

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 17, 1969 to July 2, 1969

Index

1st Special Session

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, June 27, 1969

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

Prayer by the Rev. Mr. Lawrence Merckens of Hallowell.

The journal of yesterday was read and approved.

Messages and Documents

The following Communication:

THE SENATE OF MAINE
Augusta

June 26, 1969

Honorable Bertha W. Johnson
Clerk of the House of Representatives

104th Legislature

Dear Madam Clerk:

The Senate today voted to adhere to its former action whereby it accepted the unable to agree report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, An Act to Provide for the Interception of Wire and Oral Communications. (H. P. 769) (L. D. 1002)

The Senate today voted to insist and join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, An Act Establishing a Human Rights Commission. (H. P. 1050) (L. D. 1384) The President appointed the following members of the Senate to that Committee of Conference:

Senators:

WYMAN of Washington
LETOURNEAU of York
KATZ of Kennebec

The Senate today voted to insist and join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, An Act Increasing Salaries of County Attorneys and Assistant County Attorneys. (H. P. 1049) (L. D. 1377) The President appointed the following members of the Senate to that Committee of Conference:

Senators:

LOGAN of York
TANOUS of Penobscot
BELIVEAU of Oxford

Respectfully,

(Signed)

JERROLD B. SPEERS
Secretary of the Senate

The Communication was read and ordered placed on file.

Orders

Mrs. Cummings of Newport presented the following Joint Order and moved its passage:

WHEREAS, PPBS is a system aimed at helping management make better decisions on the allocation of resources among alternative ways to attain government objectives; and

WHEREAS, its essence is the development and presentation of relevant information as to the full implications—the costs and benefits—of the major alternative causes of action; and

WHEREAS, Planning-Programming-Budgeting Systems are designed to minimize the amount of piecemeal, fragmented and last minute program evaluation which tends to occur under present planning and budgeting practices; and

WHEREAS, this system is part of a program of research and education on advance fiscal planning under a grant from the Ford Foundation which is now being installed in many states; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the feasibility of implementing a Planning - Programming - Budgeting System within and between government departments of this State; and be it further

ORDERED, that the Committee report the results of its study at the 105th session of the Legislature. (H. P. 1293)

The Joint Order received passage and was sent up for concurrence.

Mr. Santoro of Portland presented the following Joint Order and moved its passage:

WHEREAS, funds for medical assistance are available through the State public assistance program within certain low income bounds; and

WHEREAS, persons 65 years or older are also eligible for financial assistance for their medical needs through Medicare; and

WHEREAS, medically indigent persons over the limits of public assistance but under 65 years of age lack necessary assistance and are at the mercy of their community; and

WHEREAS, there are approximately 175,000 such medically indigent persons within the State who are needlessly suffering in the absence of a Medicaid Program which is designed to fill this gap; and

WHEREAS, $\frac{2}{3}$ of the funds required for such a Medicaid Program are available in federal matching dollars provided the State takes affirmative action prior to July 1, 1975; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the feasibility of initiating a new public health program under Title 19 to provide selective hospital and physicians care and treatment to present and potential medically needy persons with low or average income who are unable to meet the medical costs arising from unexpected major medical problems. Such study shall also include, but shall not be limited to the following: Payments for drugs, limited dental care, expanded professional services for Indians on reservations, as well as job training, employment counseling and other needed rehabilitative services; and be it further

ORDERED, that the State Departments of Health and Welfare and Mental Health and Corrections are directed to provide the Committee with technical advice, information and such other assistance as the Committee deems necessary or desirable to carry out the purposes of this Order; and be it further

ORDERED, that the Committee reports the results of its study at the next regular or special session of the Legislature. (H. P. 1294)

The Joint Order received passage and was sent up for concurrence.

By unanimous consent the Joint Orders were ordered sent forthwith.

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

Mr. THOMPSON: Mr. Speaker, I present a Joint Resolution and move its adoption and would speak briefly to my motion.

The SPEAKER: The Chair would announce that this Joint Resolution has been received by a majority of the Committee on Reference of Bills without reference to any committee.

WE, your Memorialists, the Senate and House of Representatives of the State of Maine of the One Hundred and Fourth Legislative Session assembled, most respectfully present and petition the Secretary of Commerce, the Honorable Maurice H. Stans, and the Maine Congressional Delegation, as follows:

WHEREAS, the footwear manufacturing industry of the State of Maine faces continuing and expanding foreign competition from imports as the result of lower wage scales; and

WHEREAS, over 28,000 citizens are employed in over 139 factories throughout the State, many of these factories being located in small towns where they supply the major source of income and employment; and

WHEREAS, imports of leather and vinyl shoes have expanded dramatically from 7.8 million pairs in 1955 to 175 million pairs in 1968, adversely affect our domestic shoe manufacturing industry by curtailing its growth and eliminating many job opportunities; now, therefore, be it

RESOLVED: That we, your Memorialists, recommend and urge the Secretary of Commerce and the Members of the United States Congress from the State of Maine to take appropriate action to promptly restrain the importation of foreign footwear and to provide adequate safeguards which will protect our domestic shoe industry and the citizens it employs; and be it further

RESOLVED: That copies of this resolution, duly authenticated by

the Secretary of State, be immediately transmitted by the Secretary of State to the Secretary of Commerce and each Senator and Representative from Maine in the Congress of the United States. (H. P. 1295).

The SPEAKER: The gentleman may proceed.

Mr. THOMPSON: Mr. Speaker, Ladies and Gentlemen of the House: This resolution was placed on your desk yesterday, but papers have been coming so fast that I am afraid some of you haven't taken time to read it.

I am sure you are all aware of the economic impact of the shoe manufacturing of the state, and you people from the southern and central areas of the state are keenly aware of the fierce competition that has been generated by the foreign import of shoes. Now this Resolution is asking Congress and our Maine delegation to attempt to reduce the import quotas. I can't guarantee how much effect it will have on Congress, but it certainly will let the shoe manufacturers of our state know that we are concerned.

House at Ease

Called to order by the Speaker.

The SPEAKER: Is it now the pleasure of the House that this Joint Resolution be adopted?

The motion prevailed, and the Joint Resolution was sent forthwith to the Senate.

**Passed to Be Enacted
Emergency Measure**

An Act to Correct Errors and Inconsistencies in the Education Laws (S. P. 162) (L. D. 536)

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. 113 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Sent forthwith.

Enactor

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

An Act Defining the Powers and Duties of the Water and Air Environmental Improvement Commission and Other State Agencies with Respect to Air Pollution (S. P. 502) (L. D. 1597)

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

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker and Ladies and Gentlemen of the House: There were many of these bills around this year and I have been tempted to suggest to the House that these are some of the bills that perhaps have increased our Supplemental budget in various areas. This is the first bill that I have seen fit to inquire, Mr. Speaker, about the appropriation matter at the end of the bill in regard to House Rule 46 or Joint Rule 12.

The SPEAKER: The Chair will inform the gentleman and the House that the question posed to the Chair is pertinent and this particular rule does make the statement, a statement of fact, that any bill introduced relative to funding, the statement of fact should be printed on the bill.

The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker, may this bill be tabled pending the information?

The SPEAKER: The gentleman from Hope, Mr. Hardy, moves that item 2, L. D. 1597, be tabled until later in today's session.

Thereupon, Mr. Lund of Augusta requested a vote on the tabling motion.

The SPEAKER: A vote has been requested on the tabling motion. All in favor of this matter being tabled until later in today's session will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

84 having voted in the affirmative and 34 having voted in the negative, the motion did prevail.

Passed to Be Enacted

An Act Providing for Presidential Preferences in Primary Election (H. P. 1151) (L. D. 1473)

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.

Sent forthwith.

The SPEAKER: The Chair will call your attention to Supplement No. 1.

Passed to Be Enacted

An Act to Provide for the Reconstruction of the Interstate Bridge at South Berwick. Known as "Landing Bridge" (S. P. 541) (L. D. 1615)

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. 116 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Adjusting State Employees' Pay (H. P. 1009) (L. D. 1311)

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

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

Mr. HEWES: Mr. Speaker, I note that this bill calls for \$7 million in expenditures, an emergency measure. In view of the uncertainty in the tax picture I would think we would go slowly about passage as an emergency, either put it off until later in the day or go a little more slowly. I just mention that in passing. I don't see that I can vote for it at this moment, the tax picture as it is.

The SPEAKER: The Chair advises the gentleman and the House that this measure if enacted would go to the Senate and would be held for appropriations.

This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken.

111 voted in favor of same and 5 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed

Constitutional Amendment

Resolve Proposing an Amendment to the Constitution Providing for Convening of the Legislature at Such Times as the Legislature Deems Necessary (H. P. 21) (L. D. 24)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken. 116 voted in favor of same and 4 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Constitutional Amendment

Failed of Final Passage

Resolve Proposing an Amendment to the Constitution Affecting the Apportionment of the House of Representatives (H. P. 1256) (L. D. 1588)

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

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: As I understand this bill it would district the cities. Now we represent the City of Portland, for example, as a whole and not just a section of that city. And it seems to me rather strange that the GOP was quite satisfied with the status quo for about fifty years when they usually sent all Republicans from many cities. Now the Democrats are being elected the GOP apparently feels quite different about this. I think this bill here really must be labeled for what it is, a bold faced political move by the Republican Party.

Fortunately, however, a few years ago the Legislature in its wisdom and the people approving of that said that there must be a two-thirds vote for something of this nature. So I hope the House will take advantage of that two-

thirds vote which protects the Minority Party and vote against this measure.

Mr. Speaker, I move the indefinite postponement of this bill.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: As you know this bill originally was sponsored by me. I worked quite a considerable time to put together something on apportionment that would be acceptable to both political parties. And naturally in such a situation you put together something that is not entirely acceptable to either.

The State Supreme Court refused to rule on my bill in its final form. It pointed out several possibilities that might be construed to mean that it could be unconstitutional, depending on its application. It ruled that the bill as presently before you, Senate Amendment "B", is constitutional. There was no question in my mind when I saw it but what it was. However, there are things in it that are not acceptable to me and are not acceptable to some other members of this House for various reasons, not alone districting the cities. Multiple member districts are not unconstitutional, not by the Federal Constitution.

In the ruling in 1964 concerning the state senates, Chief Justice Warren made the remark in his ruling that the multiple and single member districts might be used either singly, one system by each House, or together in order to better balance inequities in population. The fact that this is true and the fact that the bill now is not acceptable to a large segment of this House I shall have to go along with a move to indefinitely postpone.

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

Mr. BENSON: Mr. Speaker and Members of the House: I believe if I were a voter in the City of Portland I would favor this. I can't really conceive of going to the polls and facing a ballot with 22 names on it and knowing I had to make a somewhat intelligent choice. I just can't imagine trying

to become familiar with 22 people on a ballot. I don't think that that is an intelligent way to vote and I don't think that that is a very intelligent way to ask a person to vote.

Maybe there are some political overtones here, I couldn't quite address myself to that, Mr. Brennan; but I do think that there is considerable value to this constitutional amendment and I would urge the House to vote against the motion for indefinite postponement.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: For some reason this morning I find myself in total agreement with the gentleman from Portland, Mr. Brennan. As you all know, at the federal level when the Supreme Court gave this edict of one man one vote, it seemed that there were some objections and Senator Dirksen has been working hard to set this ruling aside by the Supreme Court which was not unanimous by any means. I understand that thirty-three states have ratified the Dirksen amendment. They only have one more state to go and I was hoping that the State of Maine would be that state, although nobody introduced an amendment. I feel that they will get the thirty-fourth state shortly. I think they shall call a constitutional convention and I think they shall put aside the Supreme Court ruling of one man one vote concept.

As Mr. Brennan said, I also represent the entire City of Lewiston and not just one ward. I work for all the citizens of the City of Lewiston and not just one portion of it. In fact I work for all the citizens of the State of Maine—I think, and go along with their thinking. So I support heartily the indefinite postponement of this constitutional amendment this morning.

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

Mr. ROSS: For the same type of reasoning as the last speaker used, the gentleman from Lewiston, Mr. Cote, I find myself in complete agreement with the gentleman

from Southwest Harbor, Mr. Benson, and I move that when the vote is taken it be taken by the yeas and nays.

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

Mr. JALBERT: Mr. Speaker and Members of the House: And if we are to get out of here this week I find myself in complete agreement that this thing is coming back anyway.

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

Mr. BERMAN: Mr. Speaker and Members of the House: On looking at this constitutional proposal I recall about a half dozen years ago when the good speaker appointed the gentleman from Houlton and the gentleman from Kittery to a Committee on Constitutional Amendments and House Reapportionment and while my memory may be faulty it seems to me that the original proposal that came out of the Committee on House Reapportionment and Constitutional Amendments suggested that in all multiple representative units that they would be districted. Now at this time I would like to pose a question through the Chair to the gentleman from Southwest Harbor, if I am in order and I believe he was a member of that 101st Legislature, what was the reason why this districting wasn't done back in 1963?

The SPEAKER: The gentleman from Houlton, Mr. Berman poses a question through the Chair to the gentleman from Southwest Harbor, Mr. Benson who may answer if he chooses. The Chair recognizes that gentleman.

Mr. BENSON: Mr. Speaker, that was one of the mistakes that we made in the 101st.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: This is not the first time that this type of constitutional change or statute change is coming before us and I hope that the members of this House will see fit to go along with the motion to indefinitely postpone this bill. As you very well know, every ten years the House reappor-

tions itself in one fashion or another and that is going to be the next session of the Legislature and I think that problem can very well be taken care of then, and I don't think we should start changing the rules that have already been set and been in operation for the last fifty years. As indicated by the general public, I don't think this change is needed nor is it necessary at this time. So I urge the members of the House to vote for indefinite postponement.

The SPEAKER: The yeas and nays have been requested by the gentleman from Bath, Mr. Ross. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members 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 having expressed the desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Brennan, that this Resolve Proposing an Amendment to the Constitution Affecting the Apportionment of the House of Representatives, House Paper 1256, L. D. 1588, be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA—Bedard, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carrier, Carter, Casey, Coffey, Cote, Cottrell, Couture, Croteau, Curran, Dam, Drigotas, Dudley, Emery, Erickson, Eustis, Faucher, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Gilbert, Giroux, Haskell, Hunter, Jalbert, Jameson, Jutras, Kelleher, Keyte, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Marquis, Martin, McTeague, Mills, Mitchell, Morgan, Nadeau, Noyes, Ouellette, Ricker, Rocheleau, Santoro, Sheltra, Starbird, Tanguay, Temple, Vincent, Watson, Wheeler.

NAY — Allen, Baker, Barnes, Benson, Berman, Bragdon, Brown,

Buckley, Bunker, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Crosby, Cummings, Cushing, Donaghy, Durgin, Dyar, Evans, Farnham, Finemore, Good, Hall, Hanson, Hardy, Harriman, Hawkens, Henley, Heselton, Hewes, Hichens, Huber, Immonen, Johnston, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, MacPhail, Marstaller, McNally, Meisner, Millett, Moreshead, Mosher, Norris, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, H. L.; Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Stillings, Susi, Thompson, Trask, Tyndale, White, Williams, Wood.

ABSENT—Birt, Cox, Crommett, Curtis, D'Alfonso, Danton, Dennett, Foster, Lund, McKinnon, Richardson, G. A.; Waxman, Wight.

Yes, 64; No, 73; Absent, 13.

The SPEAKER: Sixty-four having voted in the affirmative and seventy-three having voted in the negative, the motion does not prevail.

This being a Constitutional Amendment, a two-thirds affirmative vote is required for its final passage. All in favor of its final passage will vote yes; those opposed will vote no. The Chair opens the vote.

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I urge everybody to vote "no."

Thereupon, this being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken. 75 voted in favor of same and 61 against, and accordingly the Resolve failed of final passage.

Sent to the Senate.

Passed to Be Enacted

An Act relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State and Court Messenger of Cumberland County (H. P. 1231) (L. D. 1564)

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.

The SPEAKER: Is there objection to these several matters being sent forthwith to the Senate? The Chair hears none and it is so ordered.

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

Bill "An Act Creating the Unclassified State Employees Salary Board and Revising the Salary Plan for Certain Unclassified State Officials" (H. P. 1272) (L. D. 1601) (In House, indefinitely postponed) (In Senate, passed to be engrossed as amended by Senate Amendments "A" S-307, "B" S-321, "C" S-325 and "D" S-329)

Tabled — June 26, by Mr. Richardson of Cumberland.

Pending — Further consideration.

The SPEAKER: The Chair rules that this matter will be returned to the Senate in conformity with Joint Rule 21, which is, "When any measure shall be finally rejected, it shall not be revived except by reconsideration; and no measure containing the same subject matter shall be introduced during the session unless three days' notice is given to the house of which the mover is a member. No measure shall be recalled from the legislative files except by joint order approved by a vote of two-thirds of both houses."

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

JOINT ORDER that Joint Rules be amended by repealing Joint Rule 10 (H. P. 1296)

Tabled — June 26 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: Briefly, you will recall that this House turned down the unanimous consent proviso on a rule change as being too strict, and probably you are right. This suggestion was made to me after that vote was taken and I thought it had merit, so I have drawn it up for your consideration.

Now the precedent for this two-thirds vote of acceptance after cloture can be found in the rule for recalling bills from the legislative files which also requires two-thirds. I am not really trying to bore you or waste your time, I just want to submit this for your consideration and hope that you will feel that it has merit and adopt it.

Thereupon, the Joint Order received passage and was sent to the Senate.

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

An Act to Provide for Full-time County Attorneys (S. P. 528) (L. D. 1610)

Tabled — June 26, by Mr. Benson of Southwest Harbor.

Pending — Motion of Mr. Richardson of Cumberland to reconsider passage to be enacted.

The motion to reconsider prevailed.

On motion of Mr. Norris of Brewer, under suspension of the rules, the House reconsidered its action of June 25 whereby the Bill was passed to be engrossed.

On motion of Mr. Richardson of Cumberland, tabled pending passage to be engrossed and assigned for later in today's session.

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

An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971 and Raising Revenue for Funding Thereof (H. P. 1281) (L. D. 1608)

Tabled — June 26, by Mr. Benson of Southwest Harbor.

Pending — Motion of Mr. Richardson of Cumberland to reconsider failure of passage to be enacted.

The motion to reconsider prevailed.

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

Mr. RICHARDSON: Mr. Speaker, I move that this be tabled until later in today's session pending enactment.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, moves that item 3 be tabled until later in today's session pending passage to be enacted.

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

Mr. JUTRAS: Mr. Speaker, a question through the Chair.

The SPEAKER: The gentleman may pose his question.

Mr. JUTRAS: Mr. Speaker, could we have a definite time on that please, or an idea as to the approximate time this vote will be taken?

The SPEAKER: The tabling motion is not debatable.

Thereupon, the Bill was tabled pending passage to be enacted and assigned for later in today's session.

By unanimous consent all matters that were acted upon in concurrence and all matters that required Senate concurrence were ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Richardson of Cumberland,

Recessed for ten minutes or until the sound of the gong.

After Recess

Called to order by the Speaker.

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

Conference Committee Reports

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

Bill "An Act Providing for the Uniform Deceptive Trade Practices Act" (H. P. 950) (L. D. 1229) reporting that the Senate recede and concur with the House in accepting the Minority "Ought to pass" Report of the Committee on Judiciary and pass the Bill to be engrossed in concurrence.

(Signed)

MORESHEAD of Augusta

LUND of Augusta

BAKER of Orrington

—Committee on part of House.

VIOLETTE of Aroostook
MILLS of Franklin
CIANCHETTE

of Somerset

—Committee on part of Senate.
Report was read and accepted
and sent up for concurrence.

By unanimous consent, ordered
sent forthwith.

Report of the Committee of Con-
ference on the disagreeing action
of the two branches of the Legisla-
ture on:

Resolve Proposing an Amend-
ment to the Constitution Provid-
ing for Regulation by the Legisla-
ture of Municipal Borrowing (H.
P. 673) (L. D. 859) reporting that
they are unable to agree.

(Signed)

RIDEOUT of Manchester
DENNETT of Kittery
MARSTALLER

of Freeport

—Committee on part of House.

QUINN of Penobscot
MARTIN of Piscataquis
BERNARD

of Androscoggin

—Committee on part of Senate.
Report was read and accepted
and sent up for concurrence.

By unanimous consent, ordered
sent forthwith.

The SPEAKER: The Chair will
call your attention to Supplement
No. 4.

The following papers from the
Senate were taken up out of order
by unanimous consent.

The following Order:

WHEREAS, the Standing Com-
mittees on Engrossed Bills for the
House and Senate are staffed by a
number of loyal, devoted persons
from the Office of the Secretary
of State; and

WHEREAS, each Bill and Re-
solve, as amended, is placed in
proper order, proofread for print-
ing and afterwards compared to
the original for mechanical error
and content as well; and

WHEREAS, the orderly and in-
dispensable functions of the en-
grossing process are not widely
known or fully appreciated; now,
therefore, be it

ORDERED, the House concur-
ring, that the Members of the
House of Representatives and Sen-
ate of the One Hundred and Fourth
Legislature assembled commend
Miss Rachel E. Lemieux, Mrs.
Kathryn C. Douglas, Miss Doris
Hayes, Mrs. Carrie S. Berry, Mrs.
Norma A. Moore and Mrs. Rhea
W. Goodwin for their many long
house of unflinching devotion to the
exacting process of engrossment
so necessary and vital to our gov-
ernmental process; and be it fur-
ther

ORDERED, that duly attested
copies of this Joint Order be trans-
mitted forthwith to the above
named persons, in token of our
deep appreciation for their out-
standing service. (S. P. 546)

Came from the Senate read and
passed.

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

The following Communication:

THE SENATE OF MAINE
Augusta

June 27, 1969

Honorable Bertha W. Johnson
Clerk of
the House of Representatives
104th Legislature
Dear Madam Clerk:

The Senate has voted to Adhere
to its former action whereby it
Indefinitely Postponed H. P. 1289,
Joint Order relative to directing
Legislative Research Committee
to study the advisability of shorten-
ing foreclosure period of real es-
tate mortgages.

Respectfully,

(Signed)

JERROLD B. SPEERS
Secretary of the Senate

The Communication was read
and ordered placed on file.

The SPEAKER: The Chair will
call your attention to Supplement
No. 3.

The Chair laid before the House
the first item tabled earlier and
assigned for later in today's ses-
sion:

An Act Defining the Powers and
Duties of the Water and Air En-

vironmental Improvement Commission and Other State Agencies with Respect to Air Pollution (S. P. 502) (L. D. 1597)

Tabled—June 27, by Mr. Hardy of Hope.

Pending — Passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker and Ladies and Gentlemen of the House: I now have the information that I tabled this bill for, and I will very briefly give it to you. This is on L. D. 1597, and the money in the first year of the biennium is \$50,500; on the second year of the biennium it is \$70,400. I think I explained my position on this bill the other day when I indicated that it would have taken little or no appropriation to have set up the Air Quality Regions that Washington had asked us for, and I will make no further motion.

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

By unanimous consent, ordered sent forthwith.

The Chair laid before the House the second item tabled earlier and assigned for later in today's session:

Bill "An Act to Provide for Full-time County Attorneys" (S. P. 528) (L. D. 1610)

Tabled—June 27, by Mr. Richardson of Cumberland.

Pending — Passage to be engrossed.

Mr. Norris of Brewer offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-609) was read by the Clerk.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: Here we are trying to run through a budget, and we have had a lot of difficulties in our counties in regard to holding their budgets in line. We did our utmost in Penobscot County. I am amazed that when I pick up this amendment and find that the County Attorney will be raised from \$6,000 to \$15,000 in Penobscot

County, I can't go for it. And I therefore move for indefinite postponement of this amendment.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: As a member of the State Government Committee who heard these bills, we heartily concur with the gentleman from Old Town. This thing has been pretty well set up, and just for your information, perhaps looking at the sheet in front of you, the amendment, you would assume that the full-time County Attorney in Penobscot County would only get \$6,000. Under the bill this figure is, I believe, \$12,000. This was all worked out in relation to the various work loads in the counties by the attorneys and the men familiar with this problem. And I hope you will go along with the indefinite postponement of this amendment.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I wholeheartedly concur with the gentleman from Old Town, Mr. Binnette. I was on a subcommittee for my county to try to control the expansion of the budget and salaries, and I certainly not going to support a salary on this thing like here for \$6,000 to \$15,000. I am going to vote no on it.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I think there is a misapprehension here when you talk about a raise from \$6,000 to \$15,000. We are raising from \$12,000 to \$15,000, only to align with Cumberland County. And we feel, perhaps wrongly so, but we feel that the men in our area are just as good and their time is just as valuable as the people in Cumberland County. And you get exactly what you pay for. If you want second-rate County Attorneys, then you pay them second-rate prices. So I feel that in Penobscot County we should have the best that

we can afford to protect the innocent. Thank you very much.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: As was related by the gentleman from Lubec, Mr. Donaghy, the Committee was all agreed on these salaries. We agreed that there were to be six full-time Attorneys, and the salaries were graded accordingly.

Now I might remind you that I am from Penobscot County too. And I also might remind you that Penobscot is the second largest county. And although as far as prestige and so forth, we will bow to none, we do only have 126,000 people as compared to 180,000 some odd in Cumberland, and since we are second largest, and the salary herein granted is only \$3,000 difference, I think it is quite equitable in comparison to the population.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I strongly support the motion of the good gentleman from Old Town, Mr. Binnette. This was a matter that came before the Joint Standing Committees of State Government and Judiciary. Seventeen members of the two Joint Committees signed a report establishing the salaries after having them very carefully worked out, as explained by the gentleman from Kingman Township.

Now if we don't indefinitely postpone the amendment, we, in effect, will be nullifying all the work that has gone on. Now there are some of the other large counties that are going to be involved here, York County, Aroostook County, Kennebec County, and frankly, I don't think on the 27th day of June that we should be undoing the work of seventeen members who signed out this report. So I hope you will go along with the motion of the gentleman from Old Town, Mr. Binnette, and when the vote is taken I respectfully request a division.

The SPEAKER: All in favor of the indefinite postponement of

House Amendment "A" will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

118 having voted in the affirmative and 17 having voted in the negative, the motion did prevail.

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

By unanimous consent ordered sent forthwith.

The Chair laid before the House the third item tabled earlier and assigned for later in today's session:

An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971 and Raising Revenue for Funding Thereof (H. P. 1281) (L. D. 1608)

Tabled—June 27, by Mr. Richardson of Cumberland.

Pending—Passage to be enacted.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: This is of course the Part II budget. It is the budget about which there has been endless discussion and debate, and I am not going to debate it this morning. I do want to indicate, however, that the question was raised a couple of days ago as to whether or not the bill in its present form was constitutionally proper and the question was raised whether or not we had tied ourselves in this bill to prospective changes in federal law.

At the time this was first brought up it was my understanding from discussion with professors of law at the University that this was not the case. I am satisfied now, however, that the bill is susceptible of that construction, that is that we in this law tie ourselves to prospective changes in the federal law and that there is a possibility—I don't say it is a probability, but a possibility that

such a procedure would be improper.

Now for this reason we are going to amend this provision out in the omnibus bill, so that the omnibus bill will correct any possibility of any problem with this. Therefore the bill in its form, with the intended amendment, is not subject to any legal infirmity and therefore I hope that the members of the House will vote this morning to pass it.

And, Mr. Speaker, when the vote is taken I request that it be by the yeas and nays.

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

Mr. DUDLEY: Mr. Speaker, I rise to ask a question through the Chair.

The SPEAKER: The gentleman may pose his question.

Mr. DUDLEY: It is my understanding that we have to have a two-thirds total membership, I think this is correct. But now assuming we pass this this morning, if we want to change the rate, doesn't that only require a majority of the House?

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

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

Mr. RICHARDSON: Mr. Speaker, any emergency measure requires a two-thirds vote of the entire elected membership of the House and the magic figure of course, as we are all well aware, is 101. So that if you are talking about a rate change either here at this time or at some later time at some subsequent session of the Legislature, to pass any such bill as an emergency matter you would require a two-thirds vote of the entire elected membership of the House.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. DUDLEY: Mr. Speaker, what's going through my mind at this time. We passed this bill today and we do have to have 101,

this I understand; but in an omnibus bill or in a special session we can change this rate to suit the needs of anybody that gets taken care of, say today, and the only thing it takes 90 days after we adjourn, in other words by a majority vote. I want the people to understand this, that this rate can be so easily changed from the one you see before you today.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: After 14 years in the legislature I find that in the last two days I have made at least one specific accomplishment. Almost everybody in the House is now reading their horoscope.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I have addressed my fellow Republicans on this matter several times, not with the best results. I would like to address myself now to my privileged opponents, the Democrats. We have before us the largest budget in the history of the State of Maine. This is a result of a message from our Governor and this actually the proposal of his budget message, has been cut in half, but we are still proposing roughly a 37% increase over the appropriations of the previous legislature. Here again we are hitting a record.

The 101st Legislature increased it 16.3%; the 102nd, 17.2, and so on with subsequent legislatures 26.2, and the next 23.6, for a total percentage increase in the last four legislatures of 83.3. This by the way must be compounded and therefore with our present proposal of an increase of 37% we are coming up awfully close to 150% increase in the last ten years.

Now the State of Maine, as far as population is concerned, has increased roughly one percent. As a matter of fact we could almost say, we say that the population of the State is static. We have a very fine business indicator worked out for us by Bowdoin College under a grant down there and they say

that in the past ten years our business in the State of Maine — I suppose it is a figure perhaps could be compared in a way to the gross national product — but they say actually that the business in the State of Maine has increased ten percent in these last ten years.

Now somewhere we have got to realize — and I think the time is now, that we just can't go any further, that this is the height of fiscal irresponsibility to even think of this. Now that is the budget.

Now we are proposing a graduate income tax to fund this budget and if we look at the schedule that most of you have before you, up to \$4,000 — and this is four thousand of adjusted gross income allowing for a thousand dollar exemption for individuals other than those over 65, or I assume blind, because it says including federal deductions, we have a—top figure to be collected is \$32. I propose that it will cost more to collect that \$32 than we will have as a result of the collection. And so somewhere along the line our line should be drawn here, because it certainly doesn't seem at all sensible to start a tax program taxing someone \$32 in the run of a year.

On top of this we are proposing to change within a month's time our auto trade-in exemption. We have removed it and now we propose to put it back on again. Probably there aren't too many people that will be unhappy about this because most people who were going to buy a car at this time purchased it before the change. As I understand it, the automobile business hasn't recovered in this past month as a result of that.

But now after much soul searching I am going to pull a switch -a-roo on you because I come — and I am not proud of it, but I come from the poorest county in the State of Maine and I have here before me figures that show in the Lubec-Eastport area that the average gross wage is \$2952. If you go down into our Jonesport area it shows an average gross wage of \$2455. Now I came down here to represent the people of eleven towns in Washington County and I can't see where they are going to be hurt very much by this tax.

As a matter of fact, they are not going to have to pay anything. If you collect a sales tax or something like that they are going to have to participate.

Now it seems to me that under this proposed budget, if you want to give it to us I will be taking home to my people the most that has gone into Washington County in many many long years from this Legislature, because except for what we have given to the Legislature through our Speaker and Senator Wyman and a few more of us like Sumner Pike, one of the grand old men of this Legislature, it has been mostly a case of us giving and not taking anything back.

So I propose that when the vote is taken I will be on the other side of the board.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I was somewhat amazed to hear our good friend, Mr. Donaghy, speaking so well and so eloquently and then deciding that he would go on the other side, which is his prerogative. I was looking over this roll call sheet of yesterday in which I think there were fifty-four of us that did not want to fan the fuel of inflation in the State of Maine.

It reminds me of something I read in a book by Churchill when he was out of favor with the conservative power in England back in the thirties and he had time to sit and think and reflect and write about the great statesmen that he knew. And one of his vignettes on his great contemporaries, he spoke of his great friend who was the Attorney General of the United Kingdom and I think a very young Lord High Chancellor at the age of forty-six or so, and he says of Lord Birkenhead, who grew up as a rather poor boy, F. E. Smith, he was persistent in every affair, public or personal; if he was with you on Monday, you would find him the same on Wednesday; and on Friday—and today is Friday, when things looked blue, he would still be marching forward with strong reinforcement. The oppo-

site type of comrade or ally is so very common that I single this out as a magnificent characteristic.

Now I hope that enough of you who voted against the enactment of this rather inflationary measure which contains many very worthwhile things will stay with us today and I certainly agree that this vote should be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Machias, Mr. Kelley.

Mr. KELLEY: Mr. Speaker and Members of the House: I shall be mercifully brief. We have already had too much florid oratory on this subject for the past two days. I would like to point out that while I am a Representative from a section of Washington County, I am not under any illusions as far as taking back something to that particular area. I feel that our prime consideration is to do that which is best for the entire State of Maine, not merely my section, or your section.

And over the past two weeks we have heard the words irresponsible and disastrous bandied about quite frequently, and it has been implied that to vote no on this project would prove us to be irresponsible and that the result would be a disaster.

Now may I suggest—mildly, of course—that we may be confused as to who is what in this matter. There is a good deal of truth in the old adage that in a crisis a majority can generally be counted upon to run in the wrong direction. And when you are urged to accept a package, which most of us will admit is far too expensive, who are the irresponsible ones? And when throughout the nation we are witnessing a tax revolt, and when it is abundantly clear that the limits are being reached, if the Maine Legislature seriously considers a budget 37% greater than the last one, and as we are coaxed, cajoled and pressured into accepting it, who are the irresponsible ones? And when we are told that this program is the best that we can do, that we should follow the

lead of other states, and when some homegrown economist tells us that this is progressive, who is irresponsible?

Because we should learn from past performances. We should remember that richer states than Maine, industrial states like Michigan and California, populous states like New York and Massachusetts, went broke by using this same formula. We can't spend ourselves into prosperity any more than as individuals we can lift ourselves by our own bootstraps.

And when we mention the fact that the overwhelming majority of taxpayers do not want an income tax, some legislators will tell us, "Sure, but you didn't phrase the question correctly. It all depends on how you put the question." Now I doubt if the taxpayers are going to be impressed by that bit of obvious chicanery. And when we remind legislators of the recent labor poll in Maine, which showed labor to be overwhelmingly against an income tax, this evidence seems to be blandly ignored.

So I suggest the word "irresponsible" may be misplaced. If we accept this package, we can hardly point to it with pride as a master stroke of statesmanship. We will have created a monstrosity with which no one is satisfied. We will have bowed to political expediency. And our reward for this wonderful effort will be the same as that received by a not too bright school boy, we will be allowed to go home.

We have been subjected to a continual and not too subtle effort to enact this legislation and perhaps for the first time in Maine's history we have witnessed the use of astrology as a compelling reason for accepting this package. At least on two distinct occasions it was mentioned, albeit jokingly—that the stars were in an auspicious location for this undertaking. Personally, I would rather rely on Shakespeare's immortal lines in Julius Caesar, that it is not with in our stars, but in ourselves that our future lies. And I might suggest that the future of the State of Maine depends in large part on your actions here. Let's not be be-

guiled by promises of adjournment and let's not be swayed by astrology and let's not accept something against our better judgment and against the desires and wishes of the forgotten men, your constituents.

Now I realize it is always well for an accomplished speaker to wind up his remarks on a high note of hope and triumph. Unfortunately my educational background is such that these things are denied me, but I can remember one pocketbook maxim and I remember it as distinctly today as I did when I first heard it forty-five years ago and this is attributed to one of our great presidents. Andrew Jackson. He said, "One man with courage makes a majority." And I say to you that each and every one of you in this House this morning can and should be that one man or one woman with the courage to defeat this proposal. Thank you.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to commend the gentleman who just spoke for his fine oratory. I would like to comment also that if he really hasn't got as he says the vocabulary or the background at his command, I shudder what he would do if he went on and got further schooling.

I would briefly like to go back into the history of this bill in the last few days. I have with me Tuesday's Lewiston Evening Journal which says that "Two New Tax Plans Proposed, Richardson backs new version of income tax as State buys State tax on bonds and corporations." On Wednesday we see the newspaper of the 25th that "Both Parties Hold Caucuses to Review Latest Financial Plan." Again on Wednesday the Lewiston Sun states "Richardson and Jalbert Offer New Tax Plan to End Budget Impasse."

Now we come to this bill going from one hand to another. I think it would really be interesting if we would decide and put on the books just when this bill really changed hands. It is also interesting to me if the facts were really known as to factually how it did

change hands. Losing is nothing new with me but I like to lose with the facts straight on the line and on the table. I wouldn't ask anybody to give us the real facts of the exchange.

I would, however, be tempted to ask this of the Majority Floor leader that when this document, L. D. 1609, which is An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971 and Raising Revenue for Funding Thereof. It is interesting to me that the first part of this package involved itself in the explanation of the spending end and then the explanation of the income. L. D. 1609 indicates itself that it would fund Part II of the budget with the corporate income tax and a personal income tax. Now this wound up into the hands of my floor leader. After this passed House Amendment "F", which takes a tax off, winds up into the hands of the Majority floor leader.

Now it seems to me somewhere along the line that if we are going to give somebody on one hand a dried fish we should give him a little sweetening to the pie, and I won't use an expression that some of us have sometimes used in a back room. In other words Amendment "F" takes off a tax. I should think if we are going to harpoon my floor leader with a package that puts on two taxes, at least common courtesy should have given him the tax that would be removed. It is just in passing.

Now I went this morning at 6:30 outside of a mill gate, at quarter of seven outside of a shoe shop gate. And I want to tell you one thing right now that as far as I am concerned I am happy where I stand. As for any of you who haven't gone home yet, I am just passing on the message. I am very happy as to where I stand because all I have to say was, "Don't look at me."

Now Friday's newspaper this morning indicates here that the Republican floor leader makes mention that there is no alternative to the income tax and those that continue to work against it will bear the responsibility for throw-

ing this whole thing into shambles. This is in one newspaper. In another newspaper, the Republican floor leader says that later he told newsmen that lawmakers who do not vote for the budget tax will bear the responsibility for the lack of pay raise for State employees, no additional school subsidies and other budgetary considerations, and I will not hesitate to point my finger at them publicly, be they Republican or Democrat. Well I hope he starts pointing and if he needs ten additional fingers he can cut mine off and I will be glad to give them to him.

Now I have alternatives and I would like to comment the young man from the Associated Press, and the Associated Press is more than always correct in my opinion, I would like to comment that in yesterday's he said — I felt that the package that I would present would be too big and I hesitated in presenting it and then I went out and talked to somebody about it. This is true, because I have so many people who have made comments to me that at least I should present the package. It is a package watering it down. I have another package, as I stated yesterday, which would even water it down further.

Unlike the gentleman from Houlton, Mr. Berman in commenting on the self newly styled Switch-a-roo Kid, the gentleman from Lubec, Mr. Donaghy, that as far as arm twisting and leg twisting is concerned, that that is part of the bargain, that is part of the deal, it is perfectly proper with me because I am assured that all limbs and legs, eyes and arms will be returned after the vote is taken.

I would comment also that I was told yesterday afternoon about a gentleman of great strength in our midst who would make his move which has heretofore been to kind of leave hands off, or possibly I might say a little bit in opposition to this package. But yesterday afternoon as I did two years ago, only two years ago the same gentleman put on his white jacket to kill off a measure, but yesterday afternoon lo and behold I was standing by the office and I saw the gentleman from Milbridge, Mr. Kennedy, with his white coat,

standing erect, exuberating happiness, confidence, stroll into the caucus of the Republican Party and urge his colleagues to go along with this measure. And I had four or five people after the gentleman from Lubec, Mr. Donaghy spoke, I had four or five people around me ask me what I had sent in a note, which is often that I do to the Speaker, I just sent him a note with a brief message that I bow to greatness.

I would comment also that wherein it comes that we have no alternative it is a known fact we hassled loud and long two years ago about a one cent sales tax. I did not go along with a one cent sales tax. I didn't think we needed that big a package. I went along and presented an Order that would call for one half of that amount and I remember that the then and now Republican floor leader made comment, "I therefore, speaking" and I am quoting from the record of two years ago, "I therefore, speaking as the Majority floor leader and voting as the Majority floor leader, will vote in favor of the indefinite postponement of this Order and I do so with a much freer hand than I would have a few moments ago in knowing that this too if the obstructionists had succeeded would have met with the same opposition," and so on. Knowing fully well that this was the last resort. This also could have been indicated some mild form of obstructionism. But I didn't rise and say so. I don't call anybody an obstructionist if they don't want to go for a package.

Insofar as I am personally concerned I just feel in my heart that this package is too big. I just feel in my heart that we are doing what I have said we would do and I proved it yesterday, that we are going from this to a double program of taxation at the next session of the Legislature. Now I say this with all the absolute sincerity at my command, that I am so chagrined with this kind of action that for the first time since I have been a member of the Legislature I rather look forward to adjournment. As I was talking with my very dear friend, the gentleman from Milbridge, Mr.

Kennedy who is the Speaker, just before we came in here, and he agreed with me because he knows — not agrees with me as far as the measure is concerned, agreed with me when I said that I was chagrinned because he knows and he stated that I love the people here and I love to be here. Before you flick the key please just think of what you are doing two years from now. This package is much too big. It should not be enacted. There are other alternatives.

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

Mr. DUDLEY: Mr. Speaker, I will be brief. I had just a few comments. I was disappointed in the leadership to this extent. Not many days ago we told from both the right and left hand corner of this House that there would be no arm twisting, that the decision would be our own, and I don't feel as though this will be the case this morning. Some of you have been away from home five or six days and I suggest it might be better if you were to have another week-end with the people and listen to their cries.

And I am reminded of a fellow who was asked if he saw the light and would change his mind, and was asked if he saw the light, and he said, "no, he felt the heat." And I think this is what the trouble is here this morning. Quite a few people felt the heat and not saw the light. And maybe if you get a chance to go home and mingle with the people one more weekend and listen to their cries you will come back Monday morning and feel as I do. Thank you.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: We are all aware, each of us as individuals, that we acquire a reputation which is a vastly different species of cat in character. Reputation is what people think of you and character is what you really are, and I know that there are many of you in the last session—particularly on the other side of the aisle who thought that

I was some kind of an in-fighter, spending twenty-eight hours a day trying to knife our new young Governor. But I don't think the reputation is entirely deserved and the character is not, and I will not stoop, although I am sorely provoked, to engage in a personal exchange with another member of this House even though I vehemently disagree with him, but have always disagreed with him on the merits, not out of wounded vanity, fractured pride, or any other consideration.

Now it was pointed out to us yesterday that there were those who signed an "Ought not to pass" Report on the budget that we ordered Appropriations to report out, and I recall that one of the gentlemen reminded us on the record that he signed the "Ought not to pass" Report, also told us on the record that his objection was to the tax, not to the program, not to the size of the budget.

Now much has been made—and I know that among the Democrats there has been a divisive attempt to suggest that because my name did not appear on the tax proposal which I sponsor, which I had prepared, which I believe in, that because my name didn't appear on it, this was some kind of political deal to put the members of the other party in a bad light. And I understand that the Democratic members of this House, to their credit, have rejected that as an attempt to divide and conquer.

Now since the question has been asked, let the record be absolutely clear that on the day, on the Tuesday that we held the joint caucus—and when I indicated to the members of the Press that this was a Richardson idea with all the unpleasant connotations that that carries—that there were many members of my Party who were violently opposed and that as their Majority leader they felt I had an obligation to them not to put my name on the amendment. I rejected the suggestion. And I told the Press and it was so reported that I would put the bill in in my individual capacity; but of course there is no real difference.

Now the record of this House will indicate—and just to be doubly sure, I want to say again today, I asked that this tax be proposed, or prepared; I support it unequivocally; I am willing to go back into my town and tell them I supported it. I am willing to take all the political gambles and all the rest of this that are supposedly attached to this. I am willing to exercise my good judgment. And it wasn't any thought of trying to get the gentleman from Madawaska, Mr. Levesque, into some kind of a situation or problem.

Now the fact of the matter is that there are many Republicans in the House, one of whom wrote me a note castigating me, who wanted to put the bill in themselves, and they felt very badly that I had asked Mr. Levesque to put it in.

Now Mr. Levesque has supported other income tax measures. The bill was at the printers waiting to be printed. I asked him to put it in, not because I was trying to suggest that this is a Democratic or a Republican or any other kind of a tax, but because I wanted a name on the bill and I wanted the bill over here with a name on it.

Much is made of the fact that I put in the amendment to repeal the auto trade-in. Check the record. Who introduced the bill to repeal the auto trade-in law and you will find that it was the gentleman from Cumberland, Mr. Richardson, who suggested that we generate an additional nine plus million dollars in revenue. Check the record.

Now the figures that have been given to you as a scare tactic, the political readings, the charges of chicanery, the implications of arm twisting and pressure and double dealing—these are false.

In the last analysis you are being told there is another program just over the horizon, just stick with me — this is these other friends of ours — just stick with me, just over the horizon there is a little goody, and if you will just stick with me everything is going to be all right and we are all going to smile and laugh and sing and play

the piano and have a glorious time.

Well there isn't any other package. Go right down through the list of programs that we have tried to put through this House, go right down through the list of them and tell me what kind of a package is going to pass even if there was this mysterious, floating, glorious thing that you could all support and be just delighted with. It is not there.

I have been longer, and I told you that I would not debate this, I have been longer than I intended to be but I want the record to be clear. I have the greatest respect and admiration for the Minority Leader for his assistance, for the many many other Democrats in here who, in good faith and good conscience, supported this program or any other, and I shall retain that feeling no matter what you do.

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

Mr. FARNHAM: Mr. Speaker, and Members of the House: I rise to defend my friend and colleague, the member from Lubec, John Donaghy. Our acquaintanceship goes back some thirty years. Our careers have in many ways been similar. Each of us, or both of us, in our youth had to go barefooted a month earlier in the Spring than the other children because we didn't have the boots or shoes. There was never any doubt in my mind that John Donaghy would come around to this package because I knew the people he voted and I knew that he had a great heart and that he was not going to vote to tax the people who eat hamburg five times a week while others have filet mignon. I know the country he represents. The only time they have lobster on their table is when they pick up the shorts that are illegal to sell.

You deserve credit for your courageous action. You can stand up as a man, your head may be bloody, but it is unbowed. And as to the one man one vote, let me finish that quote. It has been said one man who has courage but stands alone is a majority. Someone also said that one plus God

constitutes a majority. However, many a martyr has been burned at the stake while the votes were being counted. Stand fast.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: It is not my plan to enter into an oratorical contest. This could well be my valedictory in this Legislature. The word "monstrosity" has been brought up and I am going to use that word "monstrosity" but I am going to put it in quotation marks because I am going to speak about another monstrosity with which no one was satisfied. One hundred and eighty-two years ago, 1787 in May, 55 men assembled to try to structure a government which would create a more perfect Union. The majority of those 55 men were lawyers and they sat for five months until September through the hot weather in Philadelphia, where the horseflies were biting their silk stockings, and they labored and worked and they were ready to give up many times. But George Washington kept them in session and they finally came up with a package, a monstrosity in the sense that no one was wholly satisfied with it, no one liked it. But it was the best that they could do under the conditions and under the times.

Only 39 of the 55 signed it and it went out to the people to be approved or disapproved in the form of state conventions. And the ball game was that when nine states out of the thirteen ratified it it would become the Constitution of our United States. And they had a year long job of persuasion to do. Alexander Hamilton, one of our greatest minds, astute politicians, would not even let New York State vote on it until little New Hampshire became the ninth state to ratify that Constitution and put it into effect.

And in the other states, Virginia with one of the delegates, Patrick Henry, the great patriot, fought with all his might against this Constitution. With a change of only 25 votes in nine of those states which adopted it, our Con-

stitution would never have been in effect. I don't think I need to say any more; in our system we have to give and we have to take. We have to get the best that we can under the conditions and I think that no one would ever be ashamed in voting for this package, then going home and as time develops and more explanations appear about this tax you will receive praise instead of blame.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I am not going to try to philosophize in any form the action to be taken by the members of this House this morning, only to bring out the bare facts that in our democratic society the responsibility that lies upon the shoulders of each Representative in this House is to enact laws and change laws to the effect that it will be somewhat beneficial to a great number of our society. In this process you run against many obstacles for which sometimes are not always to your liking. But in the final analysis you have to accept basically what is going to be fair and just for the people and by far the great majority of people of your state.

We are not unique in our problem as you have seen. Throughout the country they are in the same dilemma or relatively the same dilemma that we are in, and I might add, even in other countries.

As was indicated in the record earlier this morning that I had been harpooned into doing something that may not have been of my own choosing, but let me tell you ladies and gentlemen of the House, although I like to agree and cooperate with the members of my party, and also I would like to cooperate with the members of the opposition party, when it comes to members of either party, or trying to harpoon me into a deal, the answer is "nix," by any member. Even if I were to reiterate the bare facts on the records this morning, I am afraid that in certain small circles they would probably fall on deaf ears because of

their own personal philosophies as they have been adopted to this day.

And to add a little bit to that, when you try to read yesterday's paper or the day before yesterday's paper, there is nothing as old as yesterday's paper. What we are trying to do we are trying to do today. And I ask the members of my party to give us a hand and support so that we may be able to terminate this session of the Legislature in somewhat of a reasonable fashion. I doubt very much that there are too many alternatives before us for the 104th Legislature to take action. I thank you for your help and your support and your cooperation.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson has requested when the vote is taken it be taken by the yeas and nays. For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All members 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 having expressed the desire for a roll call, a roll call was ordered.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I have been able to get my shoes back on, for Rod's benefit. I will admit to not being the State's fine orator. I don't have to tell you that, you have been listening to me this year. I am also known as Mr. Non-provincial, and I love the people that I represent, and I am doing this for them.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: Like Mr. Donaghy, and for some of the same reasons, today I am also voting yes. Some people here seem to have indicated privately to me that they thought I was switching my vote because of a promised state job. This is not so. I am very much dissatisfied with many of the provisions in the \$42 million budget. I think it is very much too

high. But I also think that there are many things in there that we must have, we must fund, and since no one will agree to anything lower I shall have to vote for it today. But for these reasons, and these reasons alone, that I think we cannot do anything better.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker and Members of the House: Up until a few minutes ago I had almost made up my mind to switch from the way I had been going and change over to no. But I stand here now to apologize to those members of this Legislature that I made the statement to when I first came down here, that I wished if I ever pushed this button on the yes for an income tax that I would drop dead in my seat. I have pushed this button three times for the yes; I have not dropped dead. I am going to push it over to the left again and go yes, not because I am happy with this budget, because I do class myself as being a very conservative Democrat. I would have been very happy to see a reduced budget. But we have been going around and around. My people in my town, a small town of 7600 people, are confused. One day we have got something, the next day we have lost it.

I am not going to switch in the hopes of getting a smaller budget because I did support the school subsidy program, fully realizing at the time that the day would come that this would have to be funded. I am not going back to my people and say, "Well, I thought we could get a better deal," and let this subsidy program go down the drain.

Now as far as the 18% ADC being picked up by the State from the individual towns, this did not help my town; this hurt it. But I will go along with that part of the budget because the large cities that were hurt in the subsidy program have gone along with the educational subsidy program. I am sorry in one way that the Republican Party, the opposition party to mine, could not gain more support for this measure. On

the final roll call, number 248, they had 42 no's; the Democrats had 17 no's. On number 252, the Republican still had 42 no's; the Democrats had 7.

But I do go along with the Democratic principle of the ability to pay and I hope that any member of either party that has been as confused up until this time as I have will now see that it has come right down to the final wire, that there is no other plan that is going to be offered that is going to please everyone because this would never happen in anything; you cannot please 151 people. And it is very possible that if we start finagling this thing around, or playing around with it, that we will pass nothing here. We will go back with nothing, and we will come back in a special session. We will pass only the very necessities that must be passed and then we are still going to leave our whole educational process, the whole system in the state, up in arms. So therefore I urge the members that might have been in doubt to support this package at this time.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I rise in support of this package at the present time. I have spoken here several weeks ago, and I do, myself feel and as Mr. Starbird and Mr. Dam have just mentioned, that the package, I was hoping and have mentioned it to my leaders that I would have liked something a little lower than what we have at the present time at \$42 million. But if this is the best we can do, and we have to go along with, I am thinking of the employees that are working at Pine-land and the mental hospitals, and I am also thinking of the subsidies of our schools in Sanford. We are building a new school at the present time, a new regional and a high school, and every subsidy we can get we need. Therefore, I will go along with this package at this time.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: You all know I come from Washington County, and we have just had two other speakers from Washington County speak their views. I came into this State complex this morning telling everybody I was going to vote no on this package. I had a definite reason in doing so. The reason was, I wanted to find out who was doing all the brainwashing back in Washington County, and I have obtained that truth. I know as I stand here talking to you now who made those phone calls back to Washington County. And may I say that the Speaker of the House from Washington County is not a member of that group.

This thing down in Washington County has been done on a financial basis alone. And when I sit down I am going to support the good gentleman from Lubec, Mr. Donaghy.

The SPEAKER: The pending question is the enactment of House Paper 1281, L. D. 1608, An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971 and Raising Revenue for Funding Thereof. This is an emergency measure and a two-thirds vote of all the members elected to the House is necessary. Those who are in favor of enactment will vote yes; those opposed will vote no. The Chair will open the vote.

ROLL CALL

YEA—Allen, Baker, Barnes, Beard, Benson, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Buckley, Burnham, Carey, Chandler, Chick, Coffey, Corson, Cottrell, Cox, Croteau, Cummings, Curran, Curtis, D'Alfonso, Dam, Donaghy, Drigotas, Erickson, Eustis, Farnham, Faucher, Fecteau, Finemore, Fortier, A. J.; Fortier, M.; Foster, Fraser, Gauthier, Gilbert, Giroux, Good, Harriman, Haskell, Hawkens, Heselton, Hunter, Johnston, Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Leibowitz, LePage, Levesque, Lewin, Lewis, Lund, MacPhail, Marquis, Martin, McKinnon, McTeague, Meisner, Millett, Mills,

Mitchell, Morgan, Nadeau, Norris, Noyes, Ouellette, Pratt, Quimby, Richardson, H. L.; Ricker, Rideout, Ross, Santoro, Sheltra, Soulas, Starbird, Stillings, Susi, Tanguay, Temple, Thompson, Tynedale, Vincent, Watson, Waxman, Wheeler, White, Wood, The Speaker.

NAY—Berman, Birt, Bragdon, Brown, Bunker, Carrier, Carter, Casey, Clark, C. H.; Clark, H. G.; Cote, Couture, Crosby, Cushing, Danton, Dudley, Durgin, Dyar, Emery, Evans, Hall, Hanson, Hardy, Henley, Hewes, Hichens, Huber, Immonen, Jalbert, Jameson, Kelleher, Kelley, K. F.; Laberge, Lee, Lincoln, Marstaller, McNally, Moreshead, Mosher, Page, Payson, Porter, Rand, Rocheleau, Sahagian, Scott, G. W.; Shaw, Snow, Trask, Wight, Williams.

ABSENT — Crommett, Dennett, Jutras, Richardson, G. A.; Scott, C. F.

Yes, 95; No, 51; Absent, 5.

The SPEAKER: Ninety-five having voted in the affirmative and fifty-one having voted in the negative, the Bill fails of final enactment.

On motion of Mr. Richardson of Cumberland, the Bill was sent forthwith to the Senate.

The SPEAKER: The House will be at ease. The floor leaders will approach the rostrum.

House at Ease

Called to order by the Speaker.

The SPEAKER: The Chair will call your attention to Supplement No. 5.

Conference Committee Report

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

Resolve Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteeing Portions of Certain Home Mortgages and Housing Development (S. P. 390) (L. D. 1315) reporting that the House recede and concur with the Senate in accept-

ing the Minority "Ought to pass" Report of the Committee on State Government and pass the Resolve to be engrossed in concurrence. (Signed)

DENNETT of Kittery
RIDEOUT of Manchester
MARTIN of Eagle Lake

—Committee on part of House.

WYMAN of Washington
LETOURNEAU of York

—Committee on part of Senate.

Report was read.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I would merely state that I would hope that this House would not accept the Conference Committee Report or pass this bill to be engrossed.

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

Mr. NORRIS: I move that we accept the Committee of Conference Report.

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves that the House accept the Committee of Conference Report.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I maintain that we should vote on this and I ask everyone to reject the move to accept the report.

The SPEAKER: Does the gentleman make that as a motion?

Mr. HENLEY: I do.

The SPEAKER: The gentleman from Norway, Mr. Henley, moves that the House reject the Committee Conference Report.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I might remind you that this is a Constitutional Amendment, that it would simply guarantee for mortgages, there would be no money from the State, and it must be voted on at the referendum by the people; and if the people want it, I should think they should have it.

The SPEAKER: Is the House ready for the question? The Chair will order a vote. The pending question is the rejection of the Conference Committee Report. If you are in favor of rejection you will vote yes; if you are opposed to the rejection motion, you will vote no. The Chair opens the vote.

A vote of the House was taken.

The SPEAKER: 55 having voted in the affirmative and 53 in the negative, the House has voted to reject.

Whereupon, Mr. Martin of Eagle Lake requested a roll call.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin moves that when the vote is taken it be taken by the yeas and nays. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members 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 Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Members of the House: Since this is passage to be engrossed and since there appears to be a very clear possibility that this bill can become law, certainly without the number of absentees that we happen to have at this moment, I am going to vote against the motion to reject this report. This is a Constitutional Resolve. It requires two thirds vote of those present and voting and we would like to get this bill down to the engrossment stage so that we can get it back here, and at that time you can express your judgment on the merits of this legislation and from the standpoint of management of bills and resolves here in the House, I ask that you vote against the motion now pending by the gentleman from Norway.

The SPEAKER: The pending question is on the motion of the gentleman from Norway, Mr. Henley that the House reject the Con-

ference Committee Report. The yeas and nays have been ordered. All in favor of the rejection of this Report will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Barnes, Berman, Binnette, Birt, Bragdon, Carrier, Carter, Clark, C. H.; Crosby, Dudley, Durgin, Evans, Farnham, Finemore, Hanson, Hardy, Harriman, Henley, Huber, Immonen, Kelleher, Lee, Lincoln, McKinnon, McNally, Page, Shaw, Tanguay, Trask, Wight.

NAY — Allen, Bedard, Benson, Bernier, Boudreau, Bourgoin, Brennan, Brown, Burnham, Carey, Casey, Chandler, Chick, Clark, H. G.; Corson, Cote, Cottrell, Couture, Cox, Croteau, Cummings, Curran, Curtis, Dam, Donaghy, Drigotas, Dyar, Erickson, Eustis, Faucher, Fecteau, Fortier, A. J.; Fortier, M.; Foster, Fraser, Gauthier, Giroux, Good, Hall, Haskell, Hawkens, Heselton, Hewes, Hichens, Hunter, Jalbert, Johnston, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Lewin, Lewis, Lund, MacPhail, Marquis, Marstaller, Martin, McTeague, Millett, Mills, Mitchell, Moreshead, Morgan, Mosher, Nadeau, Norris, Ouellette, Payson, Porter, Pratt, Quimby, Rand, Richardson, H. L.; Ricker, Rideout, Rocheleau, Ross, Santoro, Scott, C. F.; Scott, G. W.; Sheltra, Snow, Starbird, Stillings, Susi, Temple, Thompson, Tyndale, Vincent, Waxman, Wheeler, Wood.

ABSENT — Baker, Buckley, Bunker, Coffey, Crommett, Cushing, D'Alfonso, Danton, Dennett, Emery, Gilbert, Jameson, Jutras, Levesque, Meisner, Noyes, Richardson, G. A.; Sahagian, Soulas, Watson, White, Williams.

Yes, 30; No, 98; Absent, 22.

The SPEAKER: Thirty having voted in the affirmative and ninety-eight in the negative, the motion does not prevail.

Thereupon, the Report was accepted and sent up for concurrence.

The House voted to recede and concur in accepting the Minority "Ought to pass" Report. Under suspension of the rules, the Resolve was given its two several

readings and passed to be engrossed in concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Richardson of Cumberland,

Recessed until three o'clock this afternoon.

After Recess
3:00 P. M.

The House was called to order by the Speaker.

The SPEAKER: The Chair will call your attention to Supplement No. 6.

The following papers from the Senate were taken up out of order by unanimous consent.

The following Order:

ORDERED, the House concurring, that the Joint Rules be amended by amending Joint Rule 8, to read as follows:

8. **Cloture.** During any regular session all other requests for bills and resolves shall be submitted to the Director of Legislative Research not later than 1 P.M. of the fourth Friday following the convening of the session and such measures, in complete final form, shall be introduced in the appropriate house not later than 1 P.M. of the third sixth Tuesday following.

Exception. This Rule shall not apply to bills or resolves reported by any joint committee in the regular course of business, nor to such bills and resolves as are intended only to facilitate the business of the Legislature. (S. P. 547)

Came from the Senate read and passed.

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

By unanimous consent, ordered sent forthwith.

Non-Concurrent Matter

The following Order:

Joint Order relative to amending Joint Rule 8 (H. P. 1291) which was passed in the House on June 26.

Came from the Senate indefinitely postponed in non-concurrence.

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

By unanimous consent, ordered sent forthwith.

Non-Concurrent Matter

The following Order:

Joint Order relative to Joint Rules be amended by repealing Joint Rule 10 (H. P. 1296) which was passed in the House on June 26.

Came from the Senate indefinitely postponed in non-concurrence.

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

By unanimous consent, ordered sent forthwith.

Mr. Waxman of Portland presented the following Joint Order and moved its passage:

WHEREAS, the use of marijuana and other drugs has increased considerably in our society; and

WHEREAS, this increased use has been evidenced particularly among our young; and

WHEREAS, this presents the State of Maine with a grave social problem; and

WHEREAS, education offers a means of making our young people aware of the dangers and hazards of drug use; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the extent and nature of drug education programs currently being offered in Maine public schools to determine the desirability of a required curriculum in drug education; and be it further

ORDERED, that the Legislative Research Committee report its findings and recommendations at the next special or regular session of the Legislature. (H. P. 1297)

The SPEAKER: The Chair recognizes the same gentleman.

Mr. WAXMAN: Mr. Speaker, I would speak very briefly to my motion that this order be adopted. Last week we had considerable debate on the question of criminal penalties for the use of Marijuana and other narcotics. At that time I felt that perhaps we should be looking in the direction of prevention and education as well as punishment and correction. And it is for this reason that I have intro-

duced this order and I hope that the Legislative Research Committee will be able to come up with some recommendations for a program of drug education in our public schools.

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

By unanimous consent, ordered sent forthwith.

Non-Concurrent Matter

An Act Providing for Presidential Preferences in Primary Election (H. P. 1151) (L. D. 1473) which was passed to be enacted in the House earlier in the day and passed to be engrossed as amended by Conference Committee Amendment "B" on June 24.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Three times this body has passed this item. We have had three Committees of Conference. The last two agreed upon a compromise. It was a simple procedure but still embodying the general idea and that is of giving the people the chance to express their choice for presidential candidate, and it would not be binding upon delegates. Now aside from the choice of the average voter and not just a privileged few, it would add to the interest of our primary elections.

Now this afternoon we could insist. However, the other body is much too preoccupied now in financial matters and I would suggest that somebody table this until later in today's session.

Whereupon, on motion of Mr. Birt of East Millinocket, tabled pending further consideration and assigned for later in today's session.

Non-Concurrent Matter

Bill "An Act Creating the Unclassified State Employees Salary Board and Revising the Salary Plan for Certain Unclassified State Officials" (H. P. 1272) (L. D. 1601) which was indefinitely postponed in the House on June 19.

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

In the House: On motion of Mr. Martin of Eagle Lake, the House voted to adhere.

Non-Concurrent Matter

Resolve Proposing an Amendment to the Constitution Providing for Valuation of Certain Lands at Current Use (H. P. 878) (L. D. 1121) which failed final passage in the House on June 26 and which was passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" on June 25.

Came from the Senate finally passed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Kelley.

Mr. KELLEY: Mr. Speaker, I move that the House recede and concur.

The SPEAKER: The gentleman from Southport, Mr. Kelley moves that the House recede and concur.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Although the Senate Amendment makes this Constitutional change a little bit better to swallow I still feel that in certain municipalities that there would be some serious objections and serious error done by changing the Constitution in this fashion. The amendment that was provided in the Senate changes it so that it gives the option of the municipalities of being able to go back for a period of five years and being able to collect money if the land is sold at a higher value than it was assessed for.

In certain areas this may very well help but I don't think that it is a good time for the State of Maine to adopt this area. Although the amendment does make it palatable, I still feel that there are serious objections in the document as it is. I will not make a motion but I hope that you will vote against the motion to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker, Ladies and Gentlemen of the House: This bill does not pass any law that says that these lands will be taxed that way. All this bill does, it gives the Legislature, the future legislatures the privilege of passing laws to have these lands taxed in a different method. And as it stands right now we do not have any way of taxing these lands in any other way excepting what is in the Constitution. All this does, it gives the Legislature the privilege for taxing these lands in a different method than they are taxed at the present time.

Now this Legislature would not be able to do anything about this. It would be some future legislature and I think they should have the right to change the way of taxing, and I would ask all of you to vote to recede and concur because I believe this bill is very much needed. We are going to lose a lot of our farm land and a lot of our open land if we don't do something about it pretty soon. A great many other states have passed similar constitutional amendments as this one because they were losing their open land and their farm lands. These high pressure developments come in and they take over the land. The farmers lose it; they can't afford to pay the tax that they assess on it and so forth.

So I would recommend that you vote with this motion so that we can get this Constitutional Amendment out to the people and let them decide whether they want it or not. And I think that they should have the privilege to decide this. It has been said in this House many times that we should let these things go to the people and here is a good chance to let this constitutional resolve go to the people and let them decide which way they want it.

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

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: What Representative Evans just said was exactly what I was going to say, only he could say it so much better. So I urge

all my good friends of the Democrat Party to vote with me right now like I voted with the leader of our party this morning.

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

Mr. HEWES: Mr. Speaker and Members of the House: I highly respectfully ask all my Republican friends to vote with the gentleman from Durham, Mr. Hunter on this also, and Democrats as well. As I understand it this bill would permit, perhaps a suburban area, an area that might be right for development to let a landowner, say a farmer, have his land evaluated for farming purposes. Sure if you have two farms, we will say each 50 acres in size, side by side, and one of the farmers develops a good portion of his property and sells off several acres at a couple of thousand dollars an acre, perhaps the farmer next to him has land equally valuable, but the farmer next door uses his 50 acres for raising vegetables or what have you, I don't think that he should be taxed necessarily at the housing developmental price. So it seems to me that this is a good bill and I hope you will go along with the motion to recede and concur.

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

Mr. FORTIER: Mr. Speaker and Members of the House: I too am very much in favor of letting the people decide just what they want to do in their municipality, but I would advise the members of this House that if I interpret the laws correctly there are already laws on our statute books that would prohibit assessors from assessing over and beyond the zoned laws or the zoned areas or permissible use of the properties. This simply means that, what this would accomplish would be to try and obtain through the Legislature things which they are not able to obtain locally and I do not believe that we should put something on our statute books at any time which would overrule a local option in such a case as this. So that all the municipalities would have to do is start zoning laws for example de-

clarifying certain regions as farm land and then the assessors could not assess them as recreational property or industrial property. So consequently I would urge you to vote against this bill.

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

Mr. HICHENS: Mr. Speaker, I would concur with the gentleman from Freedom, Mr. Evans. A few years ago when our farm was bought our front driveway went out onto a state highway. We were bordered in the rear by a railroad. The railroad was discontinued and now they have put in a highway, Route 236. All of this land along the railroad has suddenly become valuable, but yet many of the farmers including myself are still using it for the same purpose we always did. Because one man is able to sell his land at a higher price, develop it for a business project, does not mean that our land should have to go up accordingly.

So I hope you will go along with the gentleman from Freedom, Mr. Evans.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I am sorry to differ with my seatmate, Mr. Fortier, in his view of this. We have a very real problem in the State of Maine. The real property tax is being used as a pressure device to compel people or to coerce people to use their land in a different way than they would like to use it and perhaps some of you have heard of instances as I have in which a person who owns land, for instance, a farmer, which has lake frontage upon it which he does not wish to sell as cottage lots, the assessors or some people working with the assessors have brought in potential buyers and have used this as a device to try to force the landowner to sell land for uses he does not wish to employ.

At the present time the municipalities do not have an adequate device to protect this land, and as I understand it with the present

amendments, the permitting of the assessment for the present use would be optional with the community. I feel that we ought to provide the communities with the tool that this amendment would give them.

So I hope you will vote in favor of enactment.

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

Mr. HEWES: Mr. Speaker and Members of the House: Just in reply to the question from the gentleman from Rumford, Mr. Fortier, as I understand it, at the present time, by court interpretation, property must be assessed at its highest and best use, and that is why perhaps farmland would have to be appraised—would have to be appraised—at the highest and best use rather than for the use to which it is being used.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I am a member of the Taxation Committee and I am going to speak in a general way. In our very fast changing developing, revolutionary society, there has been a new word brought in—"megalopolis," and it has created a lot of problems for the private owner of real estate, and it just seems to me to be establishing a general principle by which more equity can be given to the private owner of property and so I hope that this bill stays alive.

This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken. 97 voted in favor of the motion to recede and concur and 31 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Mr. Rideout of Manchester presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee study the subject matter of the following Bills: "An Act

Establishing the Environmental Advisory Commission," House Paper 1043, Legislative Document 1366, and "An Act Providing for Regional Referendum on Location of Industry Substantially Affecting Regional Environment," House Paper 1275, Legislative Document 1603, for the purpose of devising a practical means of controlling the location of industry which is capable by its location of being harmful to the area surrounding it; and be it further

ORDERED, that the State Environmental Improvement Commission and Department of Economic Development provide the Committee with such information and technical assistance as the Committee deems necessary or advisable to carry out the purposes of this Order; and be it further

ORDERED, that the Committee report the results of its findings and recommendations, including any necessary legislation, at the next regular session of the Legislature. (H. P. 1298)

The Joint Order received passage and was sent up for concurrence.

By unanimous consent, ordered sent forthwith.

Mr. Vincent of Portland presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring that the Legislative Research Committee is authorized and directed to study the feasibility of medical reporting of disabilities affecting motor vehicle operation to determine the desirability of imposing a statutory duty upon physicians to report the names of individuals under their care or treatment who have physical or mental diseases or defects which would render such persons incapable of consistently operating a motor vehicle safely; and be it further

ORDERED, that the Committee report the results of its study, together with any necessary recommendations or implementing legislation, at the next regular session of the 105th Legislature.

The Joint Order received passage.

Mr. Santoro of Portland was granted unanimous consent to address the House.

Mr. SANTORO: Mr. Speaker and Members of the House: This order is bad and unfair and it is against the ethical relationship between the doctor and his patient. I hope you will not let this order go through. I move for the indefinite postponement.

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

Mr. RICHARDSON: Mr. Speaker, I ask that the House reconsider the passage of the order directing Legislative Research to direct a study of the feasibility of medical reporting et cetera which was earlier passed.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, moves that the House reconsider the action whereby the House just passed this order. The gentleman may speak to his motion.

Mr. RICHARDSON: Mr. Speaker, I must apologize to the Chair. I was attempting to be recognized. I do not believe that this order really warrants direction to Legislative Research. I agree with the gentleman from Portland, Dr. Santoro. You are directly involving the physician - patient privilege, which is a historic privilege that has proven time and time again to have worked very well. I think that a person who operates a motor vehicle when he knows or should reasonably have known that his physical condition is such that he should not have been operating is liable of course under our civil law to very serious penalties for damages or injuries that he inflicts as the result of operating a vehicle under that condition.

And it seems to me that in addition to violating the physician-patient privilege, which I think every one of us recognizes as something that we think is pretty sacred, we are also talking about imposing an absolute administrative nightmare on the entire medical profession. If you do allow reconsideration of this, which I hope you will, I hope that other persons in the House who feel as I do perhaps will sup-

port this and that we can indefinitely postpone this order.

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

Mr. VINCENT: Mr. Speaker and Members of the House: I had no way of knowing when I presented this that it would create such a controversy. One of the reasons that I presented the order was due to the fact that we have many people on our highways who have had serious heart attacks and had serious illnesses. There are many people that are on the verge of being totally blind which drive upon the highways. Now these people it has been mentioned they are liable if they have an accident. It isn't going to do any good to have a libel suit if the person is dead who was driving the car and he has killed several other people.

This Legislature saw fit to pass an implied consent because they wished to remove from the highways people that cause a menace from intoxication. Is it any more of a menace to have a person that could have fits, could have a heart attack driving at a high velocity, that has eye problems to be on the road? Would you be any safer? I haven't presented a bill here that has demanded that we make any passage; I am only asking for a study to be done, a study which could be reported the findings, whether it be in the area of doctors making reports or people just having annual eye checkups that have drivers licenses.

Your original eye checkup is when you originally receive your driver's license. I received my first driver's license when I was sixteen; I haven't had an eye examination in nine years. Is it permissible to have people take eye exams if this could be reported to the next legislative session? It is for this reason that I would ask you to vote for this so that a study can be done and a report can be made to the 105th. Regardless of what the report is I will be willing to abide by it. I hope you will vote for this proposal.

The SPEAKER: The pending question is reconsideration whereby this Order received passage. All

in favor of reconsideration will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

101 having voted in the affirmative and 13 in the negative, the motion did prevail.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I have a great deal of respect for the gentleman from Portland, Mr. Vincent, who has I think done some very fine work in this session, particularly in the area of the operation of penal institutions and I sympathize with the motives that he has in introducing this order. The only problem is that this order doesn't do or doesn't direct Legislative Research to do what I think he wants to do.

I am perfectly happy to support an order that would permit a re-evaluation of the question of mandatory physical examinations at a certain age, a mandatory eye examination, and these sort of things. But I think that when you phrase an order in these terms directing Research to concern itself with the question of mandatory reporting by physicians of privileged communications that their patients give to them, I think it is a lot different thing.

May I suggest to any of you who have matters that you would like to have to go to Legislative Research to speak to the leaders of your party here in the House and they will help you work out an order that will be a little better. I reluctantly move the indefinite postponement of this order.

Thereupon, the Order was indefinitely postponed.

(Off Record Remarks)

On motion of Mr. Richardson of Cumberland.

Recessed for ten minutes or until the sound of the gong.

After Recess

Called to order by the Speaker.

The SPEAKER: The Chair will call your attention to Supplement No. 7.

The following Bills on their passage to be enacted and the Resolve on its final passage were taken up out of order by unanimous consent.

**Passed to Be Enacted
Emergency Measure**

An Act relating to the Purposes and Powers of the Maine Port Authority (H. P. 1265) (L. D. 1595)

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. 102 voted in favor of same and 4 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Constitutional Amendment
Failed of Final Passage**

Resolve Proposing an Amendment to the Constitution Providing for the Election of the Attorney General by the Electors (S. P. 491) (L. D. 1585)

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

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

Mr. BIRT: Mr. Speaker and Members of the House: As I understand this amendment to the Constitution at present — I believe I am right, that House Amendment "C" was adopted which puts the bill back into its original form and with the statewide election of the Attorney General. I appreciate the value of governmental reforms. On the other hand I am not convinced that some of our governmental institutions and operations are as needy of reform as are indicated.

I am going to pass on a compliment that I have heard in the corridor in the last couple of days. There has been a gentleman from Virginia working on the tote board up here. They have this tote board in some 35 states or in that neighborhood and he does the maintenance on pretty near all of them because these boards are owned by the company and they work on a contractual basis. I was sitting

there talking to him this morning and he was telling me about some of the decorum in other states. And he did comment at that time the decorum in this Legislature he felt was the finest that he had ever seen in any Legislature in the country, which I think is a credit to the leadership and the membership.

I think it is indicative to me of many of the institutions in this State. I do think that they are reasonably good. I think the system of the selection of the Attorney General has worked out successfully and we have had some good ones, and I think that probably if it went to popular election the quality, I am not sure, would be improved.

As I spoke on this the other day, there is some question in my mind as to whether it would be as good. I can't be convinced in my own mind that a person would be willing to go out and try to organize a campaign and finance this 50 to 75 thousand dollar campaign to have himself elected to the Attorney Generalship and it would take four years of his salary to make just about what he has invested in this. It leads me to believe that somewhere along the line — and I hate to say this, but it leaves you to believe that somewhere that he must have to pick up other capital and consequently might be subject to owing obligations.

I personally feel that this might be a step in the wrong direction and I would consequently hope that when the vote is taken that you will vote against the adoption of this amendment to the Constitution.

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

Mr. BERMAN: Mr. Speaker and Members of the House: This is a Constitutional Amendment and a very important one and I would like to say at the outset that I have admiration for zeal but have some feelings about advantage. I really admire fair play but I don't like to see anyone taken advantage of even though it might be legal advantage.

Also I have very deep respect for the fundamental law of this

State and that fundamental law is our Constitution. I know my able colleague, the gentleman from Kittery, Mr. Dennett, shares these sentiments, and I know if he were able to be here this afternoon he would speak them most eloquently.

Now I think it was last week in this House something happened which doesn't happen too often, thank goodness. Two amendments to this bill had been reproduced and put on our desks. I believe there was House Amendment "A" by the gentleman from Manchester, Mr. Rideout, and House Amendment "B" produced by myself.

Now one of the younger members of the loyal opposition to this House had told me that he had a third amendment dealing with a four-year term in popular election but the amendment wasn't reproduced at the time because he wasn't going to offer it. So the good gentleman from Kittery, Mr. Dennett and myself were lulled into a sense of good will and perhaps false security.

When the time came to add amendments to the bill prior to engrossing the good gentleman from Manchester stood up and offered his House Amendment "A" and it was very clear what House Amendment "A" was and the House accepted it, and subsequently I stood up and offered my House Amendment "B" making it a two-year term and it was very clear from the amendment what that was all about and the House accepted it. And somewhere along the line the bill got tabled to later in the afternoon session. And then lo and behold the next morning on the calendar from the other body it was pointed out to me and I pointed it out to the good gentleman from Kittery, Mr. Dennett, that House Amendment "C" somehow had gotten on this bill which completely nullified the amendment that I had put on and I wasn't aware of it and the good gentleman from Kittery wasn't aware of it. And it was thought then that the time to handle it was to wait until it came back at the enactment stage.

Now I will say for my young friend of the loyal opposition, when I spoke to him later about the matter, he said that he turned around in his seat and he looked up in this direction and I was sitting in my seat and he turned around in his seat and he looked at the gentleman from Kittery, Mr. Dennett, and Mr. Dennett was in his seat, so he didn't feel that he was under any obligation, as I understand it, to get up and explain his amendment and say that it completely nullified my amendment. Well, so be it; but I think that perhaps I, in such a situation, or the good gentleman from Kittery in such a situation, would call to the attention of this honorable body that what we are doing with our amendment was completely abrogating another.

So this is how this bill comes to us in the form that it does. Now frankly I think that Mr. Birt is on very sound grounds in saying that a popular election of this constitutional office could work a hardship in the State of Maine. Anyone who is campaigning for this office undoubtedly is going to be faced with a primary competition, or very likely to be faced with a primary competition, so he is going to have to campaign statewide in the primary.

It is undoubtedly probable that he is going to be faced with a statewide election once he secures the primary nomination. So he is going to have to go around the merry-go-round a couple of times with expensive TV or radio advertising and it would be even more expensive than someone campaigning say for Congress in the first district or Congress in the second district, and I know of one instance in the last couple of years where a very good candidate for Congress in one of the larger congressional districts in this State, even though he wasn't faced with primary opposition put on a good campaign but he found himself at the end of the general election substantially in debt. And I don't think that anyone who is running for one of the chief legal offices of this state should get in the posi-

tion where it is going to cost him a great deal of money to run in a primary and to run in the general election.

Now I think that the predecessors and the founders of this state in their wisdom saw fit to say that when we have a Constitutional Amendment it takes two-thirds of the membership sitting in this House and in the other body to enact it. Now I am very sympathetic and I support the idea of the gentleman from East Millinocket, Mr. Birt, that we shouldn't enact this—what I will call for lack of better phrasing so late in the day—this rich-man's bill. And all we need is just one vote more than one third of the membership sitting here this afternoon to set this matter straight. So I would respectfully request that if the tote board is working that the vote be taken by the yeas and nays and like Mr. Birt I hope you will vote against enactment of this measure.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: It is of course always enlightening to have one legislator recount in considerable detail what he said to another some weeks ago and I know that it is always interesting to point out the many deficiencies of our opponents who happen to disagree with us on the bill. I have noted that when I am with the previous speaker I am referred to as that fair and ultimately honest and just and reasonable man; when I am on the other side I am just his friend from Cumberland.

Now if everybody isn't so hot and tired that they are just about ready to scream I would like to touch, because nobody else has, very briefly on what the bill is about and then we can vote for it in fairness and justice and honesty and all those other attractive virtues and whatever you do is of no consequence to me I can assure you.

But at the present time we have a part time Attorney General who in order to earn anywhere near the amount of money that he would

be able to command in private practice—and this is true of the present Attorney General and it is true of those who have served in the past, many of whom you know, all of whom going back to the Honorable Frank Hancock, the Honorable Frank Harding, the Honorable Richard Dubord, all are good close friends of mine—they have had to work part time to implement their income. Now the judgment that you are going to have to make is: do you want to continue this situation—and it has worked well, I don't deny that—do you want to continue this situation, or do you feel that the responsibilities of law enforcement are such today that we need a full time man?

Now once you have overcome that interesting hurdle you have to decide how you want him selected. Now the gentleman from Houlton, Mr. Berman, put in a little handy dandy amendment that would have said that the Attorney General shall receive the same pay — or in addition to the amendment which said that the Attorney General shall receive the same pay, put in by the gentleman from Manchester — Mr. Berman's handy dandy little amendment said he will serve for four years and will be elected by the Legislature.

Well, now, those of us who look at calendars and horoscopes realize that if the Republicans controlled this House in 1970 they might elect the Attorney General, and then if by some cruel stroke of fate the treacherous opposition should take over in '72, guess who would be the number one elected Republican in this State, my heavens, the Attorney General!

And this is the reason I don't like this idea of having a full-time, four-year Attorney General elected by the Legislature. Now if we are going to leave his election with the Legislature I think he should be subject to the close scrutiny we all give our Attorneys General every two years. If you are going to agree that we want to follow the course that prevails I believe in most other states and have a four-year elected Attorney General, and we want to pay him enough money so that he can be full-time,

then you will follow that course. I owe the gentleman from Houlton an apology. It wasn't his amendment that had the four-year term elected by the House and Senate, it was the other amendment, it was the paper reported out of the State Government Committee. My apologies.

So you have today the scintillating opportunity to decide whether or not you want a four-year elected Attorney General, running at large as he does in most other states, full-time, or do you want to maintain the present system? Now those, with apologies for any unintended sarcasm, are the facts.

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

Mr. CAREY: Mr. Speaker and Members of the House: I shall be a little sarcastic, and casually mention that after watching the current Attorney General move from the second floor to the third floor, I say if there ever was a time to elect the Attorney General it is now, and possibly we could have a little more "attorneying" and a little less "generalizing."

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

Mr. BERMAN: Mr. Speaker and Members of the House: I am not going to be sarcastic, at least I hope I am not, and I accept in good faith the apologies of my good friend from Cumberland, Mr. Richardson. But this is a situation with regard to a four-year Attorney General, and it happens in other states.

Now a four-year Attorney General in the State of Maine, if he happened to be politically motivated and were interested in running for Congress say, and half way through his four-year term, if we adopted this resolve, which I hope you will not, he can decide that he is going to run for Congress while he is still Attorney General. So he goes around the circuit, he has quite an advantage being the State's Attorney General running for Congress. If he wins he goes down to Washington and we have to find some other Attorney General to fill out the unexpired term.

Now every six years or so there comes up a Senate term. Now

I am not talking about the next Senatorial election or the one subsequent thereto, but during the term of Attorney General in the State of Maine, the United States Senate seat is going to be vacant one way or another, or it is going to be up for election. The State's Attorney General, while he is supposed to be the chief legal officer of the state, could decide that he would like to go down and sit in that very select club of 100 people. So while he is supposed to be doing the job of the State's Attorney for the people of Maine, he could run for the United States Senate. Well if he is elected he just packs his briefcase and goes off to Washington for six years and we have to find an Attorney General to fill in the next term. If he isn't elected he is still the Attorney General.

Now I don't think that this is good politics. I don't think this is good government. This is the way that it works in other states, and we can go down a list of the states that have this sort of thing and start from the ones that start with "Z" and go down to the ones that end in "Y", and you will find that this goes on time and again in these states that elect the Attorney General at large for a four-year term. Now I think that in the State of Maine of less than a million people that our present way of doing business isn't too bad. As a matter of fact, the amendment put on by Mr. Rideout and the amendment put on by myself, I think would have been a step of moderate progress, and frankly, if the gentleman from Houlton and the good gentleman from Kittery had been aware of the situation we probably wouldn't have been involved in this hassle today about the bill as it comes back to us for enactment, having been engrossed with this House Amendment "C" which I find very repugnant.

So we are all tired, and it is the end of the day, but I have requested the yeas and nays. This is a serious Constitutional Amendment, and I hope that the membership of this House will vote against enactment.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: Very briefly, I think if we can afford to come here and serve the people of the State of Maine on a part-time basis, and in view of what has happened in the other states and in our own state as late as this winter, up to right now, I think it is high time that we do have a full-time Attorney General and that he represent actually the views of the people of the State of Maine. And it could only be by election that we would be able to get that.

The SPEAKER: The gentleman from Houlton, Mr. Berman, moves that when the vote is taken it be taken by the yeas and nays. All members 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 having expressed the desire for a roll call vote, a roll call was ordered.

The SPEAKER: This being a Constitutional Amendment a two-thirds affirmative vote of the House is necessary for final passage. All in favor of final passage of Resolve Proposing an Amendment to the Constitution Providing for the Election of the Attorney General by the Electors, Senate Paper 491, L. D. 1585, will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YES — Allen, Baker, Benson, Bernier, Binnette, Boudreau, Bourgoin, Buckley, Burnham, Carey, Carrier, Carter, Casey, Clark, C. H.; Clark, H. G.; Coffey, Corson, Couture, Croteau, Cummings, Curran, Cushing, D'Alfonso, Dam, Donaghy, Drigotas, Erickson, Eustis, Faucher, Fecteau, Finemore, Fortier, A. J.; Fraser, Hardy, Heselton, Hunter, Jalbert, Kelleher, Keyte, Kilroy, Lawry, Lebel, Leibowitz, Levesque, Lewin, Mars-taller, Martin, McKinnon, McTeague, Mills, Mitchell, Morgan, Nadeau, Ouellette, Payson, Pratt, Richardson, H. L.; Rideout, Rocheleau, Santoro, Sheltra, Snow, Starbird, Susi, Temple, Thompson, Tyn-dale, Vincent, Watson, Waxman, Wheeler.

NAY — Barnes, Berman, Birt, Bragdon, Brown, Chick, Cottrell,

Curtis, Dudley, Durgin, Dyar, Evans, Farnham, Fortier, M.; Gilbert, Hall, Hanson, Haskell, Hawkens, Henley, Hewes, Hichens, Immonen, Kelley, K. F.; Kelley, R. P.; Lee, Lewis, Lincoln, Lund, McNally, Meisner, Moreshead, Mosher, Page, Porter, Quimby, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Stillings, Trask, Wood.

ABSENT — Bedard, Brennan, Bunker, Chandler, Cote, Cox, Crommett, Crosby, Danton, Dennett, Emery, Foster, Gauthier, Giroux, Good, Harriman, Huber, Jameson, Johnston, Jutras, Laberge, LePage, MacPhail, Marquis, Millett, Norris, Noyes, Rand, Richardson, G. A.; Ricker, Soulas, Tanguay, White, Wight, Williams.

Yes, 71; No, 44; Absent, 35.

The SPEAKER: Seventy-one having voted in the affirmative and forty-four having voted in the negative, seventy-one not being two thirds, the Resolve fails of final passage.

By unanimous consent, foregoing matters ordered sent forthwith.

Passed to Be Enacted

An Act relating to Jurisdiction and Judicial Divisions of the District Court (S. P. 468) (L. D. 1526)

An Act to Revise the Liquor Laws (H. P. 1224) (L. D. 1556)

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.

By unanimous consent, ordered sent forthwith.

The Chair laid before the House the following matter: An Act Providing for Presidential Preferences in Primary Election (H. P. 1151) (L. D. 1473) which was tabled earlier in the day and later assigned, pending further consideration.

On motion of Mr. Ross of Bath, tabled pending further consideration and specially assigned for tomorrow.

(Off Record Remarks)

On motion of Mr. Benson of Southwest Harbor,

Adjourned until nine - thirty o'clock tomorrow morning.