it would seem to me that you could not debate a committee report. It is not that I disagree with the suggestion, because I do feel that we should do this. However, I feel that if we cannot debate a committee report then perhaps the Joint Rule 18-A as proposed might be amended to correct this.

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

Mr. ROSS: Mr. Speaker and Members of the House: As a member of that sub-committee, you are allowed under this to debate a committee report if it is not a favorable one. If it's a favorable one and is going through the process anyway, then save it until the third reading in the House and the second reading in the Senate. If it's non-favorable, you can debate it when it comes out.

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

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

House Report—Leave to Withdraw—Committee on Judiciary on Bill "An Act relating to Proof of Perjury" (H. P. 1267) (L. D. 1773)

Tabled—January 19, by Mr. Richardson of Cumberland.

Pending—Acceptance.

Thereupon, the Leave to Withdraw Committee Report was accepted and sent up for concurrence.

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

HOUSE REPORT "A" (5)—Ought to Pass as amended by Committee Amendment "A" (H-526)—Committee on Judiciary on Bill "An Act relating to Highway Safety" (H. P. 1306) (L. D. 1835)—REPORT "B" (4)—Ought to Pass in New Draft (H. P. 1330) (L. D. 1875) under title of "An Act relating to Speed of Motor Vehicles Measured Electronically"

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

Pending—Acceptance of either report.

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

Mr. BIRT: Mr. Speaker, I would move the acceptance of Report "A" and would speak to the motion.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt moves the acceptance of Report "A" and that gentleman may proceed.

Mr. BIRT: This bill on highway safety has two parts to it. The legislation originated in the Executive office and is one of the items in the Governor's call for this special session. The first section dealing with removal of posting of signs indicating use of radar is strongly supported by the Chief of the State Police. At the hearing on the bill it was supported by several municipal chiefs of police and a somewhat diluted form is Report "B" of the Judiciary Committee.

And at this time I would comment on Report "B" that I understand from the Highway Department and the State Police that it might cost \$200,000 to implement the Report "B" of this because it indicates that wherever there are road signs that the fact that speed is measured electronically it would have to be recorded on the sign.

Generally the Chief of the State Police has found that the ability to always clearly define distances between the signing and the equipment being used caused the loss of many of these cases in court. The State Police is also testing and considering newly developed mechanical speed testing equipment which directly connects to the speedometer drive of the police car. This equipment can measure the speed of an oncoming car as well as a car traveling in any other direction relative to the direction of the clocking car. The use of this equipment might not be allowable under the present statutes and does require this change in the law. There is a very excellent article appeared in last Wednesday's KJ on this equipment.

The second section deals with the implied consent concept. This was in a bill in the regular session and had a very good hearing before Judiciary. There were many proponents and no opponents at that time. The report from the Judiciary Committee was the same as the report we are now considering, equally divided.

In going over the debate on the Floor from the proofs of the regular session, several arguments were made against the bill and undoubtedly will be the basis for the opposition at this time. These points were the invasion of individual rights, question of constitutionality, reliability of equipment and operator, and lack of financing to purchase the necessary equipment to conduct the test.

Taking these points in reverse order, this is permissive legislation to allow the use of a breathometer, and this is the sole test allowable. Other states allow the testing of blood, saliva, and urine, as well. To test his breath for the purpose of determining the al-

coholic content of his blood, if arrested, for any offense alleged to have been committed while the person was operating or attempting to operate a motor vehicle while under the influence of intoxicating liquor. The legislation clearly points out that the person must be arrested before being requested to take a breathometer test. If the officer has falsely arrested the person he is subject to suit for false arrest. The reliability of the equipment can be checked with testing equipment already in the Department of Health and Welfare. The Commissioner of that department will also establish classes to teach the operation of this equipment when and where needed.

The question of constitutionality which is the major point in question, and I am not convinced there is one, in the growing, changing and highly interdependent society in which we live, cannot be settled on the Floor of this House. The present Judiciary Committee is composed of ten able and well-trained attorneys. I am sure that each and every one of them is fully knowledgeable and conversant with the Federal Constitution and equally sure that they have as good a knowledge of the Constitution of this State. I am equally sure that they have a deep feeling and appreciation for the rights of the individual and would not want to see them taken away or violated in any way. Yes these gentlemen have heard considered, and acted on this proposed legislation twice in the last two years and have divided equally both times.

Many questions of constitutionality have been settled with equally divided reports on subjects that affect our lives much more deeply than the one we are now considering. The changing society in which we live has caused great changes in the direction of thinking of law courts. England which is the mother of our constitutional philosophy has seen the need for this legislation. According to a national TV feature the results were sensational. The climbing death rate which had been occurring on that nation's highways were cut by a

third. Eighteen states in this country have placed this legislation on its statutes including our closest neighbor New Hampshire. Several of these states have had court tests on the constitutionality of this law and have ruled that the legislation is constitutional. With a continually mounting accident and fatality rate on the highways of this State, this Legislature has a responsibility to do something to correct this condition. It can do no less than pass legislation to try and improve highway safety. The decision of constitutionality and the invasion of human rights are not a question we can decide, but are a problem for the distinguished members of the Supreme Court.

This legislation has the support of the Executive Department and the Governor of this State, the Attorney General, the Chief of the State Police, the Highway Safety Committee, and the newspapers of the State. The Bangor Daily News has given it top priority and the Maine Sunday Telegram has indicated in the last two Sundays' editorials that they feel that its passage is one of top priority among the legislation we are considering. And in the Editorial that was in yesterday's Sunday Telegram, and they spoke rather forcefully on this, and I quote from that Editorial. It says:

"Why all the pussyfooting about passing an implied consent law? Never has the highway death and accident toll been higher, (hence the increase in insurance rates). Never has there been more urgency to crack down hard on drunken driving. And legislators pompously double talk about blood tests for alcoholic content being an invasion of person.

School kids take blood tests to get into many colleges; everyone in Maine takes a blood test before getting a marriage license. Blood tests are routine in every hospital and in every branch of our armed forces. Blood tests in connection with suspected drunken driving are the law in scores of states. Why is the Maine legislator afraid to give Maine people this extra protection against death and injury from drunken drivers?" And I would hope that you will see fit

to join in supporting the passage of this legislation.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Danton.

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: I note that our esteemed colleague, the Representative from Bangor, Mr. Quinn is absent. He has shown keen interest in this measure, and I would hope that someone would table this measure until he is present. My understanding is that he is on his way here and I would like to see this matter tabled until he is present.

Thereupon, on motion of Mr. Snowe of Auburn, tabled pending the motion of Mr. Birt of East Millinocket to accept Report "A" and assigned the next legislative day.

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

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

Tabled — January 19, by Mr. Nadeau of Sanford.

Pending — Passage to be engrossed.

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

Mr. NADEAU: Mr. Speaker, first of all I would like — Mr. Speaker and Ladies and Gentlemen of the House: I would like to thank you in the name of the taxpayers of Maine who gave us an opportunity to look into this a little further. I would just like to bring out a few facts. Even one thing over the week-end your tabling enabled a certain person from Strong, Maine. He wrote to me and said that I am writing to you because my representative from that area is not concerned about the hunting situation in Maine. That was just one of them that I received. I have others. I've talked to people who are lodge and camp owners. I have a lot of information but I'm going to be very brief and I know this sounds unbelievable, but anyway in general just a few comments I would like to say in summary to all of

those that I've talked to, and grant you you will not deny that I did not receive a telegram from a little clique who run the Fish and Game Association in my home town. I pulled no bones about that, and when they told me about this great meeting I did some investigation, yes sir, four or five get together and that was the Fish and Game, but the majority of them told me, hey, we didn't vote on this. You go with the taxpayers, and this is what I intend to do, so anyway in short they feel that even if we raise the non-resident fee to \$50.00, we're now getting \$30.00, we wouldn't hamper our operations, and that's where the money should come from and not from the poor people, the elderly, those living on a fixed income or the young family man who may still want to fish and hunt.

We have states like Minnesota, Michigan, Wisconsin — I've looked this up, these are facts, and I hope you people check 'em out, why again should we try to raise. I also got word here from a person who is a former retired Warden mind you, and I cannot take your time in reading it — reading you the long letter he wrote about what is really happening within the Fish and Game. I would like to withhold his name because of his present ability to be able to collect a pension, that's the only reason, but I would gladly make it available to any of you people, and we should look into this. I'd like to note some of the facts that were brought out from other people. We all agreed for instance that in 1927 a license for operating a sporting camp was \$5.00, but just four years ago it was raised to \$10.00.

Is it conceivable that possibly that's another alternative they should look at? But no, they said this is emergency, came before the emergency session, and in brief had little advertisement and so they could have a very short public hearing, so these facts we couldn't have a long hard look at them, so I feel if anything that could have been one point we could have looked at. I've got so many comments here I don't want to waste your time, and of course

there is one — another case they brought out and this came in from someone else who was associated with the Fish and Game, it says did you know also that some of these states have been charging \$50.00, there are two of the states that have been charging \$50.00 for several years, so we would not be the first one. And they also claim, — I could not naturally, I've written to these people, to these two states, but naturally it was unable for me to get an answer in a short time, so this is why I hope we will look into this in the 104th, this also — this proves that they also came up with a better class of hunters, this was one thing that they wanted to tell me, for me to tell you, and he said no, some of the things that could come up it did not hurt the amount of non-resident hunters or fishermen who did come into their states, and I don't think it would happen in Maine.

And there's another statement, and it's very interesting to speculate what effect a \$50.00 fee would have. Certainly it would mean more revenue, but do you realize that even if we lost forty percent of — forty percent or better of those non-residents who already come into this state, do you know that we'd come out with a net increase in money, and you mean to say the real sport ones, the sportsman, the one you call sport, the guy that comes into lovely Maine because he knows there is a chance to a kill, the guy that has 200 or so dollars invested in gear that for twenty extra dollars he is going to not come to Maine when the ratio — did you hear this morning's broadcast? I was up rather early. It stated that there were over 25,000 deer killed in Maine, and I presume these figures are true, came over the radio, it was released, and over 8,000, which is 25%, it says they said 8,000 went to non-residents. Now mind you, even if we increase this \$20.00 and we chased away 40 to 50% we would still have a net gain, you mean to say they're not going to come back when they know that a third of all deer killed in Maine, the lovely home of all deer, that they would not return? Now I'm

opposed to this, ladies and gentlemen, because there were no alternatives, they want to shove this down our throats, in other words, railroad this through this special session. This is my opinion. I stated that those that wish to hunt won't stop because of an extra \$20.00 and they're the ones, these type of sportsmen, they are good sports, they're the ones that do not ignore this, do not trespass signs, they do not leave broken property, they're the ones who can also afford to hire a guide and they will hire a guide, and they will spend their money and their food in Maine.

Now some of you said sure we're going to lose some; maybe we're going to lose some in that second class of hunters I'd like to tell you about, the type that come in here with small trailers or they put tents, all one little group mind you, and this came out of the hearing, and you good members of the Committee will back me up on this, some one or two or three or four or more buy a license. They dress alike. Another different group with the same license if there was no kill and no tagging is back the following week at this particular little tent or this particular little camp or this run-down farm house that they have bought just for the purposes of hunting, so if we did lose some maybe it would be this type. As I stated before the revenue would still far exceed, but why is it that we, and I do believe in committee reports, but this is one that I disagree because they have managed to tax the person on a fixed income, the elderly and some of the people who still wish to do certain things in Maine that you can't do in other states, not as well anyway.

And so I also state in behalf of this recommendation that that's where they should have gotten the money, but they didn't come up with that, that would have decreased this ever increasing class, second class of hunters which I don't think we need in the first place, and of course that second class are the ones that will hire no guides, they will buy no food in

Maine because since they come up with a camper and since they own a place or a rundown farm that is only used for hunting they will even buy the booze out of state, and we know we raised the price of that in order to get new revenue, but then of course my main concern in these groups is that there is no identification, do you think they would come up with that and say that because we must now identify the hunters, we will charge you an extra dollar, that would have been a revenue, and put a picture on the license, that would have stopped all these freeloaders who come in here and use someone else's license, and if you don't think that's a fact, that was brought out in testimony before this group, and that can be proved.

Last but not least I would like to quote you some facts that I have taken time for in looking — I may be loud and I may be long, but please believe me when I say I spent time looking into facts, I do, and I attend all the hearings if I can, and I wish you people would have been there to hear this testimony, then you would vote against granting this increase, because of the method they chose. I would like to quote to you that some of the fees are as low as \$2.25. Vermont, in case some people are wondering where I get it, and to Ohio, \$5.00, again let's go back to Michigan, to Minnesota too, Wisconsin, so that makes it an average of about \$4.00, taking the lot of them into consideration. Non-resident fees; some are as low as \$20.75 and like I told you two of them as high as \$50.00 and another at \$50.25, and I'll give you the names of the two, Wisconsin and Minnesota, so you average them all up and it would average \$33.00. Maine is now thirty, so again even if we went up on that we would be not higher, possibly not lower, but in the right place, not where it hurts.

Now at the hearing there were opponents and proponents, and this is one time I'm happy and glad to see that we were more proponents — we were more opponents than proponents, and I might add that 90%, and I'd like to have a member of the committee state differently, 90% of those who did appear of proponents were all from the

department, or having related duties with the department. Mind you, someone was sitting right beside me and said he used to work, that one does, this one does. I'd like to bring this out, and of course we in York County, and I might add Oxford County, since I believe they're the only two counties that border Maine, this would hurt us tremendously, I don't care if the increase is just a quarter, we've already been hurt by other methods of relations and other increases. Now this, and mind you in New Hampshire they hunt on Sundays, can you imagine what it will do to York County, and this good morning report also stated that York County had the highest deer kill, so don't think for a minute that it won't affect us. This is what the report said this morning, and these are facts, so I state to you that with Sunday hunting if they charge \$7.00 we're going to be paying more, what are you doing to us? I say other states have problems, but I don't think they bring all those under emergencies and into the special session.

I will forego a lot of these remarks because I think you people have already read in between the lines, and I'd like to also state and this is a fact, and I hope these committee members will bring it out, they had charts, they drew a beautiful picture, mind you, even though it is an emergency, the only thing it wasn't an emergency for the department because they had plenty of time to draw graphs, they came out with slides and graphs and oh a multiple of things, in fact, it took two hours for the few proponents to get through, and have a committee member deny that they did not take two hours, so they had graphs, so I think there couldn't have been that much of an emergency that it couldn't wait until the 104th, but in these graphs they admitted ladies and gentlemen that we had a surplus, and do you know that they spent and admittedly spent a quarter of a million more than what they took in? Now why spend what you don't have, but the fact is they have and I say to you fellow members of this 103rd that they wanted to spend this so-called little surplus and so-called little

pot to create a need and create an emergency so this could be railroaded through at this session. They stated that there are vacancies in the department. Fine. So if there's vacancies and the money had not been spent that should create a surplus, or did they spend that too? This was vacancy in personnel.

I would just like to remind you people one thing before I close is that many fine newspapers brought out about all these poverty articles that appeared throughout all of the State of Maine. Let's please keep this in mind as I know there must be others who feel as I do, let's remember for all of us who did read these poverty articles that there is poverty, and let's say maybe if we don't raise it or put the raise where it should belong, after proper investigation and after proper looking into other methods, and I could give you some if they only would have asked me, I could have given them methods of getting increased revenues very easily. I think if we think of those people are we going to deprive them with all the many things they are already being deprived of by maybe not telling them they cannot no longer go hunting and fishing and believe me it was stated at this hearing that some of these people make their livelihood and that they would be poaching like they do the deer because these people need this food and they will no longer buy a license if we increase it too high. That was brought out at the hearing. Now I won't take too much of your time. I'm all done. I want to thank you very much and I hope you remember all those poverty articles.

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

Mr. LEWIN: Mr. Speaker, I will speak very briefly to this bill, L. D. 1872.

The basic need for the proposed increase in the hunting and fishing license fees is to provide funds for pay raises authorized by the Legislature in October of 1967 for all state employees and finalized in December by the Personnel Board.

The Legislature will provide tax funds to pay for the raises for

General Fund agencies, but the Fish and Game Department will not benefit from these funds. The primary source of that agency's income is in the sale of hunting and fishing licenses; the Department does not receive tax money.

It is proposed that the Inland Fish & Game Department receive similar treatment — that is, that new funds be arranged by the Legislature to enable them to cover their pay raises. The proposed increase in fees would provide these funds.

The proposal is made at this time because the pay raises are already in effect.

Last August, in an economy move, \$200,000 was cut from divisional budget requests for the current fiscal year, which ends next June 30. Capital expenditures including construction and purchase of boats, motors, and transportation equipment were drastically cut back, and some programs were curtailed.

The original bill was designed in addition to the proposal for an increase in salaries to restore certain cuts. The bill today, L. D. 1872 will simply provide for increase in salaries, for retirement costs and very little more.

The proposed increase would allow the Department to restore these cuts and operate more normally.

I should point out that the proposed increases, if enacted, would not take effect until January 1969 and would not produce much added revenue until the summer of 1969. Operating on the curtailed basis will have to continue until some new revenue is in hand.

In closing, I might say that this bill by the way was included in the Governor's call. Thank you.

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

Mr. EWER: Mr. Speaker, Ladies and Gentlemen of the House: Before I get carried away by my own eloquence, I want to make a motion before I forget it, and that is to indefinitely postpone this bill and its accompanying papers. My reasons for this are varied. In the first place, I don't think there is any necessity for it. We all had on

our desks when we opened this session the latest report from the Treasurer of State, and one item there was some \$770,000 of unallocated funds belonging to this dedicated Department. I have heard it said out in the corridor that they have since allocated some half of this, but that is the customary allocation for the year and will be replaced when the revenue comes in during the spring and summer and fall from these licenses, 25c isn't very much, the increase for a native's license, but I think it is 25c that isn't justified in any way, shape or manner, and the increase from \$1.75 to \$3.00 or \$4.00 for out of the state hunters is a slap in the face to the people who are coming in here and bringing revenue into the state.

I know my own son-in-law who lives in Massachusetts called me about this when he read it in the Bangor paper which they get three or four days after it is printed with our good postal service, and he said you can tell your Legislature on my behalf that the next fishing trip I take will be in New Brunswick where I can feel surer of getting fish than I do in your state. He's going to pay more if he goes there for a license, I realize, but at the same time he may come back with more fish for our family.

There are other ways and other places in which this revenue if it should be necessary can be collected. I think nobody who gets a deer would object to an increase in the fee for tagging that deer. After all, he might object to going and paying more for a license to hunt and get nothing, but if he gets a deer he ought to be willing to go to say \$3.00 for it. Another way of getting this revenue back if they need it, and I still don't think they do, would be through raising the cost of licensing a guide. You can go up to \$15.00, he gets about \$20.00 a day most of the guides, so he can soon get that back. Another way they could do in this department if they are so up against it for funds, which I still don't believe, would be to cut their expenses. Now in regard to this item I'm going to give you just one little fact. They have eight publicity people over in that depart-

ment at the present time, and I suggest to you that any good newspaper man in his lunch hour could take care of most of this publicity work just as well as it's being done now. I don't want to go into any more details except to say this, that one of our leading outdoor writers for one of the Maine newspapers with whom I have talked, told me the other day that he was preparing a series of articles on this department and how it is administered or mal-administered, whichever way you want to express yourself, and I asked him at the time what he thought about this increase in licenses and he says I am against anything, even if they cut it down to 10c a license, I'm still against it, and that's my general feeling in all. Thank you.

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

Mr. GAUDREAU: Mr. Speaker and Ladies and Gentlemen of the House: I would like to point out one thing, let's bear in mind that the increase will not take effect until 1969. These raises start in 1968. Now this will deplete the reserve of the Fish and Game Department by \$170,000. This reserve that a few comments have been made about is for the operating capital and emergencies in case of forest fires which could close our woods during the hunting season. Now this has happened in the past. If the hunting season was cut two weeks we would probably lose about half a million dollars in revenue in the department. Presently, as of June 30, 1967 the department had \$459,000 in round figures in the reserve. Bearing in mind that with these increases this will deplete the reserve by \$170,000. Now if we wait for the next session to do anything you are going to deplete it another \$170,000, and if you have any emergencies like closing our woods for hunting, the department will be cut down to nothing.

Now this did come up in a special session, it is unfortunate, but I think it is an emergency and I think some money should be raised. The request was for \$1.50. I think we did a pretty good job by cutting it down for the resident licenses to 25c. We did raise the

non-residents big game \$3.00. I think what the Committee tried to do was to blanket the increases non-resident and resident alike. The guide's license went up \$2.50.

I am sure that some money is needed, and with the limited time that we had to do it in a few of us did not agree fully on this measure. But we had to compromise one way or another. I feel that non-residents can pay a little more because I feel if they can come down in Maine and spend four or five hundred dollars for a week I don't think that an extra two or three dollars is going to make any difference.

In the 102nd session we raised the non-resident five dollars. This did not decrease at all in Maine, licenses purchased the following year, it stayed the same. We raised the resident licenses one dollar and we showed a decrease. So I feel that in the short time available, that I don't agree with every aspect of this bill, but the Department does need the money and the short time limited to us in this special session I think the committee did a very good job; and I would ask for a division on the motion to indefinitely postpone.

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

Mr. CROMMETT: Mr. Speaker and Members of the House: I have a few thoughts on this matter that have been going through my mind. This morning before breakfast I put my thoughts on paper, that for the record I would make no mistake.

I do not believe that the proponents of this measure had the necessary support to pass L. D. 1872 last Friday if they objected to the tabling motion. In my way of thinking this is picayunish and petty politics. From observation there doesn't seem to be anything that generates more interest than something to do with the Fish and Game laws. One should not engage in such tactics just to gain a political point of the present and then feel so ashamed in the future as has happened in the past.

Robert Louis Stevenson has said, "Politics is perhaps the only profession for which no preparation

is thought necessary." So true. "It has always been my contention that little people cannot hurt me for they are like thistles, they only irritate and annoy."

Beginning with my first term in the 101st Legislature to the present time I have had the feeling that a majority of the Committee had a misconception on their duties and held fast to the theory of infallibility of the directing head of the Department. You will note that L. D. 1833 was a department bill and was supported by the committee. Now L. D. 1872 is a committee bill and the Department had no choice but to support it.

Now that the umbilical cord has been broken as indicated by their complete reversal of position and reflected in L. D. 1872, it would seem that the members of the committee are beginning to realize their obligation and responsibilities as legislators.

In the 102nd Legislature I opposed a joint order directing the Legislative Research Committee to make a study of the Department of Inland Fisheries and Game. I am sure that I would oppose such an order today. But, ladies and gentlemen, the thinking of many people both in and out of state government is along this line. Departments in state government should be responsive to the will of the people. People should not be servants of the government and will not be for long. The tenure of those who govern is subject to those who consent to be governed.

Of course we all realize the public hearing on L. D. 1833 helped to bring this about. The opposition was voiced in righteous and moral indignation of the unwarrantable, ungenerous, unfruitful, unsavory and ungovernable provisions of that document. Not to be discounted was the opposition of the sixty-seven percent of the rural population whose income is less than \$3,000, people who underwrite and support the programs of the Department of Inland Fisheries and Game.

I would like to leave this thought with you. The great English statesman, John Morley, has said—"Those who would treat politics

and morality apart will never understand the one or the other." Now I would commend the Committee on Inland Fisheries and Game for a job well done. Mr. Speaker, I have no objection to this bill at this time.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I have examined the redraft, I was in the committee hearing, a long long long hearing, which I appeared in opposition to the original bill. I have examined this redraft; I must say that the Fish and Game Committee has done a remarkable job of compromise. The original bill as we all know would have raised the resident licenses by \$1.50 and didn't touch any other category such as non-residents or guides.

In the hearing even those who advocated the raise thought the bill was unjust by hitting only the residents. So we have this redraft. Although there are a few points in the redraft I must take issue with and, as Mr. Gaudreau pointed out, the committee was not entirely satisfied with the redraft as it did finally come out, even though they signed it. One thing—and it may seem small, the little fee that the clerk gets, 25 cents. A little research I had on the old life licenses that Maine used to grant, under Acts of 1919 and 1923, showed me that at that time the clerk got 10 cents. So in between forty and fifty years the clerk's wages have risen 15 cents per license; possibly she should get a little more.

You know that many people in this state are really boiling over this 25 cent raise even. Most of them will pay it and growl, but there will be some of them that will growl and not pay it and go shoot a deer anyway—and not only one but two or three or more. Many of these people do it now. How long are we going to be in raising this and other taxes? When is the last final straw going to be added on the load that is going to break the camel's back?

The residents of this state, as Mr. Crommett has pointed out, that

do much of our hunting are relatively poor people. Some of them have large families, partially grown. The husband gets a deer, the wife gets a deer, some of the older children get a deer. In this way with each person getting his deer if he can find it, they manage to provide themselves with a considerable amount of meat. And I think therefore that we should keep the resident licenses as low as we possibly can. I think this increase should be funded entirely from non-residents and guides.

The non-resident licenses—I get this from notes that I took during the hearing, perhaps I heard wrong, apparently went from 20-25 in 1947 to \$25.25 in 1955 and to \$30.25 in 1965. In other words, there was a \$20 increase in eighteen years. I don't think this is too excessive. I don't think the non-residents will complain too much nor do I think from what evidence has been supplied here and at the hearing that there would be too much loss in revenue, too many less licenses, if the entire cost, the entire amount that is needed by the Fish and Game Department were to be taken from the non-residents.

However, I only regard this, even this step as a stopgap. At the hearing there were some that suggested that some activities of the Fish and Game Department should be funded from general revenue. I would suggest that in the future the Legislature consider seriously funding those activities, either still within the Department or separately; perhaps other departments could take them over, some of them. I think many in the committee agreed. I think it is self apparent that from this narrow source of revenue that the Fish and Game Department cannot adequately support itself on dedicated funds. Therefore they either must be supplemented or an entirely new system must be devised.

We were told at that hearing that more cutbacks would be necessary and this might be an answer if the cutbacks are where they might hurt the Department least. For example, and this is just an example, does the Fish

and Game Department really need snowmobiles? We have been told of the decline of license sales, and part of this is due to the free fishing licenses for those over seventy, and this is undoubtedly true; but there are other factors. I think that perhaps part of the decline, perhaps most, part of the decline or perhaps most of it is due to the decline in our deer herd and in our fish populations.

Now I think perhaps the Fish and Game Department might take issue with this, but in my area I know for a fact that there are less deer than there were ten years ago, than there were twenty years ago. I have lived in this rural area for the most of my life and I simply have taken the evidence with my own eyes. I think part of this is due to a couple of statistics that were mentioned in that hearing; they were very interesting to me. We were informed by one of the persons that appeared at the hearing, he got up in the audience in reply to a question asked, what was the percentage of kill of the residents as compared to the non-residents? This was the question. Apparently the resident hunter got about a twenty percent kill and the non-resident about a twenty-five percent kill. I snorted at this to myself and several around me heard me. I says that's easy to explain — it is, very easy to explain.

There are game wardens in my area that know that there were night hunters last fall who were shooting and selling their deer to the non-residents. This they knew but could not prove. They knew it from rumors; they knew it from the evidence; they knew of at least two deer that were found in the Mattawamkeag River, partially decomposed, thrown away, shot and they couldn't find a sale for them. No wonder the non-residents have a higher kill than the residents.

There was a man who was formerly from Rhode Island, apparently he's got his statistics somewhat mixed up because I see that in Rhode Island they have a \$10.25 big game license. He said they didn't allow anything higher than a 22 in Rhode Island, afraid they might shoot someone's cow

— that happens in Maine more frequently than we would like to have it and quite often by non-residents; not only cows but horses and other animals that are mistaken for deer. This has happened, this has happened in my own area. Two years ago a farmer found, and it's quite obvious that the person didn't even mistake the animal although he might have at first when he showed up under his lights, he found one morning where one of his yearling heifers had been shot and butchered in his pasture. Apparently they had shot the animal and taken the meat; in that particular case the local resident might have been at fault.

I can't have any — unless somebody sometime before this business is done over this bill, can come up with an amendment that will satisfy some of the things that I brought out, I can't conscientiously vote for this bill. I think the 25 cent rate is too much. It is not the amount, it's the principle of the thing. It is said that hunting in Maine is a privilege and not a right.

In 1919 the State of Maine granted licenses for 25 cents to residents as long as they were bona fide residents of the State of Maine. The law was slightly amended in 1923. In 1929 in a complete revision of the Fish and Game laws this was taken away from them. Even those people who had bought those licenses were denied that right that they were promised by the government as long as they were bona fide residents. Now I seriously ask this question, if this can be done by the Legislature and I know it can be done, what value is a bond issued by the State of Maine?

I can't vote for this bill as it is today even. I think we've gone to a ridiculous extreme. I think that the most, the best thing that we could consider here this afternoon — there are people here that could easily draft an amendment, to fund whatever the Fish and Game needs if they need it, as Mr. Ewer says, from the General Fund, and seriously considering making this deficit up in this way in future time if it is needed. But I think

first that they should seriously consider whether they need many things that they now have and whether they couldn't economize perhaps just enough to cover the exact cost that they need and not take out of this surplus.

The SPEAKER: The Chair recognizes the gentleman from Glenburn, Mr. Cookson.

Mr. COOKSON: Mr. Speaker and Ladies and Gentlemen of the House: I would like to get back for a few minutes just possibly to the reason why this bill was put in, we have talked all around it, so now let's get down to the bill. Of course the bill as we have it now is not as it was in its original form. The Department is only asking for 25 cents for each of the resident license hunting and fishing, and I would like to give you a few reasons that haven't been mentioned as to why they do need this money.

In the first place, \$170,000 of it is needed to bring the pay raises of the Fish and Game Department personnel up on the same level as the rest of the state departments are doing their personnel. Another thing, the Department's share of the Maine State Retirement for their personnel has risen from \$55,000 in 1955 to \$210,000 today. I would further remind the members of this Legislature that 10,700 free fishing licenses have been issued to our senior citizens of this state since we passed the bill in the 102nd Legislature giving free licenses to them. This has cost the Department over \$30,000.

I think that we better get back and be a little bit responsible as to the things we have done in the past. At the hearing there was little or no opposition to the fact that money is badly needed. Many facts were brought out emphasizing the needs for more wardens and more modern equipment for them to cope with the ever increasing number of better equipped poachers. I wonder if you would send the game warden today out to apprehend one of these people who have these fast motor skis or sleds on snowshoes, or would you send them out in a canoe to try

to apprehend one of these fast boats.

I have heard a lot of talk in this Legislature about not living in the past, but when you talk about back in 1909 and 10 the way we have been hearing the last few minutes here I think we're going back quite a ways. I would urge you to vote against the indefinite postponement of this bill and give the Department the money that is really needed.

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

Mr. NADEAU: Mr. Speaker Ladies and Gentlemen of the House: Briefly, our last speaker just said now let's get onto the meat of things to what we should be talking about, but they all evade this idea where we spent a quarter of a million dollars more than what they had, this is what I want to know, and then of course we heard from another speaker who said that this was because of a limited time, this is what they threw out at us. In other words, are we saying that the people of Maine are worth only a little of your and my time? And again, they tell us, the proponents, or at least two members of the Committee, I don't even think they're proponents themselves, they say that this raise will not take effect until next year so I say let's wait 'til next year, let's not even pass it. So I suggest to you let's wait 'til the 104th, and that's the reason why we should vote with Mr. Ewer and indefinitely, indefinitely postpone, it's not going to come into effect until then anyway, let's give everybody else a chance to look into this, and let's give time to these things, and again they admitted, they admitted from the facts that came out of the hearing that even though there was an increase several years ago, there was no decrease in the non-resident licenses, they admit that, and now on this morning's broadcast they admit they're bringing out deer more than ever.

So now that they come again and they want to defend this little piece of short limited time, I don't think it's a good bill. I must bring out a few other things which I

didn't intend to. They didn't bring out there was other suggestions over there that they, even guides themselves, suggested that they raise the guides' fee. They were thinking about the taxpayers. There was other suggestions. Just for one, let me give you one, that wasn't one of them, but this is one you can think of. There are dog taxes, do you know there are over 700,000 dog taxes in the State of Maine here, and there is \$75,000 paid back for sheep damage, get this, for sheep damage. Now as you know our Wardens are over-worked, there is no doubt about that, I'll go along with that, and as you know, that we do give for dog kill and since the Wardens are doing it, this money from this \$700,000 after they deduct \$75,000 from it, 50% is retained by the department and 50% goes back to the towns, so I'm saying the particular department who is now getting the benefit of this revenue, we knew it, dogs kill deer, why don't they take a percentage of that?

They didn't want to consider alternates ladies and gentlemen, all they want to do is let's shove it through, let's railroad it, this is what you're going to do take or nothing at all, and I also, I also, I say before we start hitting the taxpayer, even though it may just be small, I would request that all of you read by Jerome G. Daviau, Maine's Life Blood. That book in itself would tell you about some of the frills and thrills that occurred through the past years concerning this same department. We need some long hard looking into. So there are other situations.

And another thing that was brought out in here, this was an emergency, but do you know during this emergency the Commissioner did not attend, and why didn't he attend? Well I checked into this. I understand he is on a six weeks field trip at our expense. If it's such an emergency and I was the department head, I'd be there. We're here aren't we? This is supposed to be emergency. First, before I ever would ever vote for an increase on a resident tax in any amount if it was a dog-gone penny this would hurt several

counties as I've mentioned before, I would suggest some of the following, and I wasn't going to mention this, but since we have a few proponents I have to now, that we ground the pleasure excursions that sometimes occur with the Fish and Game plane, and you heard me correctly, and let them deny this, and I'll quote you, and let's take a long hard look and ask ourselves, are we doing something wrong, we spent over a quarter of a million in one year, we wanted a decrease ladies and gentlemen, don't let them kid you. And also, did we — I wonder, shouldn't we ask ourselves did they, meaning we, do this to create a deficit, an emergency?

And I question right now, has the Fish and Game — this came out of the hearing too, and I had that same question but someone beat me to the punch, has the Fish and Game collected everything that is outstanding? And I tell you, why not, because there are outstanding debts and it doesn't have to always be monetary. Let's look into these things. We don't need this increase. Because other alternatives were not suggested I would like to suggest that we all vote for indefinite postponement, and if not, then come back to the 104th where we can give it more than a little time and a little consideration to our taxpayers. In fairness I still feel if we vote for this we'll vote for a railroad job.

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

Mr. DICKINSON: Mr. Speaker, I know the hour is late, but I would be remiss if I didn't point out some factors here for consideration of this body, and I would hope that perhaps somebody might table this until the next legislative day.

I have received several complaints that the Fish and Game Department has ignored bid procedure, usual bid procedure, through the Bureau of Purchases, and I have checked out several of these complaints and reasons advanced for ignoring this procedure are of more than passing concern. I think that further analysis might develop that a lot of money might be saved if procedure followed by

other departments was also followed by this department which has been referred to by many as a separate empire.

I would respectfully suggest that more consideration be given to bids of other manufacturers with equal or approved merchandise instead of seeking loopholes for reasons best known to department personnel. Therefore, I would hope that we might go along with the motion to indefinitely postpone to permit further study of this angle and suggest that it wouldn't be too late if we left this to the 104th to decide. I thank you.

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

Mr. JALBERT: Mr. Speaker, I would pose a question to any member who may answer, what is the surplus of the Fish and Game Department and what is their budget?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to any member who may answer if they choose. The Chair recognizes the gentleman from Lewiston, Mr. Gaudreau.

Mr. GAUDREAU: Mr. Speaker, in answer to the gentleman from Lewiston, Mr. Jalbert, the surplus as of June 1968 is \$405,000, but with the raises this will be depleted from \$170,000.

While I'm on my feet I would like to make one point, that if we wait 'til the 104th, that means that the raises cannot become effective until 1970, so that's two years, it will deplete that reserve by \$340,000. Now we can criticize the department all we want. Personally, I think they do a fairly good job, and I say we honestly need that money. I say the department needs that money and they need it during this special session or I never would have voted for any type of bill, even this watered down bill. There was one of two decisions we had to make during the committee whether we were going to go for this watered down bill just to take care of these raises or whether we would go for the real needs of the department. We decided on the watered down version to take care of the raises. Licenses cannot become effective 'til a year because

half of them have been sold, and you cannot sell half a license at one price and the other half at the other price. The total budget, I think that I have it here, the total budget is around \$2,900,000.

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

Mr. JALBERT: Mr. Speaker, I am not going to get myself involved in matters wherein it concerns Fish and Game per se, but I am going to get myself involved in Fish and Game matters wherein it involves budget and moneys. I should not have asked, the good gentleman from Portland, Mr. Scribner, handed me the financial report. The budget is almost \$3,000,000 and their surplus is nearly \$700,000. Now if we can operate in my humble opinion, if we can operate a budget of some \$250,000,000 plus without hardly any surplus at all, let alone \$700,000, but by being willing to finance and I agree, go along with it, the general operation of State Government by raising estimates and even using surplus, which I go along with but I don't exactly herald as one A-plus fiscal policy that is sound, I should think that we could certainly struggle along by holding the line now in a department that is supposed to be self-sufficient, that has a \$700,000 surplus up against a budget of not even \$3,000,000. I think we could well wait a few months, we'll be back here at the 104th and I'm sure it won't hamper them to get a raise in salary, they can certainly get it out of that surplus and they will still have, if we give them, the way I figure it, unless my figures are incorrect, if they take this raise out of their present surplus, they still will have more of a surplus in their department than we will have under the general fund of our own operation to the tune of \$250,000 when we get out of here, so I think we can leave things as they are.

Mr. Ewer of Bangor requested the yeas and nays.

The SPEAKER: A roll call has been requested. The Chair recognizes the gentleman from Glenburn, Mr. Cookson.

Mr. COOKSON: Mr. Speaker and Ladies and Gentlemen: I do not propose to debate with the good

gentleman from Lewiston, Mr. Jalbert, because I know I am no match for him, but I would remind him of this, that with that \$700,000 surplus, should the same thing happen again as happened in the fall of the Bar Harbor fire when no hunting licenses were sold, there would be no raises for anyone, because that \$700,000 surplus would be gone almost over night.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Bangor, Mr. Ewer, that L. D. 1872, Bill "An Act Increasing Hunting and Fishing Licenses" 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 the motion of the gentleman from Bangor, Mr. Ewer that L. D. 1872 be indefinitely postponed. All of those who are in favor of indefinite postponement will vote yes, those opposed will vote no, and the Chair opens the vote.

ROLL CALL

YEA — Bedard, Beliveau, Ber-
man, Binnette, Bradstreet, Brown,
M. F.; Bunker, Burnham, Carey,
Carrier, Carroll, Carswell, Clark,
Cote, Couture, Crockett, Cushing,
D'Alfonso, Danton, Dickinson,
Drummond, Dudley, Ewer, Fortier,
Foster, Gauthier, Hanson, H. L.;
Hanson, P. K.; Harnois, Healy,
Henley, Hennessey, Hichens, Hodg-
kins, Humphrey, Hunter, Jalbert,
Jameson, Jannelle, Jewell, Kyes,
Lebel, McMann, McNally, Min-
kowsky, Mosher, Nadeau, J. F. R.;
Noyes, Prince, Quimby, Rideout,
Robertson, Robinson, Saghagian,
Scott, G. W.; Scribner, Snow, P.
J.; Starbird, Susi, Tanguay, Tru-
man, Watts, Wheeler, Williams,
Wood.

NAY — Allen, Baker, E. B.; Be-

langer, Benson, Bernard, Birt, Bou-
dreau, Bourgoin, Bragdon, Bren-
nan, Brown, R.; Champagne, Con-
ley, Cookson, Cornell, Crommett,
Curran, Darey, Dennett, Drigotas,
Dunn, Durgin, Edwards, Eustis,
Farrington, Fecteau, Gaudreau,
Gill, Hall, Hanson, B. B.; Harri-
man, Harvey, Hawes, Haynes,
Hewes, Hoover, Huber, Immonen,
Keyte, Kilroy, Levesque, Lewin,
Lincoln, Maddox, Martin, Meisner,
Morrell, Nadeau, N. L.; Payson,
Pendergast, Pike, Porter, Rackliff,
Richardson, G. A.; Richardson, H.
L.; Ross, Sawyer, Scott, C. F.;
Shaw, Shute, Thompson, Town-
send, Trask, White, Wight, The
Speaker.

ABSENT — Baker, R. E.; Buck,
Cottrell, Crosby, Evans, Fraser,
Giroux, Hinds, Lewis, Littlefield,
Lycette, Miliano, Philbrook, Quinn,
Rocheleau, Roy, Snow, P.; Soulas,
Sullivan, Waltz.

Yes, 64; No, 66.

Mr. Danton of Old Orchard
Beach was granted permission to
change his vote from 'no' to 'yes.'

Mr. Wood of Brooks was granted
permission to change his vote from
'no' to 'yes.'

Mr. Hall of Windham was
granted permission to change his
vote from 'yes' to 'no.'

Mr. Rideout of Manchester was
granted permission to change his
vote from 'no' to 'yes.'

Mr. Conley of Portland was
granted permission to change his
vote from 'yes' to 'no.'

The SPEAKER: The Chair will
vote 'no.'

Yes, 65; No, 66; Absent, 20.

The SPEAKER: The Chair will
announce the vote. Sixty-five hav-
ing voted in the affirmative and
sixty-six in the negative, the mo-
tion does not prevail.

Is it now the pleasure of the
House this bill be passed to be
engrossed?

(Cries of "No")

The Chair will order a vote.
All those in favor of this bill be-
ing passed to be engrossed will
vote yes, those opposed will vote
no, and the Chair opens the vote.

72 voted in the affirmative and
60 voted in the negative.

Mr. Starbird of Kingman Township 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—the Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, is the motion debatable?

The SPEAKER: A motion for a roll call is not debatable. A motion for engrossment is debatable.

All of those in favor of 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 engrossment of L. D. 1872, Bill "An Act Increasing Hunting and Fishing Licenses."

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

Mr. JALBERT: Mr. Speaker and Members of the House: I can recall, approximately two weeks ago today as a matter of fact, making a motion in one of our party caucuses that I at least stood unalterably opposed to any taxation at this session. It is true that my motion did not include yet any departments that would involve, departments that got their money through dedicated revenues. By the same token, and I think that following this by their action the friendly opposition party somewhat went along with this philosophy in not deciding to pursue the 320 pupil program, the \$320 pupil program.

As I stated before it is not certainly my intention to get myself involved in anything of a controversial nature which concerns the Fish and Game Department, but I must repeat what I stated just a few minutes ago. We are going to practically deplete to nothing our general fund surplus. We are going to raise estimates further, which will leave us with no surplus out of a

budget of 250 or 60 million dollars. And certainly I would appreciate that my very dear friend Mr. Cookson would understand the dilemma that that could conceivably plunge us into if we did come up with a serious problem anywhere within any of our various departments that come under the general fund.

Yet on the other hand we are merely taking half of the surplus of a department that operates at some ninety times less than we operate the general fund government. I am just wondering how we can explain that when we get back home. And I am not a hunter unfortunately, I am not a fisherman unfortunately. There are those that have wondered if there was a bounty on me, but I am just seriously wondering just how we explain this when we get back home.

And now that I have gotten in this thing, in the controversy of the thing, I now vote the indefinite postponement of this measure and all of its accompanying papers. And if my motion prevails, my next motion will be to reconsider and I hope that you will vote against me on that. I want to kill this thing now and I want to bury it.

The SPEAKER: The Chair would advise the gentleman that indefinite postponement having just previously failed, the motion is not in order and the pending question is the engrossment of this bill.

Mr. JALBERT: Were there any motions made since the motion to indefinitely postpone the measure originally, we have had other motions — I am not taking issue with the Chair I assure you.

The SPEAKER: The Chair would advise the gentleman and the House that the only thing that has transpired since the lost motion of indefinite postponement is that a roll call has been ordered on the passage of this bill to be engrossed. All those in favor of this bill being passed to be engrossed will vote yes; those opposed will vote no, and a roll call has been ordered.

The Chair recognizes the gentleman from Glenburn, Mr. Cookson.

Mr. COOKSON: Mr. Speaker and Members of the House: I just would like to bring out the fact that this \$2,900,000 budget would only go one third of the year. If

we did have a bad dry year when they couldn't sell either fishing licenses or hunting licenses, this is altogether a different sort of budgeting as our good friend Mr. Jalbert is talking about when he is talking about the method of taxation from sales tax and other means. This is not that way at all.

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

Mr. DICKINSON: Mr. Speaker and Members of the House: Inasmuch as there is no real emergency associating with this matter, I would again respectfully request that before increasing license fees affecting so many people that we further explore the possibility of savings through reduction of expenses, realizing that a dollar saved is a dollar earned. Thank you.

The SPEAKER: Is the House ready for the question? The pending question is on the passage to be engrossed of Bill "An Act Increasing Hunting and Fishing Licenses," House Paper 1327, L. D. 1872. All those in favor of its passage to be engrossed will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, E. B.; Belanger, Benson, Bernard, Boudreau, Bourgoin, Bragdon, Brennan, Brown, R.; Champagne, Conley, Cookson, Cornell, Crosby, Curran, D'Alfonso, Darey, Dennett, Drigotas, Dunn, Durgin, Edwards, Eustis, Farrington, Fecteau, Gaudreau, Hall, Hanson, B. B.; Hanson, H. L.; Harriman, Harvey, Hawes, Haynes, Healy, Hennessey, Hewes, Hoover, Huber, Immonen, Jannelle, Kilroy, Levesque, Lewin, Maddox, Martin, Meisner, Morrell, Nadeau, N. L.; Payson, Pendergast, Pike, Porter, Rackliff, Richardson, H. L.;

Ross, Sawyer, Scott, C. F.; Shaw, Shute, Thompson, Townsend, Trask, White, Wight.

NAY — Bedard, Beliveau, Berman, Binnette, Birt, Bradstreet, Brown, M. F.; Bunker, Burnham, Carey, Carrier, Carroll, Carswell, Clark, Cote, Couture, Crockett, Crommett, Cushing, Danton, Dickinson, Drummond, Dudley, Ewer, Fortier, Foster, Gauthier, Gill, Hanson, P. K.; Harnois, Henley, Hichens, Hodgkins, Humphrey, Hunter, Jalbert, Jameson, Jewell, Keyte, Kyes, Lebel, Lincoln, Lycette, McMann, McNally, Minkowsky, Mosher, Nadeau, J. F. R.; Noyes, Prince, Quimby, Richardson, G. A.; Rideout, Robertson, Robinson, Sahagian, Scott, G. W.; Scribner, Snow, P. J.; Starbird, Susi, Tanguay, Truman, Watts, Wheeler, Williams, Wood.

ABSENT — Baker, R. E.; Buck, Cottrell, Evans, Fraser, Giroux, Hinds, Lewis, Littlefield, Miliano, Philbrook, Quinn, Rocheleau, Roy, Snowe, P.; Soulas, Sullivan, Waltz.

65 voted in the affirmative and 67 voted in the negative.

Mr. Conley of Portland was granted permission to change his vote from no to yes.

Mr. Gill of South Portland was granted permission to change his vote from yes to no.

Yes, 65; No, 67; Absent, 18.

The SPEAKER: Sixty-five having voted in the affirmative and sixty-seven in the negative, the Bill falls of passage to be engrossed.

Thereupon, the Bill was indefinitely postponed and sent to the Senate.

On motion of Mr. Benson of Southwest Harbor,

Adjourned until ten o'clock tomorrow morning.