

# 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

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**1st Special Session**

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Wednesday, July 2, 1969

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

Prayer by the Rev. Mr. Warren Benner of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate  
Conference Committee Reports**

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

Resolve in Favor of Town of Harrington for Medical Care of an Indigent (H. P. 543) (L. D. 722) reporting that the Senate recede and concur in accepting the Majority "Ought to pass" Report of the Committee and pass the Resolve to be engrossed in concurrence.

(Signed)

WYMAN of Washington  
PEABODY of Aroostook  
CONLEY of Cumberland

— Committee on part of Senate.

LINCOLN of Bethel  
CURTIS of Bowdoinham  
QUIMBY of Cambridge

— Committee on part of House.

Came from the Senate read and accepted.

In the House: The Report was read and accepted in concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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 Construction and Improvement of Airports Throughout the State; for a Tourist Information Building at Kittery; the Repair, Planning and Improvement of Certain State-owned Buildings and Institutions and Provide for other Essential Improvements to Facilities for the Department of Adjutant General, Finance and Administration, Veterans Services and the Maine Port Authority by Issuing Bonds in the Amount of \$1,940,000" (H. P. 307) (L. D. 394) reporting that

the Senate recede from passage to be engrossed as amended; that the Senate recede from adoption of Committee Amendment "A" as amended; that the Senate recede from adoption of Senate Amendment "C" to Committee Amendment "A"; that the Senate indefinitely postpone Senate Amendment "C" to Committee Amendment "A" in concurrence; that the Senate adopt Conference Committee Amendment "A" to Committee Amendment "A" submitted herewith; that the Senate adopt Committee Amendment "A" as amended by Conference Committee Amendment "A" thereto and Senate Amendments "B" and "D" thereto; that the Senate pass the Bill to be engrossed as amended by Committee Amendment "A" as amended by Conference Committee Amendment "A" thereto and Senate Amendment "B" thereto and Senate Amendment "D" thereto in non-concurrence.

that the House recede and concur with the Senate.

(Signed)

BERRY of Cumberland  
KELLAM of Cumberland  
GORDON of Cumberland

— Committee on part of Senate.

RICHARDSON of  
Cumberland

HASKELL of Houlton

— Committee on part of House.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendments "B" and "D" thereto and Conference Committee Amendment "A" thereto in non-concurrence.

In the House: Report was read.

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

Mr. BENSON: Mr. Speaker, I move that the Conference Committee report be rejected and I will speak to the motion.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson, moves that the Conference Committee report be rejected.

The gentleman may proceed.

Mr. BENSON: Mr. Speaker and Members of the House: The Conference Committee report has in it an improper figure, the addition was done wrong. The bill in its present form is improperly engrossed, and so if we are going to save this bill in any form, the Conference Committee report has got to be rejected.

I have found in talking with a number of the House members here this morning that there is considerable feeling against the three amendments that are on the bill, and I personally feel that way myself. But in any case, if we are going to save this bill in any form, whether it is the original Appropriations Committee report or with the three amendments as they are presently on it, if we are going to save it we must reject this committee report and start over.

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

Mr. DONAGHY: Mr. Speaker, I would ask the gentleman from Southwest Harbor, through the Chair, what the original report was for our information because many of us don't have our information at our desks any longer.

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

Mr. BENSON: Mr. Speaker and Members of the House: In answer to the gentleman's question, the original airport bond issue the request was for approximately \$11,400,000 I believe. The Appropriations Committee report reflects a total of \$1,940,000. This is for airport construction and improvements. There is also a figure in here for \$340,000 for the renovation of the State House, planning funds for buildings throughout the state in the amount of approximately \$300,000, and a number of other things which are reflected in the Committee Amendment "A" under filing number H-487, and I hope that this answers the gentleman's question. If not, I will attempt to do better.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think that the — I don't know as I can speak with authority on this measure now even though it is my measure. I do know that the first thing that went out of it was the Lewiston-Auburn Airport. However, I think the three bones of contention on this thing is the \$500,000 for Portland, or that area, for the Maine Port Authority and the information center at Houlton, and I think there wasn't too much flak — but some, there wasn't from me at least, on the \$55,000 for the beginning of the Rumford Airport.

Now I know those are the three bones of contention and I certainly would concur with the gentleman from Southwest Harbor, Mr. Benson, that this committee report would be rejected. At least the members of the new committee report would know what the thinking is, and I mean it would save some sort of time.

Has a motion been made, Mr. Speaker?

The SPEAKER: The motion has been made to reject the Conference Committee report.

Mr. JALBERT: I would suggest that — am I in order saying that if we would reject the committee report, then would a motion be in order to insist and ask for another Committee of Conference?

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

Mr. BRENNAN: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Southwest Harbor, Mr. Benson. I believe he stated that there are some mathematical errors, or there are some errors in the computation of the figures. I wonder if he could specifically point out what is wrong with that amendment as far as the figures are concerned?

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

Mr. BENSON: Mr. Speaker, in answer to the gentleman's question, the Conference Committee report reflects a total of all projects in the amount of \$2,440,000. The correct total for the figures contained within that report is \$2,589,000. That is the figure that is supposed to be in there.

And while I am on my feet I might say that the Maine State Pier in Portland is included in this committee report for \$131,000, so Portland isn't being left out completely.

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

Mr. BRENNAN: Mr. Speaker, again I would like to pose a question through the Chair to the gentleman from Southwest Harbor. Is it his intention to reject the Conference Committee report just to correct this \$100,000 error?

The SPEAKER: The gentleman from Portland, Mr. Brennan, poses a further question through the Chair to the gentleman from Southwest Harbor, and the Chair recognizes that gentleman.

Mr. BENSON: Mr. Speaker, in answer to the gentleman's question once again, if we are to save this bond issue in any form, the Conference Committee report must be rejected. There must be a new Conference Committee appointed and another committee report presented to this House.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I think it is unfortunate that this mathematical error has crept in because it tends to muddy the issue. It is my distinct impression from having talked to members of the House today that there is another error which has crept in here, and I can't say for certain exactly what is included, but my impression is that the Houlton information booth is included, the Portland project for \$500,000 is included, and that these items have previously met strong opposition within this House. And I would hope that in some fashion the Committee of Conference might have in mind that these three items are quite likely to tear down

the whole house of cards if this bill does not come back to the House in a fairly clean form. So I do support the motion to reject the report.

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

Mr. HASKELL: Mr. Speaker and Members of the House: To attempt to un muddy the waters this morning, the area of disagreement between the House and the Senate centered on the amendment which dealt with the Ferry Terminal at Portland. And the point of the issue was in the Senate Amendment as it came from the Senate initially. \$500,000 was set up as a grant to the City of Portland with no provision for repayment. In the Committee of Conference this was resolved by a change in the language. So if you read the committee report you would see that there is a provision now for the \$500,000 to be repaid.

Now to answer the point made by the gentleman from Augusta, Mr. Lund, the two other amendments passed both the House and the Senate, and there was no point of contention on these amendments. The Senate rather on the — whether or not there would be repayment by the City of Portland to the Maine Port Authority, which in essence is the State of Maine, the \$500,000 initially was set up as a grant and now is a loan that must be repaid.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: It may save us some time in the long run if we understand very clearly the provisions that have been included here. It does appear to provide for repayment sometime within a period of thirty years, but adds no interest and as quite blankly, it appears to me, that the repayment could be made in the thirtieth year with no interest. And as to that, I would say "big deal."

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

Mr. HASKELL: Mr. Speaker and Members of the House: I would point out to the gentleman from

Augusta that this, in essence, is the same arrangement that we now have with the other ferry which is operated in the State of Maine, namely, the one out of Bar Harbor. The terms are the same and the provisions are the same.

Mr. Brennan of Portland was granted permission to speak a third time.

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to debate in full the matter at this time. However, Mr. Lund has brought it to the floor, and if there is going to be a new Committee of Conference I think it should go out with some of the information that is available.

In regard to the Portland situation, as has been pointed out earlier, it has the backing of the business people in the community to the extent of about a million dollars for any operating losses. The City of Portland itself has agreed to provide a half million dollars to bridge the gap that now exists between today and the time of the bond issue, and I would reiterate that this is not a fly by night operation. The ferry itself is going to cost something like \$8 million. Now this bonding provision provides a loan that will be paid back to the state somewhat similar to the Bar Harbor situation, as was pointed out by the gentleman from Houlton, Mr. Haskell.

The Maine Port Authority would be responsible for the collection and forwarding the money to the treasurer. But I think the most important thing here is that it is projected that this will generate about \$6 million in business, and with a 5 per cent sales tax that means around \$300,000 a year; so in one or two years this \$500,000 in effect would be returned to the State.

And generally speaking, I think this ferry would be a boost to our overall reputation as a resort state. And I would also remind this House that the State of Maine — it is not Portland — the State of Maine is in competition with the States of New Hampshire and Massachusetts for this matter.

Furthermore, again, this is a referendum issue and would

ultimately be decided by the people of the State of Maine. And I want to again remind the House it is a loan and not a grant.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think that the issue as brought out by the gentleman from Southwest Harbor, Mr. Benson, was a fair enough observation. I would think that if we are going to get out, I think if there is to be a new Committee of Conference report — and either the gentleman from Southwest Harbor will make the motion or I will — that we further insist and ask for another Committee of Conference, I should think we would go along about our business now and stop debating this issue until it at least is before us.

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

Mr. HEWES: Mr. Speaker, a parliamentary inquiry. Can't this mathematical computation of one hundred odd thousand dollars be adjusted here without having to have an entirely new —

The SPEAKER: The answer is in the negative.

All in favor of rejection will say aye; those opposed will say no.

A viva voce vote being taken, the motion prevailed.

On motion of Mr. Jalbert of Lewiston, the House voted to further insist and ask for a second Committee of Conference.

By unanimous consent, ordered sent forthwith to the Senate.

The Speaker appointed the following Conferees on the part of the House:

Messrs. RICHARDSON of Cumberland  
land  
HASKELL of Houlton  
BENSON of South west  
Harbor

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

Passed to Be Enacted  
An Act Revising the Maine Mining Law (H. P. 339) (L. D. 448)

An Act Providing for State Contribution to the Cooperative Soil Survey (H. P. 904) (L. D. 1165)

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.

#### Passed to Be Enacted Emergency Measure

An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971 (H. P. 1300)

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

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: I simply want to make it clear to everyone that this bill is the final Appropriations wrap-up bill. It has nothing to do with the airport bill with the three amendments on it that provoked so much controversy here. Now that bill, this airport thing, is the one we just sent back to another Committee of Conference, and I hope that none of the members in the House will be confused between these two bills. This is the final Appropriations wrap-up bill. It is the last measure before us requiring 101 votes and I hope that we will give it the necessary votes so that we can wrap up the session.

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

Mr. BERMAN: Mr. Speaker and Members of the House: There are some elements of this bill that I personally might not approve of. The only reason I bring it to the attention of the House today is that in a spirit of good will and compromise in getting this session on the way, I am going to vote for this measure even though there are elements that I don't agree with.

Now later on today we are going to get L. D. 394 back as amended, and I hope the people that don't agree with some of the things of that bill will also in a spirit of good will and compromise, do what

they may not wish to do, with a full heart and vote for that bill. So I do hope we get the 101 votes for this bill and I hope we get the two-thirds vote on the other bill. Thank you.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The gentleman from Houlton, Mr. Berman, comes in in one fashion and will go out of this session in the same fashion — with a deal. Now I don't know what L. D. 394 is and I could care less. I am speaking about this measure here. Now, Mr. Speaker, and Members of the House, in all fairness, I was one of those who knew Friday afternoon by the comments from the floor leader of the Republican Party and by the acquiescence of the floor leader of the Democratic Party that the one item in this program that was not too pleasing to some of us, the 18 per cent ADC item, would be taken care of in this fashion later on. The later on is now.

And yesterday afternoon the floor leader of the Republican Party made comment that anyone who now would vote against this measure or oppose this measure could be called an obstructionist. I have had my say and I guarantee you I am going to have a great deal more to say, but anybody that does go against this measure can be called an obstructionist and I am not an obstructionist. In spite of the fact that this is costing my city \$35,000 — and I am not particularly interested, however, in saying this will be taken care of at the special session because I have had so many comments about the special session now that I am afraid you are going to double this tax before you come into the regular session.

So let's not talk about L. D. 394, let's not talk about deals at the special session, let's just act on this one. Anybody that would vote against this thing in my opinion is wrong. Personally, I have had my say; I have been privileged to have it on more than one occasion. I am going along with this measure one hundred per cent, and I hope that more than one hundred and

one votes necessary will follow and do the same thing.

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

Mr. MORESHEAD: Mr. Speaker, have copies of this measure been distributed to the members of the House?

(Off Record Remarks)

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. McNally.

Mr. McNALLY: Mr. Speaker, I would like to ask through the Speaker to Mr. Jalbert if what is on the back page of the Lewiston Sun approximately what the bill is, because I have no knowledge what is in the bill.

The SPEAKER: The gentleman from Ellsworth, Mr. McNally, poses a question through the Chair to the gentleman from Lewiston, Mr. Jalbert. The Chair recognizes that gentleman.

Mr. JALBERT: Mr. Speaker and Members of the House: I passed my copy around from the Appropriations Committee to at least a half a dozen people yesterday. As a matter of fact I passed it around. I gave it for perusal to my own floor leader. To answer the question directly to the gentleman from Ellsworth, Mr. McNally, the answer to that is right. What is in the measure is just the items that we have agreed on, the items that would call for more money in the Finance Office, if we are to computize further, more money in the package to fund the collection of the tax and several items that have already been agreed upon.

In that item also we now still remain where we are and that has been the bone of contention — on the 18 per cent on the ADC. This thing was clearly explained and it was in all honesty very fairly explained by the gentleman from Cumberland, Mr. Richardson, last week; and anybody that voted for this thing then knew just what would happen. And I think in all fairness I think if there is any question against it they should be asked. The Speaker is absolutely correct. This has been traditional

ever since I have been here, and I know that it was traditional before I was a member watching the procedure.

It is just an ordinary procedure that is being used; it has never been questioned before. I think that should answer the question, but I do know from several that I have talked to, and they have talked to me this morning, that the bone of contention has been the 18 per cent. That is all over and done with. We knew about it—at least I knew about it — and I am going along.

The SPEAKER: The pending question is enactment. This being an emergency measure a two-thirds vote of the entire elected membership of the House is necessary for its enactment. If you are in favor of enactment you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

A vote of the House was taken.

123 having voted in the affirmative and 5 in the negative, the Bill was passed to be enacted as an emergency measure, signed by the Speaker and ordered sent to the Senate forthwith.

The SPEAKER: Supplement No. 3.

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

**Final Report**

Final Report of the following Joint Standing Committee: Appropriations & Financial Affairs

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

**Messages and Documents**

The following Communication:

THE SENATE OF MAINE

Augusta,

July 2, 1969

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

Dear Madam Clerk:

The Senate has voted to reject the second Committee of Con-



ference 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), and has further insisted and joined in a third Committee of Conference on the same. The President has appointed the following members of the Senate to that Committee of Conference:

Senators:

KATZ of Kennebec  
HOFFSES of Knox  
REED of Sagadahoc

Respectfully,

(Signed)

JERROLD B. SPEERS  
Secretary of the Senate

The Communication was read and ordered placed on file.

On motion of Mr. Richardson of Cumberland.

Recessed until one o'clock in the afternoon.

**After Recess**  
1:00 P.M.

Called to order by the Speaker.

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

The following Resolve on its final passage was taken up out of order by unanimous consent:

**Finally Passed**

Resolve in Favor of Town of Harrington for Medical Care of an Indigent (H. P. 543) (L. D. 722)

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

By unanimous consent ordered sent forthwith to the Senate.

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 Standing Committee on Appropriations and Financial Affairs of the 104th Legislature is directed to meet at such times during the interim when the Legislature is not in session to make such studies and perform

such other duties as the Legislative Research Committee may order or direct; and be it further

ORDERED, that the members of the Joint Standing Committee on Appropriations and Financial Affairs shall receive compensation and expenses from the Legislative Appropriations in the same manner as members of the Legislative Research Committee; and be it further

ORDERED, that the Joint Standing Committee on Appropriations and Financial Affairs shall, subject to the advice and consent of the Legislative Research Committee, report the results of their activities at the next regular or special session of the Legislature. (S. P. 549)

Came from the Senate read and passed.

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

Mr. RIDEOUT: Mr. Speaker and Ladies and Gentlemen of the House: As I have talked to you over the session about the Research Committee and the Governmental Operations Committee, and indicated to you, which I won't again, the intent and the function of the Governmental Operations Committee, it would seem to me that this Order is duplicating the effort that the Research Committee is doing. And I would urge that you defeat this Order, and I so move that this Order be indefinitely postponed.

The SPEAKER: The pending question is on the motion of the gentleman from Manchester, Mr. Rideout, that this Joint Order be indefinitely postponed.

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

Mr. RICHARDSON, Mr. Speaker, Ladies and Gentlemen of the House: Mr. Rideout, the gentlemen from Manchester and I are in disagreement for one of the very few times during this session. Having served on the Governmental Operations Committee under the capable chairmanship of the gentleman from Manchester, I know how deeply he feels that this Governmental Operations Subcommittee has great promise and can

really do a job. Now there is also the other side that says, well, the Appropriations Committee has dealt with these budgets for six months; we should make use of their expertise and their experience and use them.

Now this function by the Appropriations Committee would be, as you note under the Order, under the direct supervision and control of the Legislative Research Committee. This would avoid duplication. There is certainly plenty of work for everybody to do, and the Research Committee would have, as I say, the ultimate control over whatever areas were undertaken by Appropriations. I hope that you will vote against the motion to indefinitely postpone and I request a division.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: I take umbrage with my esteemed colleague from Cumberland, it is the intent that the staffing of the Governmental Operations Subcommittee be done by the Legislative Finance Office. Now I submit to you if there are two such committees functioning, the Governmental Operations Committee and the Appropriations Committee, we are going to stretch our staffing very very thin.

It is also the intent that the Appropriations Committee be represented on the Governmental Operations Committee, preferably by its Chairman and other members, as it has in the past.

Now I think that we would be defeating our own purpose if we pile function upon function, and we would just be creating what we are trying to do away with. And I would urge you to follow my thinking, if you will, please, and defeat this Order.

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

Mr. MORESHEAD: Mr. Speaker and Members of the House: A few days ago one of the real liberal spenders of the session suddenly became conservative in regards to an Order whereby the members of the Judiciary Committee and the

Legal Affairs Committee were to get their law books. And I certainly am glad today to see that this member has returned to his liberal ways in endorsing this Order which is a return to state spending.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly didn't want to participate in the debate, because obviously I am a member of the Appropriations Committee. I would point out to the gentleman from Augusta that I was not consulted about this Order; I knew nothing about it until it was introduced in the other body, and I was not aware that it was going to be introduced. As far as the order for the law books is concerned, I do not think that when a member of one of the committees decides he is going to sell the books for \$200, after he has received them free from the state, is the right thing to do, and that was why I made the motion to indefinitely postpone the Order at that time and I stand on my record.

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

Mr. BENSON: Mr. Speaker and Members of the House: I can't help but agree with the gentleman from Manchester, Mr. Rideout, in this case. I feel that the Governmental Operations Committee will be functioning, and hopefully they will do the job that they have been appointed to do. They will be leaning very heavily on the Legislative Finance office as the investigative arm, and if the Appropriations Committee were to function in my estimation it would be in duplication, and they also would be leaning very heavily on the Legislative Finance office. I feel that the one group looking into the Governmental affairs is enough. I do think there would be duplication and I would support the motion for indefinite postponement.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Throughout the course of the winter, and I could be very well mistaken at this stage, the in-

dication, if nothing else, had always been to the members of the Legislature that we at least would have some committee, some subcommittee of members of this Legislature that put into the law books the amount of money that the department heads were to be allocated to spend in their next biennium. And as a possible solution for the Legislature itself to be better informed as to how and why this money was going to be spent, and if and when they needed additional money they would go to the Governor and Council, with the approval of the Governor and Council that monies were to be spent. I think we have also discussed the possibilities that the Legislature itself wants to strengthen its hands in the overall operation of State government.

I think the work of the Legislative Research itself is pretty well cut out for them. If it is going to be the intent of this Legislature that the members of the Legislature themselves will have some kind of an overseeing capacity in finding out what is going to be done as far as the budget is concerned, and the monies that have been allocated, I don't know that the right thing is to leave it all in the Legislative Research hands itself to oversee this kind of capacity.

I think the Order — I don't know just where it originated, or who originated the Order, but I certainly think that the Order is very much in proper perspective if the Legislators themselves are going to have some kind of overseeing eye over the expenditures of State government. I think this is a venture toward the right direction. Now whether only the members of the Appropriations Committee or other members of the Legislature wish to do that, is not too relevant or too important as long as the Legislature itself has somebody here at different times to oversee the expenditures, then I think we are on the right track. But to leave it into the hands of the Legislative Research itself, over and above the Legislative Research studies, to also see the overall operation of State government is wrong.

I think we should have a separate committee if we are going to

be reasonably effective. And I think probably Legislative Finance and the Finance office would be more than glad to help towards that venture. So therefore I hope that the motion to indefinitely postpone does not carry.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I was very privileged to attend a National Legislative Conference in Hawaii six years ago, not because of any ability that I had. But one of the great things that impressed me was the fact that there was an increasing tendency to have two budgets presented to legislature, an executive budget and a legislative budget, and then they could choose. In that particular year there was a \$3 million budget in the Texas Legislature and they had two choices, the executive budget or the legislative budget, and more and more states are doing that sort of thing.

I think this is a step in the right direction. It is not a big step, but when you consider the number of orders that have been introduced here to give the Research Committee the work to research, sometimes I think there ought to be an order put in to research the Research Committee because of all the work they have got to do. And I think this is a step in the right direction. We don't have a \$3 billion budget, but it is getting to be a half a billion dollar budget. I think we ought to have this Appropriations Committee working the year round so that when they come up here and are presented with a budget they are more informed and it could save us lots of problems. I certainly hope that this order passes.

Mr. Rideout of Manchester was granted permission to speak a third time.

Mr. RIDEOUT: Mr. Speaker and Members of the House: Briefly the reason of the formation of the subcommittee of the Research Committee on Governmental Operations in the first place was just to do this same thing. Now if you feel that the Appropriations and Financial Affairs Committee should handle this function, so be it. I don't think that we need both. And

I again urge you you to vote for indefinite postponement of this order.

The SPEAKER: The Chair will order a vote. All in favor of the motion to indefinitely postpone will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 50 having voted in the affirmative and 58 having voted in the negative, the motion did not prevail and the Order received passage in concurrence.

#### Conference Committee Report

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

Bill "An Act Defining the Crime of Theft Known as Shopstealing and Establishing Rights and Penalties" (S. P. 503) (L. D. 1599) reporting that the Senate refer the Bill to the 105th Legislature; that the House recede and concur with the Senate.

(Signed)

CIANCHETTE of Somerset  
MILLS of Franklin

—Committee on part of Senate.

BERMAN of Houlton  
SOULAS of Bangor

—Committee on part of House.

Came from the Senate read and accepted.

In the House: The Report was read and accepted in concurrence.

The House voted to recede and concur.

#### Non-Concurrent Matter

Joint Order relative to the Legislative Research Committee studying current practices and operations of the Casco Bay Lines (H. P. 1285) which was passed in the House on June 24.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Richardson of Cumberland, the House voted to recede and concur.

The SPEAKER: Supplement No. 5.

#### Conference Committee Report

Report of the Third 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) reporting that the House recede from acceptance of Report "B" reporting "Ought to pass" in new draft (H. P. 1263) (L. D. 1593) under title of "An Act Creating a Human Rights Act for Maine" and from passage to be engrossed as amended by House Amendment "B" as amended by House Amendment "A" thereto; that the House recede from adoption of the Amendments and indefinitely postpone same; that the House accept report "C" reporting "Ought to pass" in new draft (H. P. 1264) (L. D. 1594) under title of "An Act Establishing a Human Rights Commission", adopt Conference Committee Amendment "B" submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "B"; that the Senate recede from acceptance of Report "A" reporting "Ought to pass" in new draft (H. P. 1262) (L. D. 1592) and from passage to be engrossed, and concur with the House.

(Signed)

RIDEOUT of Manchester  
McTEAGUE of Brunswick  
RICHARDSON

of Cumberland  
—Committee on part of House.

KATZ of Kennebec

REED of Sagadahoc

—Committee on part of Senate.  
Report was read.

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

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

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, moves the acceptance of the Committee of Conference Report. The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker and Members of the House: The Human Rights Commission Bill as you know was reported out of the State Government Committee with three reports—"A", "B", and "C". There were a number of defects in each of these. The bill now before you out of the Conference Committee has the basic follow-

ing broad outlines and they are these.

First of all a Human Rights Commission is created. No substantive changes in the law are created. This bill repeals criminal penalties for illegal discrimination except in the cases of threat of force — or in threats of force — because we feel that the way to handle these things is not as in the criminal courts. The Commission would perform a conciliatory function. It would have no authority whatever to issue any orders. It could only apply to the court, or recommend to the court, that with respect to a specific situation its investigation led them to the belief that there should be a decision made by the court on whether or not illegal discriminatory practices were being carried out. The bill exempts from its operation, or from the functioning of the Human Rights Commission, the law enforcement agencies at all levels and the courts of this state and of the United States.

Now these are the basic broad outlines. Originally, as you know, there was a provision in the original bill that the ordinary rules of evidence would not apply. As an attorney I found this repugnant. I can now say to you, for whatever it is worth, that as an attorney I believe that the bill is a reasonable bill, it is in a lawyer-like form; that is, it is a product that can be administered fairly and impartially.

Now another important change here is that the Governor will appoint the members of the Commission, I believe five in number, with the advice and consent of the Council and there must be balanced political representation, no more than three of one and two of the other party. And this should allay any fears that the professional gripers who use this sort of thing as a means of trying to blackmail somebody into some action will get a forum. They won't under this bill.

Now I believe that this is good sound legislation. I don't believe it is pie in the sky or fuzzy liberalism or anything else. This provides a forum for the people

who claim that they have been discriminated against, and those whom they accuse, to try to conciliate and work out their differences. May I say that the Commission's proceedings would be private, that nothing said or done before the Commission could in any way be used against either of the parties at some subsequent time.

The effective result of all of this is that I believe that this State has a great opportunity to learn from the experience of other states, to avoid the continuing and broadening split between minority groups and those of us who are in the majority, although I am beginning to wonder about us White Anglo Saxon Protestants. I believe that this is good sound legislation. Many of you have rejected it out of hand, I believe out of fear of its implications, or out of failure I think perhaps to completely understand it.

Whether this bill passes or fails won't make any great blot on me as an individual; but I think it will if it fails. It would indicate that the Legislature just wouldn't take the time. And while we are on the question of timing, the timing of this bill is not the fault of its proponents. The timing which brings this extremely significant legislation before you is not our fault.

I hope that you will accept the Committee of Conference Report and pass the bill to be engrossed so that we can finish this session on a constructive note.

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

**MR. ROSS:** Mr. Speaker and Ladies and Gentlemen of the House: I have lived in the State of Maine for fifty - one years. During the 102nd Legislature I felt that there really was a problem in the area of living quarters and I co-sponsored the Fair Housing Law and I was very happy at that time to see that passed. Now I do not feel that the problem in Maine is nearly as serious as the do-gooders would lead us to believe. Certainly there are some bigoted people, but you will always find

that no matter what laws we enact, but rather to rectify wrongs. For this reason there are mediation and conciliation agencies set up under this new law which we hope will handle most of these cases by sifting out any unjustified complaints and, secondly, by working out in a reasonable and private fashion between the parties involved the complaints and hopefully remedying any wrongs.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: In speaking of the Fair Housing legislation passed in the 103rd, Representative Ross, the gentleman from Bath, spoke of his pride of it. Although he was the sponsor I do have pride in living in a state where that type legislation could be passed. It was very good for its time. Indeed we have incorporated both the provisions of that legislation which grant rights in the exclusions in the case of single family dwellings and small rooming houses into this bill.

However, experience in Maine and elsewhere has shown that the criminal sanction — and it is a crime to discriminate illegally now under the Fair Housing Law to which Mr. Ross has referred — experience has indicated that the criminal sanction does not work, and it doesn't work for this reason: it places a tremendous burden, it places the stigma of being characterized as criminal on an individual who discriminates. An individual that discriminates might not be the very best citizen in the world but he certainly is not in the same class as the ordinary criminal, the man that commits the crime of breaking, entering and larceny, or even assault. For that reason the emphasis in this bill changes from the criminal area.

I recognize too that punishing, if you will, the large landlord or the landlord that would be under either of these bills, either the bill that passed in the 102nd Legislature or this one, it does not help the tenant. Having the landlord sit for thirty days in a jail does not give the tenant a place to live. Punishing an employer by imprisonment or fine for discriminating does not give the qualified person discriminated against a job. We seek not to punish people

I would like to read a short statement to the House that was made by Chief Joseph in 1879 and I believe it still applies today. "Treat all men alike. Give them all the same law. Give them all an even chance to live and grow. All men were made by the same great spirit chief. They are all brothers. The earth is the mother of all people and all people should have equal rights upon it. Let me be a free man, free to travel, free to stop, free to work, free to trade, where I choose. Free to choose my own teachers, free to follow the religion of my fathers, free to think, talk and act for myself."

I have the utmost confidence in the sincerity and the figures expressed by the gentleman from Bath, but it is the opinion of people who have dealt in the area, who have dealt extensively in the area, that the criminal sanction does not cure the problem and it is a very heavy-handed instrument with which to approach a delicate problem.

We do repeal the criminal sanctions previously imposed by the 102nd Legislature not out of any disrespect or lack of sympathy for that legislation, but based on the recognition that they have not worked to end discrimination and that they are heavy handed.

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

Mr. MORESHEAD: Mr. Speaker and Members of the House: I am placed in a rather difficult position here this afternoon. In my opinion I believe that almost to a man we are in favor of the concept of this type of legislation, and I am sure we are all opposed against discrimination. But I do

feel that we are placed in a difficult position in that we are given an eighteen page amendment in the last hours of the session and asked to enact this into law. And I feel that this eighteen page amendment has some far reaching implications and should be studied a great deal more than we will have time to study if we are to pass it.

If I might suggest to the gentleman from Cumberland, Mr. Richardson, who has been offering as an alternative course during the last few days that certain matters be saved and presented to the special session, I suggest that this would be a good piece of legislation to have presented to the special session of the Legislature, at which time we would have more time to study its implications a little more fully.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I would concur wholeheartedly with the gentleman from Bath. I would first direct your attention to the report of the Task Force that we read some time ago. I propose to you that although most of these people were well-intentioned, I am afraid that psychologically some of them were driven by a guilt complex. It might be somewhat illustrated by the mention of the gentleman from Cumberland of the position of the so-called Wasps.

Now I myself, as a person am well aware of this connotation for the simple reason that I happen to be white and a Protestant. But also, although I am Irish, I am not an Anglo-Saxon Irish, I am part Norse and part French, Normand. This has been traced back in geneology, and so I am neither. And yet I have felt over the years discrimination from Catholics because I am a Protestant; I have had discrimination from Protestants because they thought I was a Catholic. But this is something that can't be legislated. And I think that you will find that we don't have many real problems

here in Maine, and there would be real problems if we put this law on the books — and not just human problems, but this provides for civil action. Civil action goes back to what the gentleman from Cumberland called a lawyer-like bill in describing this. Lawyers would take this into court. If they did someone would have to defend it, and in many cases the defendants would not have the financial means of making adequate defense of their positions.

I just won't belabor this any longer, but I hope you will reject it.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I have a very strong feeling that something in the field of human rights should be enacted by this Legislature. Somehow or other medical science in the last few years has been able to come up to transplant hearts into the human body. I doubt that we as a Legislature could actually in the hearts of men of our state make laws that this heart would not want to live with. And a lot of this human right business, a lot has to do with the laws, but a lot more has to do with the heart of men within our society whether they be white, brown, black or red.

I think we in the 104th session of the Legislature should enact this provision to give it a start, at least to give it a beginning and see, as some people have indicated, we don't seem to have the problem in this state. If we don't have a problem, then why has there been so much discussion and dissension about this type of legislation over the years? I don't think this is necessarily something that has happened in the South or the West or the North, but it has also happened in the Northeast, only under limited conditions.

So therefore I hope that the members of the House will accept the Conference Committee report on which they have been working

so hard to come up with, and when the vote is taken, Mr. Speaker, I request that it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. McNally.

Mr. McNALLY: Mr. Speaker and Members of the House: As most of the people in the House know, I am a contractor. I am bidding a job next Wednesday in Boston which has a clause in it that says you shall agree to equal opportunity, and I have worked under that. But I am concerned with this bill being so good, it being rushed so hard, and not being too clear as to how many records we must keep. I can't see through this argument of the proponents not being to blame for the late submission as making this bill a good idea to pass at this time, but I can see the argument that Mr. Moreshead advanced that if this is so good, surely it would be just as good to have a chance to study it a little bit and not only just casually glance over the highlights of it and have no idea of whether you have a lot of records to keep, how much you are going to be bound by it, how much more you must bid, how much more you must pay for insurance. I think this is something that should be considered by the 105th and not by us.

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

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: I spoke on this last week sometime in opposition to Amendment "B", not this one but House Amendment "B". At that time I stated, and I went along with the others, that we probably needed something on the books. I think we have it, and I also mentioned then that I would go along with the acceptance of Report "C". Well I see that this is what this is and I am willing to go along with Report "C", but for many reasons I am not willing to go along with the Committee Amendment as presented.

Now there is a question in my mind when yesterday Mr. Richard-

son stated on this Report "C" that it was pure sham. Today he changes his position and says that this is good sound legislation. Well I don't think that the bill has changed that much. I thought that the "A" and "B" Reports, that of the three reports the "C" Report was the best, and I still maintain that it is.

Now to show you how much confusion there is on this bill, last week I stated my objections to the amendment. Today I asked one of the members that was on the Committee of Conference to see if some of my objections had been honored. I was told that whatever I objected to was taken off. I talked to another member of the Committee of Conference. I asked him the same question, and I was told that they were not taken off. On the other hand, to give credit where it is due, I had objected that on the Amendment "B" where it said that the ordinary rules of evidence would not be used, I see today and by what Mr. Richardson says, it has been taken off.

However, after studying this bill more than I did the other one, I start with page number 9, at the bottom of the page and the last three words which says in part that the real estate broker cannot take a listing for any housing accommodation or any place for sale from anyone who had intentions of discriminating among purchasers or tenants on the same ground as provided here. Now I don't think that this Legislature should bind the real estate broker in this way. I think that they are bound by the real estate laws of this state, and I think that they are very fair.

And then going on to page 11, again, this is what I objected to, that any person who claims to have been the victim of unlawful discrimination of any group, organization or association, claiming representation under such persons. Now in other words, if you are subject to a suit, the plaintiff himself don't have to come in, but he can send a number of persons or a group and bring suit against you. Now I don't believe that this is right. I think in regular cases that you can have more than one, you can



have a plaintiff and you can have a defendant and a codefendant, but I don't think that this subjecting the so-called defendant, or the assumed defendant to a group, if they have nothing to do with it whatsoever. I think that the one that claims the injury should be the one that should bring the action.

Now we go from this to page 14 which says, the duties of the Commission, I think they were listed in good faith, but it also says on the fourth line from the top that for the wrongful issuance of an injunction the Commission you cannot sue, or you don't have any redress whatsoever against the Commission. Now I don't think that this is right. I think that if somebody, if you are wrongfully hurt, and you will be hurt, that you should have some ways to get back to them; but this is what this Conference Committee amendment says. And then a little further down, five or six lines down, it says the same thing that I objected to, which wasn't taken off, "that at the request of the plaintiff or of any intervener."

Now this is worse than the last amendment we had. The last one said "or an intervener." This one says, "or any intervener." So you can visualize this. Then if somebody, assuming that there is a court case and you sell your house, a couple lines farther than that, still on page 14, that it says that if I buy somebody's house and he is subject to an action for discrimination, that I take the house subject to the rights of the one that claims he has been discriminated against.

Now I don't think that this is right. I think if you buy a house and you pay for it, and you pay for it in good faith, you yourself as a buyer should not be punished for the acts of the other one. I think you should get a clear title. You pay for it, you are entitled to it.

And then again, the main, and I think the most vicious part of this thing is the fact that if you—and this is strictly on assumption, that if you are brought in and they can tie up your property. Not only the property that actually the one that you discriminated against, but they can tie up all your proper-

ties, whichever way it is written in here, and then if you sell the property and you have somebody that has things that have been discriminated against, and you don't sell him the property and he has to buy another one right here and here, right here on page 15 it says "the difference between the sale or rental price of the housing accommodation . . . and the price that the victim of such discrimination actually and reasonably paid to secure"; that, in other words, you have to turn around and you could be subject to give them a good piece of—that could be thousands of dollars, when the fines themselves don't run higher than \$1,000.

I certainly object to on page 16 to section "C" which says again that "The action shall be commenced not more than one year." Well I don't think that this is correct. I think again that if somebody has any grievance against me or anybody else, they should bring it promptly within a very reasonable time. I don't believe that this one year affair is reasonable. For many reasons, as it was stated yesterday, I think that we should come out with a bill in this House. I think that we should accept Report "C" as it was. It was stated yesterday that we should come out with a bill good, bad or indifferent. Well I think if we cannot come up with a good bill that we should not come up with any at all because I think we have enough bad legislation that we have to correct later on that is not made on purpose, and I don't think we should subject ourselves to this.

These are my objections. I don't like the amendments. I think that if you take it, read it, put yourself in the position, that you might be a defendant sometimes unwillingly and at no fault of your own, that this is what you are subjecting yourself to; and I think that last week when I put up the same objections that 39 members of this House have seen fit that this bill, that this amendment which is almost identical to the other one, that this is not in the best interests of the people and unless the amendment is taken off I will join Mr. Ross in rejecting the Committee of Conference Report.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: It would be difficult to answer each of the points raised by the previous speaker so I would restrict myself to the two main ones.

Number one, except in the case of a large real estate developer, for the ordinary home owner or even the man that owns two or three homes and might be selling them at once, the only property involved in any litigation would be the property in regard to which the discrimination had occurred.

Secondly, in regard to the point about the State not being liable, it is a general principle of our law that the State is generally not liable for its wrongs and this Legislature has shown itself to be very cautious about extending the liability of the State. The general principle is that the State is not liable, but I for one would have no objections to having the State liable because I think our judges on the superior court will very closely supervise these things.

Many changes were made in the various conference committees; for example, the question of the so-called sex discrimination never was in the bill originally. We did take out the age provisions in the Conference Committees because we felt that age discrimination was an entirely different matter than racial or ethnic origin discrimination.

We have had some talks here about people of white Anglo Saxon, Protestant background, French background, and different other backgrounds. If I may I would like to address myself primarily to those other members of the House who are not Anglo Saxons and who are not Protestants and ask them to consider very carefully that in the not too distant future — unfortunately everywhere in this country, and at least to some extent in Maine, men did not live together with the mutual respect and tolerance and love which I think we enjoy now in Maine between the major segments of our population. But those of us who are not Anglo Saxon and Protestant should have a special

remembrance and owe a special duty I think to those other citizens of America and of our state who come after us. Let us not harden our hearts against them and say that our grandfathers made it and they should too. Our grandfathers made it hard. We don't want those days over again. And we want our consciences to be clear.

The SPEAKER: The pending question is the motion to reject. The Chair recognizes the gentleman from Augusta, Mr. Moreshead.

Mr. MORESHEAD: Mr. Speaker and Members of the House: Earlier I made reference to the fact that we might be hastily enacting a law that would have some serious problems and defects and I have during the course of the debate had a chance to review this a little more thoroughly. Mr. McTeague has pointed out that they removed the age from the discrimination and from this bill. But I submit that they have not done this and that age is still a violation of this — discrimination on account of age would still be a violation if this law were enacted. And I submit to you that if we had people who discriminated in employment, because of age, we would run into some serious problems and that even the State of Maine would be in violation if this bill was passed.

We all know that there are rules of companies and of the state that a person over a certain age should not or cannot be employed because of pension problems or others, and under this bill as it is now they would be acting in a discriminatory manner and would be subject to the provisions of this chapter, and the same would be true if you hired someone or you refused to hire someone who was too young for this particular job; you would be in violation of this. And what I point to is on page 2 under "Policy", they still make reference to discrimination on account of age; and on page 7 under the "Right to freedom from discrimination in employment," age is still a factor. So they have not struck out age. And I think if we pass the bill, even if their intent was not to include age, I

think because it is in here it would be a serious legal question.

So I submit to you ladies and gentlemen of the House that even if you are for anti - discrimination matters, this is not the bill. This bill has been hastily drawn and drawn in a manner which would not make good law. So I once again urge you to vote in favor of the motion to reject the report and let the parties who want this legislation bring it back in the special session and bring back a bill that would at least be a bill that would solve the problems and not create problems.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: In going over this hastily since its arrival on my desk, there are various clauses in here between the property owner and somebody who wants to buy, rent or occupy in one manner or another. I can't find anything in here that excuses the property owner from not selling or renting or allowing occupancy of property owned entirely by him or in his authority which would have anything to do with that so - called personally obnoxious person. I know that this law is in effect in other states in refusal of rental and so forth to the obnoxious person, which includes your people of criminal tendencies with criminal records. Is there any member of the committee here or the Judiciary or somebody that can explain why it isn't in this one?

The SPEAKER: The Chair recognizes the gentleman from Albion, Mr. Lee.

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: I don't want to get into my ancestry. Just a plain, bog Irishman like me don't care when we hire somebody what religion he has got or anything else, and we could care less; but there are things in this, serious implications in the contracting field anyway. Last year the Equal Opportunity Act was passed and pushed into all federally financed or assisted programs. We here in the State

of Maine were asked to submit programs for integration; in other words, if we were going to bid on highway or any other projects that cost over \$500,000. I spent two months trying to do that and I did get my permission. Since then it was found that it was impossible to work with and the Federal Highway Program has rejected it and taken it out, but I expect it will be back in some day.

Under this law they could confiscate your books, you have no recourse, and I don't see anything in here — there was no appeal — and I don't see anything in here. I think it is a bad bill.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, 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 pending question is on the motion of the gentleman from Bath, Mr. Ross, that the House reject the Conference Committee Report. If you are in favor of rejecting the Conference Committee Report you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Baker, Barnes, Bedard, Benson, Birt, Brown, Buckley, Carrier, Carter, Casey, Chick, Clark, C. H.; Clark, H. G.; Cote, Cottrell, Crommett, Crosby, Curran, Curtis, Cushing, Dam, Donaghy, Durgin, Dyar, Emery, Erickson, Evans, Finemore, Fraser, Gauthier, Gilbert, Hall, Hanson, Hardy, Harriman, Hawkens, Henley, Kelley, K. F.; Keyte, Lawry, Lee, LePage, Lewin, MacPhail, Marquis, Marsteller, MacKinnon, McNally, Meisner, Millett, Mills, Moreshead, Mosher, Nadeau, Noyes, Ouellette, Payson, Pratt, Quimby, Richardson, G. A.; Rocheleau, Ross, Scott, C. F.; Shaw,

Sheltra, Snow, Stillings, Susi, Temple, Trask, Wight, Wood.

**NAY** — Allen, Berman, Bernier, Binnette, Brennan, Burnham, Carey, Chandler, Coffey, Corson, Cox, Croteau, Cummings, Drigotas, Farnham, Faucher, Fecteau, Fortier, A. J.; Fortier, M.; Giroux, Good, Haskell, Hewes, Jalbert, Kelleher, Laberge, Lebel, Levesque, Lewis, Lund, Martin, McTeague, Mitchell, Morgan, Norris, Porter, Richardson, H. L.; Starbird, Tyndale, Waxman, Wheeler, White.

**ABSENT** — Boudreau, Bourgoin, Bragdon, Bunker, Couture, D'Alfonso, Danton, Dennett, Dudley, Eustis, Foster, Heselton, Hichens, Huber, Hunter, Immonen, Jameson, Johnston, Jutras, Kelley, R. P.; Kilroy, Leibowitz, Lincoln, Page, Rand, Ricker, Rideout, Sahagian, Santoro, Scott, G. W.; Soulas, Tanguay, Thompson, Vincent, Watson, Williams.

Yes, 72; No, 42; Absent, 36.

The **SPEAKER**: Seventy-two having voted in the affirmative and forty-two in the negative, the motion to reject does prevail.

Thereupon, by unanimous consent was ordered sent forthwith to the Senate.

The **SPEAKER**: Supplement No. 6.

### Conference Committee Report

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

Bill "An Act to Provide for the Construction and Improvement of Airports Throughout the State; for a Tourist Information Building at Kittery; the Repair, Planning and Improvement of Certain State-owned Buildings and Institutions and Provide for Other Essential Improvements to Facilities for the Department of Adjutant General, Finance and Administration, Veterans Services and the Maine Port Authority by Issuing Bonds in the Amount of \$1,940,000" (H. P. 307) (L. D. 394) reporting that the House recede from passage to be engrossed and from adoption of Committee Amendment "A" as amended by Senate Amendments "A" and "D" thereto; that the

House adopt Conference Committee Amendment "B" to Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by Committee Amendment "A" as amended by Conference Committee Amendment "B" and Senate Amendments "B" and "D" thereto; that the Senate recede and concur with the House.

(Signed)

**RICHARDSON**

of Cumberland

**HASKELL** of Houlton

— Committee on part of House.

**KATZ** of Kennebec

**GORDON** of Cumberland

— Committee on part of Senate.

Report was read.

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

Mr. **RICHARDSON**: Mr. Speaker, I move acceptance of the Conference Report, and I would speak to the motion.

The **SPEAKER**: The gentleman from Cumberland, Mr. Richardson, moves that the House accept the Conference Committee Report. The gentleman may proceed.

Mr. **RICHARDSON**: Mr. Speaker and Ladies and Gentlemen of the House: It is the duty of conference committee members to make an attempt to agree; that is what a conference is supposed to lead to. And I agree with the Committee of Conference Report obviously. Two members of the House signed and two members of the Senate.

Now because I want whatever role that I have in this to be made perfectly clear, I want to indicate to you that you will recall some months ago I introduced a perfectly innocuous resolution commending the City of Portland and the city administrators in that city for their efforts on behalf of the securing a Yarmouth to Portland ferry terminal. This ran into a hailstorm of parochial regional opposition, including from my dear friend, the gentleman from South-west Harbor, Mr. Benson.

Recognizing as he does a duck when it has been shot full of holes coming through the door from the Senate, he pounced on that in his usual charitable way. We had a fight about who was going to

indefinitely postpone my resolution. I won and I got to indefinitely postpone my own resolution, and with victories like that you can see why it is such a thrill to be Majority Leader. We then put in a substitute resolution in which we embraced in flowery language all people all over the State of Maine for just being tremendous and wonderful and we loved them all and that is the resolution that finally went in.

Now I made it clear to the City of Portland people that I talked with at the outset, and I want to make clear to you again two things. One, I did not believe that the City of Portland should ask this Legislature to underwrite any operating losses that might result from the location of this service there; secondly, if we are going to grant any amount of money to the City of Portland, it should be based on exactly the same basis that was given to Bar Harbor when they got the "Blue Nose," and that was an interest free loan to be paid back over a period of thirty years.

Now various sponsors of this legislation have said all sorts of things, they have said there wasn't any payback in the Bar Harbor deal where there was; then they said, "Well, there is a payback provision but the payments haven't been made;" well they have. And after all this backing and filling, what this really boils down to is a loan essentially on the same basis, that is thirty years on an interest - free basis to be paid back if grants to the Maine Port Authority discretion as to at what specific time during the thirty - year period they are going to be made, during the first three or four years of operation the Maine Port Authority might deem it appropriate to declare a moratorium on payments.

Now the one thing that disturbs me about all of this is that we have here the putting of an amendment on an absolutely crucial bill. I will abide by the will of the House, and I hope that the rest of you will. If this is not the will of the rest of you, then those of us who support this, I believe, have

an obligation to vote for the airport bond issue.

Now you are going to hear parochial screams from Aroostook County and from the Oxford County people who want their little airport, and from the Portland people. But for heaven's sake, I hope that we will be able to resolve this thing in an adult manner, whoever wins or loses okay; but when it comes to the last great vote I hope that we will go along with the will of the majority and give this bill the necessary two - thirds vote of those present and voting. I don't think that any one of us can attack these projects, particularly the one at Houlton and the one at Portland, they would be nice to have. And I think if you take a little broader view than from the top of Mount Cadillac, you will see that this proposal for Portland is really a pretty sound idea and is something that we could in good faith and good conscience support.

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

Mr. BENSON: Mr. Speaker and Members of the House: You can see a long ways from Mount Cadillac on a clear day when issues are not clouded. We have had several Conference Committee Reports on this. I have not been able to sign either of those reports primarily because legislation has been tacked onto this Airport Bond Issue by amendment. In two instances the subject matter of these amendments have not been presented in bill form to the Legislature. They have not had public hearings. In the case of the Rumford Airport the Aeronautics Commission was not aware that the request was being made and is not convinced that it is necessary. I have already made my views known to the House on the information center in Houlton. I will not go into that at this time.

We have had a long running discussion—I guess they call it dialogue nowadays, with the good people from Portland. They came in here with a bill asking for a \$500,000 grant to build themselves a dock. That bill came from the Appropriations Committee "leave

to withdraw." The sponsor was convinced that he was not going to get a \$500,000 grant, and the "leave to withdraw" motion was accepted by the Committee and by the Legislature. Then they got a little bit excited about the possibility of losing \$500,000, so they have come in by the amendment rule. That amendment, I believe I am right in saying, was rejected by the House at one point, but the Portland voice has been strong in the Senate and it has survived there.

We have before us once again the Airport Bond Issue, which I feel is blemished by three Senate Amendments asking for money which has not been presented to the Legislature in bill form, and I must say that I hope the Legislature, in this instance, does not accept the Conference Committee Report, that we can have a very quick Conference Committee if this is rejected, and that the Airport Bond Issue itself, which was reduced from some \$11,400,000 to \$1,900,000, I hope that we can save this. There are a lot of good items involved in here, including a number of items for Aroostook County, \$300,000-plus for the Bangor International Airport, and I might add \$131,000 for the rehabilitation of the Maine State Pier in Portland. If we continue to be stubborn and sabotage this bond issue, Portland is going to be the loser in several areas. There is also money in here for their airport.

So I hope that the Committee of Conference Report is rejected, that we can have a very quick—even though it is very late, I think this is valuable legislation, and I hope that we can have a very quick Conference Committee Report, and in a matter of minutes report back to you the bill as it was reported from the Appropriations Committee in the first place, with some good worthwhile projects throughout the State. Thank you.

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

Mr. HASKELL: Mr. Speaker and Members of the House: As a member of the Conference Committee,

I would simply like to once more put this in perspective. The disagreement between this body and the other centered on the proposition at Portland — and the disagreement was over the fact that initially there was no provision for a repayment to the State of Maine for the financing. This has been resolved in the Committee of Conference, and the Portland proposition now stands in exactly the same relationship to the State of Maine that the other project of this type at Bar Harbor stands.

Now I would suggest that we are operating at this point with two factors that normally do not prevail. Number one, we are operating against a time factor; and number two, we are operating against the fact that this whole bond issue, including the amendments, is a package of local interests, and that if we make an attempt at this juncture to pick this package apart, certainly there is going to be an erosion of support for the whole deal. This does require a two-thirds vote, and it seems to me that the only sensible compromise now is to vote for the current Committee Report.

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

Mr. DURGIN: Mr. Speaker and Members of the House: Coming from Cumberland County I realize the stand I am going to take is going to be rather unpopular. However, as long as that \$500,000 is in there I will vote against the whole bill.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: I can appreciate why the gentleman from Southwest Harbor would have a problem with the ferry for Portland, in view of the fact that Bar Harbor now has a ferry and of course this would be in competition. So I understand his opposition. I would like to reemphasize the economic benefit to the area. It is projected that it would generate about \$6 million in business, and if we can just multiply that by 5% sales tax, that is roughly \$300,000, and

it is quite obvious that it wouldn't take very long for the City of Portland to take care of that and pay off the State of Maine, so to speak. I don't think that we can off-handedly dismiss this. I sincerely ask you not to be parochial or provincial. I think this is a benefit truly for the entire State of Maine, with particular emphasis truly on the southern part of the state.

Now this bond package unfortunately doesn't include anything for Southwest Harbor that I can see. But it does include things for Presque Isle, Waterville, Frenchville, Millinocket, Pittsfield, Caribou, Kittery and many other areas. I think the whole thing makes a great deal of sense, and again, we are not the final judge. It is something that will be going to referendum. I think the people ought to be able to make that decision. So I would urge you to vote against rejection of the Conference Committee Report.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I will try to be quite brief. We have quite a bit more work to do this afternoon, but I would suggest to the House that the keynote for adjourning this session should be cooperation and good will.

Now we have sixteen counties in this State and we have 183 members of this Legislature, and many members of this Legislature have been here longer than I have; there are some that haven't been here as long. Now I recall during my legislative career that when these matters came up for the various counties—not my own, I cooperated and went along very very well. And frankly I could go down the list of the sixteen counties and point out here and there what the legislators over the years have done in the spirit of cooperation and good will. And now we are down here at the eleventh hour, and we are trying to do something that is for the benefit of the whole State of Maine. And I agree with the gentleman from Portland, Mr. Brennan, we shouldn't be parochial about this, and I really suggest that we should

end this session in a spirit of cooperation and good will, and I hope I won't be out of line if I request the yeas and nays on this question.

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

Mr. WAXMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to utter a parochial scream for the Portland section of this particular bond issue. I think it is important that the members of the House appreciate two aspects of this loaning arrangement and the effect it would have upon Portland. First is, for all the fact that we have one of the busiest seaports in the east coast, the entire waterfront is considerably run-down compared to what it was many years ago, and there is a move afoot to revitalize the entire waterfront area. If we pass this particular bond issue and send it to the people and it is accepted, I submit that this would be an important step in that direction.

My second point is simply that this really is in the best tradition of our free enterprise system in that if we pass this bond issue and it is accepted by the people, we will be forming what I would consider to be a very progressive alliance between private enterprise and state government. Business men and civic leaders and interested people in the City of Portland have pledged funds to guarantee against any possible losses in the first years of this particular ferry line. But all these pledges and all this good will will be for naught if we are unable to construct a terminal that would be appropriate to the type of operation that this is.

And I would submit that we in the Legislature would be acting in bad faith if we were to reject their best efforts and not match their efforts with the best that we can offer. I hope that you will go along with the Conference Committee report, and that you will accept the entire bond issue as it stands.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I join the gentleman from Southwest Harbor, Mr. Benson, in his opposition to acceptance of the Report of the Committee of Conference. I would take issue with one of the earlier speakers who has suggested that the bond issue is simply a gathering of local matters and suggest to this House that the Bond Issue Bill is a great deal more than that. It is of real importance I think to us at this session, to see that this issue does pass, and does pass hopefully in the form that it was reported out from the Appropriations Committee.

It is true that the remaining parts of this bill do contain items—for instance, such as the rebuilding of the Maine State Pier in Portland apart from this \$500,000. It does contain individual matters of regional interest, but it also contains an appropriation of \$300,000 to do something that the State of Maine has never done before. I think this point should be made very clear indeed. When we have built a building in this State, we have done it on a "by guess and by God" basis. We have never known what the building was going to cost. We have never known what was going to go on in the building, or how it would be utilized. We have never had accurate cost estimates of our buildings.

So one of the items in this bond issue, which I hope will come before you in the Committee report which I hope will come after this one, will be \$300,000 so the State of Maine will know what a building is going to cost before it is sent out to bid, so it will know what the programs are to be carried on in the building. I think this is of great importance to the entire State of Maine in planning our fiscal and governmental affairs. So there are matters of real importance to be saved here, and I hope that you will reject this Committee Report.

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

Mr. BENSON: Mr. Speaker and Members of the House: In the event that the motion has not been made, I would move that we re-

ject the Conference Committee report, and I would further say that if this is accomplished, the bill, as it was originally reported out by the Appropriations Committee, has been pre-engrossed and any time loss here is almost negligible.

One last item, and that is the fact that a check with the Legislative Finance Office just a very short time ago reveals the fact that it would take \$110,000 to service the additional items to this bond issue included in the three Senate Amendments—the Rumford airport, the \$500,000 for Portland, and the Houlton Information Center—\$110,000 that has not been provided for anywhere in our financial picture.

The SPEAKER: The pending question is the motion of the gentleman from Southwest Harbor, Mr. Benson, to reject the Conference Committee Report. The gentleman from Houlton, Mr. Berman, moves that 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 of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Southwest Harbor, Mr. Benson, that the House reject the Conference Committee Report. If you are in favor of that motion you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Allen, Baker, Benson, Binnette, Birt, Brown, Buckley, Carey, Carter, Chick, Clark, C. H.; Clark, H. G.; Cote, Crommett, Crosby, Cummings, Curtis, Cushing, Dam, Donaghy, Durgin, Emery, Erickson, Evans, Farnham, Faucher, Finemore, Gilbert, Hall, Hanson, Hardy, Harriman, Hawkens, Henley, Kelleher, Kel-



ley, K. F.; Keyte, Lawry, Lee, Lewin, Lund, MacPhail, Marsteller, McNally, Meisner, Millett, Mitchell, Mosher, Porter, Pratt, Quimby, Richardson, G. A.; Rocheleau, Ross, Scott, C. F.; Shaw, Snow, Stillings, Susi, Trask, Tynedale, Wood.

**NAY** — Bedard, Berman, Bernier, Brennan, Burnham, Carrier, Casey, Chandler, Coffey, Corson, Cottrell, Cox, Croteau, Curran, Drigotas, Dyar, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Giroux, Good, Haskell, Hewes, Jalbert, Laberge, Lebel, LePage, Levesque, Lewis, Marquis, Martin, McKinnon, McTeague, Mills, Moreshead, Morgan, Nadeau, Norris, Ouellette, Payson, Richardson, H. L.; Rideout, Sheltra, Starbird, Temple, Waxman, Wheeler, White, Wight.

**ABSENT** — Barnes, Boudreau, Bourgoin, Bragdon, Bunker, Couture, D'Alfonso, Danton, Dennett, Dudley, Eustis, Foster, Heselton, Hichens, Huber, Hunter, Immonen, Jameson, Johnston, Jutras, Kelley, R. P.; Kilroy, Leibowitz, Lincoln, Noyes, Page, Rand, Ricker, Sahagian, Santoro, Scott, G. W.; Soulas, Tanguay, Thompson, Vincent, Watson, Williams.

Yes, 62; No, 51; Absent 37.

The **SPEAKER**: Sixty-two having voted in the affirmative and fifty-one in the negative, the motion to reject the Conference Committee Report does prevail.

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

Mr. **BENSON**: Mr. Speaker, I move that we further insist and ask for a new Committee of Conference.

The **SPEAKER**: The gentleman from Southwest Harbor, Mr. Benson moves the House further insist and requests a new Committee of Conference. Is this the pleasure of the House? The Chair will order a vote.

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

Mr. **RICHARDSON**: Mr. Speaker and Members of the House: As I tried to indicate earlier we have done our little thing here now and

now we have a \$1.9 million airport bond issue program which was approved, I believe, unanimously by the Appropriations Committee. If you do not allow us to insist and ask the additional Committee of Conference, you are going to flush that down the drain. The bill has been pre-engrossed both ways abiding the outcome of the judgment of the House.

And now that the House has decided that it will not accept, certainly by any two-thirds vote — it can't even get a majority at this point — these three amendments, I urge you to allow us to insist and join in a new Committee of Conference and in a matter of minutes we will be back here with the Appropriations bill in its original form, pre-engrossed, and there won't be any delay. Unless it is your judgment that you want to kill off all of these proposals described by the gentleman from Augusta, Mr. Lund, I urge you to vote in favor of insisting as Mr. Benson suggests we do.

The **SPEAKER**: All in favor of insisting will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

92 having voted in the affirmative and 13 in the negative, the House voted to insist and ask for a third Committee of Conference.

The Speaker appointed the following Conferees on the part of the House:

Messrs. **RICHARDSON**  
of Cumberland  
**BENSON**  
of Southwest Harbor  
**HASKELL** of Houlton

Thereupon, this matter was sent to the Senate forthwith.

The **SPEAKER**: Supplement No. 7.

The following Communication:

THE SENATE OF MAINE  
Augusta

July 2, 1969

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

Dear Madam Clerk:

The Senate has voted to reject the Committee of Conference report on the disagreeing action of the two branches of the Legislature on Bill, An Act to Provide for the Construction and Improvement of Airports Throughout the State, for a Tourist Information Building at Kittery; the Repair, Planning and Improvement of Certain State-owned Buildings and Institutions and Provide for Other Essential Improvements to Facilities for the Department of the Adjutant General, Finance and Administration Veterans Services and the Maine Port Authority by Issuing Bonds in the Amount of \$1,940,000. (H. P. 307) (L. D. 394), and has further insisted and joined in a second Committee of Conference on the same. The President has appointed the following members of the Senate to that Committee of Conference:

Senators:

KATZ of Kennebec  
DUNN of Oxford  
GORDON of Cumberland  
Respectfully,

(Signed)

JERROLD B. SPEERS  
Secretary of the Senate

The Communication was read and ordered placed on file.

The SPEAKER: The Chair is not desirous of carrying on a running debate with the upper body, but I feel compelled to correct the record on this side of the aisle. It was reported in the Senate this morning that the engrossing department worked until four o'clock this morning, which is true; but I want to report to my members as your Speaker, that had the Kennebec Journal received the papers last night at six o'clock, approximately the time we adjourned, those papers would have been back and ready for us to enact and work upon last night at ten-thirty. This is merely for the record. Your Speaker is not a Johnny-Come-Lately in this Legislature, nor in this position. (Applause)

On motion of Mr. Richardson of Cumberland,

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

#### After Recess

Called to order by the Speaker.

The SPEAKER: Supplement No. 8. Paper from the Senate.

#### Non-Concurrent Matter

Report of the Second Committee of Conference on Bill "An Act to Provide for the Construction and Improvement of Airports Throughout the State; for a Tourist Information Building at Kittery; the Repair, Planning and Improvement of Certain State-owned Buildings and Institutions and Provide for Other Essential Improvements to Facilities for the Department of Adjutant General, Finance and Administration, Veterans Services and the Maine Port Authority of \$1,940,000" (H. P. 307) (L. D. 394) which was rejected in the House earlier in the day.

Came from the Senate accepted in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker and Members of the House: We have been going around and around on this item for several days, perhaps even into the weeks. It is a bond issue and if it should ever, by our staying around here for another day or two or however long necessary, get it into a shape that we could finally agree on it, it would still have to go to referendum next November. There is a real question in the minds of many of us what chances any bond issue is going to have in these referendums.

The items in the bill provide mostly for construction work which probably wouldn't be done until 1970 season at any rate, and it occurs to me that should this fail here today, that in the next special session, if there are urgent items to be provided for, I suspect that we might be able to tend to those then.

Apparently there is an effective sound barrier in this corridor connecting the two bodies of this Legislature so that what we say

here just doesn't reach. This body has taken definitive action on these matters covered by this bill several times. I think it is about time that this body is taken seriously and not to be considered a rubber stamp for the club. The only alternative to what action now proposed is to be the victim of what I consider to be forced feeding. Reluctantly I move that we adhere.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that the House adhere.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I am obviously aware that the time is late. I am aware that we all want to go home. I agree with the gentleman from Pittsfield, Mr. Susi, that we cannot always get our way. But I do think that we cannot kill this bond issue and go home, for this reason. If there is some work in this bond issue which must be done before 1971, if we knew for sure that we were to have a special session this year, there would be no problem; then we could still put the bond issue out to the people this November. But if we do not have a special session this year and it is postponed until January of 1970, it will be too late; because then the bond issue must go to the people in November of 1970 and we might as well wait until the next regular session.

I know that the other body has been persistent in this subject; I am aware that certain people have been persistent in their views. But I also feel that if we look at what the bond issue calls for in terms of the Department of Adjutant General and projects at Augusta, Camp Keyes, in Caribou and Bangor, at the state armories, in the Aeronautics Commission and facilities in Bangor, Portland, Presque Isle, Waterville, Frenchville, Rangeley, Millinocket, Dexter, Pittsfield, Livermore Falls, Augusta, and statewide, and then you look at the information center which must be constructed at Kittery in 1970 because the other one must be torn down so that the new road ramp can be constructed where the present facility is now, and when you look at the renova-

tions which must be done statewide in the Department of Finance and Administration, and then what we must do for the Veterans Memorial Cemetery and also for the Casco Bay Lines and the Maine State Pier, I do not think that we can put it off.

I was one of those on the Committee on Appropriations which reported out a unanimous report, but we have had amendments. I don't necessarily agree with all of them, but I don't think we have a choice at this point. Our choice is really twofold — to accept the amendments or to reject everything. Since politics is the art of compromise, I am willing to accept that; and I would hope that the members of the House would do so.

Mr. Speaker, I would move that we recede and concur with the Senate and when the vote is taken it be taken by the yeas and nays.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I support the motion to adhere. I support the request for the yeas and nays, and I simply wish the record to note the fact that we have seen here the resort to the old legislative gimmick of picking out a top priority piece of legislation, going around and corraling enough parochial interest in order to insist by a majority vote in one branch that these amendments go on, failing which the deserving bill, the one that we all support, cannot pass.

Now Mr. Susi, the gentleman from Pittsfield, is correct when he says that there is apparently a sound barrier that goes beyond that. It becomes a point where the responsibility for persisting in the course of action, the case of very clear indications to the contrary, rests with a handful of people who want to play Russian Roulette with our dispositions, with our consciences and with our sense of responsibility to the people of this State. I support the motion to adhere. I see nothing to be gained. I have been directly involved in negotiations with respect to this item for the past two weeks, but we haven't gotten anywhere except

the same answer which is—well the House doesn't really know what it is doing and we know best. Well I think we can resume that fascinating discussion in January of 1970.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Eagle Lake, Mr. Martin, has indicated, or left the impression that should we fail to pass this bond issue in this session, that then the only course of action open to us would be to pass another bill providing for another bond issue. And I would like to remind the members of this House that prior to the invention of this wonderful gimmick, the bond issue, we used to do things and pay for them. And this is still an alternative although used very seldom, which is still open to us, and if we came back here in special session and felt there was a real need for some of these things, it seems to me that the State of Maine could stand a couple million dollars, so let's not be misled. Thank you.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the House recede from its former action and concur with the Senate on the Second Committee of Conference on L. D. 394. The yeas and nays have been requested by the same gentleman.

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 pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the House recede and concur with the Senate. All in favor will vote yes; those opposed will vote no. The Chair opens the vote.

#### ROLL CALL

YEA—Bedard, Berman, Bernier, Brennan, Bunker, Burnham, Car-

rier, Casey, Clark, C. H.; Cottrell, Cox, Croteau, Curran, Drigotas, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Gilbert, Giroux, Haskell, Hewes, Hunter, Jalbert, Lebel, LePage, Levesque, Lewis, Marquis, Marstaller, Martin, McKinnon, McTeague, Meisner, Mills, Moreshead, Morgan, Nadeau, Norris, Noyes, Ouellette, Shaw, Sheltra, Snow, Starbird, Temple, Tyndale, Waxman, Wheeler.

NAY — Allen, Baker, Benson, Binnette, Birt, Brown, Carey, Carter, Chandler, Chick, Clark, H. G.; Coffey, Corson, Cote, Crommett, Crosby, Curtis, Cushing, Dam, Donaghy, Durgin, Dyar, Emery, Erickson, Farnham, Faucher, Finemore, Good, Hall, Hanson, Hardy, Harriman, Hawkens, Henley, Kelleher, Kelley, K. F.; Keyte, Lamberge, Lawry, Lee, Lewin, Lund, MacPhail, McNally, Millett, Mitchell, Mosher, Payson, Porter, Pratt, Quimby, Richardson, G. A.; Richardson, H. L.; Rideout, Rocheleau, Scott, C. F.; Stillings, Susi, Trask, White, Wight, Wood.

ABSENT — Barnes, Boudreau, Bourgoin, Bragdon, Buckley, Couture, Cummings, D'Alfonso, Danton, Dennett, Dudley, Eustis, Evans, Foster, Heselton, Hichens, Huber, Immonen, Jameson, Johnston, Jutras, Kelley, R. P.; Kilroy, Leibowitz, Lincoln, Page, Rand, Ricker, Ross, Sahagian, Santoro, Scott, G. W.; Soulas, Tanguay, Thompson, Vincent, Watson, Williams.

Yes, 50; No, 62; Absent, 38.

The SPEAKER: Fifty having voted in the affirmative and sixty-two in the negative, the motion to recede and concur does not prevail.

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

Mr. JALBERT: Mr. Speaker, am I in order if I move that we reconsider whereby we refused to recede and concur, and could I speak on the motion if I am in order?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that the House reconsider its action whereby it failed to recede and concur. Is this the pleasure of the House?

(Cries of "No")

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

Mr. JALBERT: Mr. Speaker and Members of the House: It appears to me that we are back at the old story of I am not going to play if I can't have the ball park. It appears that we are now at a point where because we want to go home — and I might say that we could have gone home last night, I am in complete agreement with the Speaker of the House on his thinking last night and his comments that he made today.

Now this measure here was given the unanimous report out of the Appropriations Committee. The very first thing that was struck out of this bill, which happens to have my name on it, was the monies for the Auburn and Lewiston Airport. I will tell you that I got quite disturbed when that happened. But then I realized that there are several other items in this measure that deserve a consideration. This item is going before the people. Now there are things on it that I didn't vote for originally and I voted for later on, and that is the Houlton program. The Rumford program came in at a later date and I felt that because of the \$50 million that this good industry, the Oxford Paper Company, has expended to expand their program there, and there were very important people that came in and out of Rumford, and it being quite a difficult place to get to by transportation sometimes, in time at least, I thought that this fine area deserved a sum of money for their airport.

As far as the Portland thing is concerned, I happened to be on the Appropriations Committee when we gave monies to Bar Harbor. Now I might remind the gentleman from Southwest Harbor, my very dear friend Mr. Benson, and I mean my very dear friend, that I worked, not only did I vote for that project, but I was one of those who was at least slightly instrumental in seeing to it that they got theirs. Now if it is fair enough for that area, it is fair enough for the largest community in this State.

Now as I repeat myself, the first thing struck out of this measure which happens to have my name on it, was monies for my area. There are other areas in this thing here and from a practical standpoint, if the other areas are going to be taken care of, I would think we would realize that with the vote and the way that these people up in the northern country have of staying together, God bless them, and I think some of these people in Cumberland County can do the same thing — and also this involves the Oxford County area and also the tip end of Franklin County, I should think that this would strengthen the measure at the next session of the Legislature.

And, Mr. Speaker, I don't think that we ought to leave this Legislature regardless of what the other branch might have done or might be thinking or might be doing, I don't think that has any bearing on it. I think it is us that is responsible for our own actions and they are responsible for their actions.

Now I might have lost one or two different arguments or different debates or discussions on bills in this session, but certainly I don't want to leave with a light that because I didn't get this, this one isn't going to get theirs. And Mr. Speaker, I hope that we do not leave this Legislature with the thinking of having been somewhat stubborn. I certainly hope that you will vote to recede and concur, and when the vote is taken I ask that it be taken by the yeas and nays. And it is not my intention to prolong this session, but we stayed here beyond our time from last night, and now I mean I am willing to stay here for two or three more hours if it is to do the right thing.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that the House reconsider its action whereby it failed to recede and concur. He further 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 will vote yes; those op-

posed 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, Ladies and Gentlemen of the House: I fully realize that this matter has been debated and debated and discussed, but I simply want to indicate that if you do reconsider, you are going to be back in the unenviable position of having another go around on this and trying to not only reverse but substantially increase the margin to get two-thirds membership of this House to vote for a program which the majority of this House has already rejected.

Now lest there be any misunderstanding whatever, the principal parties with respect to the Portland situation were advised many weeks ago, by myself and by others on the Appropriations Committee, that they should not come in here with a bill giving an outright grant of \$500,000. It took us two or three weeks, plus all the votes that we have had, to convince them that the only way that this thing had a chance of success was to put it on the same basis as Bar Harbor was.

Now the House did not go along with that suggestion, and I am sorry they didn't, but I for the life of me can't understand why we are going to project ourselves into another three or four or five hours of debate and discussion and agony simply to accommodate a group of people who are saying that if we can get the majority vote to get an amendment on that bill, and hold out long enough, we can blackmail you into going along with this. I have voted for both, and I regret very much that the Portland thing doesn't come through. And I regret that there are some parochial considerations involved on some of the opponents' part. But in the last analysis, I urge you not to vote for reconsideration, for to do so is to

just as surely as anything is sure, project us into a long, drawn out haggle that would be unproductive and I say, in the end, useless.

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

Mr. CAREY: Mr. Speaker, I would pose a question through the Chair and ask if the gentleman from Lewiston, Mr. Jalbert, was on the prevailing side?

The SPEAKER: The gentleman from Waterville, Mr. Carey, poses a question through the Chair as to whether the gentleman from Lewiston, Mr. Jalbert, was on the prevailing side. The Chair would rule that this is a new question posed to the House.

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

Mr. JALBERT: Mr. Speaker and Members of the House: If I had been on the prevailing side so that it would have been putting myself in the position that I could not make the motion, I would not have stood up here and made a motion.

And while I am on my feet, concerning this situation, I would say to the gentleman from Waterville, Mr. Carey that my very dear friend Mr. Laberge is here now, and I would suggest that he ask him whether or not I influenced his vote and how he would have voted had he been here.

Now the other thing that I would like to comment on is this. Now this morning, since I made my remarks this morning wherein it concerned the program, I asked to report the bill out this morning, the wrap-up bill of the Appropriations Committee, because it was my very definite peace offering. Now I have had at least thirty members of the House, half of them not only told me this morning they would have voted to kill off this project if it meant the removal of ADC, they would have spoken for it. Now we have stayed here wasting our time for a few days when certain people did not want certain projects. And it doesn't make any difference to me if we stay here for two, three, or four, or five hours anyway, and I am sure that we wouldn't be. I mean, it appears to me that somewhere

along the line some people are very accommodating before they are accommodated, but afterwards it changes the tune.

Mr. Speaker, I would strongly urge that we recede and concur and vote.

The SPEAKER: The Chair would advise the House and the Chair stands corrected. The motion of the gentleman from Lewiston, Mr. Jalbert, is not in order because he did not vote on the prevailing side.

Is it now the pleasure of the House to adhere? All in favor say aye; those opposed say no.

A viva voce having been taken, the motion did prevail.

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

Mr. LEVESQUE: Mr. Speaker, under the suspension of the rules, I present an order out of order and move its adoption.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, offers an order out of order. Is there objection? There is objection and the order is not entertained.

The Chair will appoint a committee. The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, I will defer until the Committee appointment.

The SPEAKER: The Chair will appoint pursuant to the Joint Order S. P. 537 creating a joint interim committee to make a detailed analysis of the functions, duties and general operations of the State Department of Inland Fisheries and Game the following members on the part of the House: the gentleman from Augusta, Mr. Lewin, the gentleman from Southport, Mr. Kelley, the gentleman from Lincoln, Mr. Porter.

Is there objection to this matter being sent forthwith to the Senate? The Chair hears none and it is so ordered.

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

Mr. LEVESQUE: Mr. Speaker, may I pose an inquiry to the Chair —

The SPEAKER: The gentleman may pose his inquiry.

Mr. LEVESQUE: — as to the subject matter under the suspension of the rules to present an order out of order at this time?

The SPEAKER: The Chair would advise the gentleman that orders presented out of order can only be taken up by unanimous consent, and the Chair objected.

Mr. LEVESQUE: Mr. Speaker, may I request unanimous consent to briefly address the House on the record?

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, requests unanimous consent to briefly address the House. Is there objection? The Chair hears none. The gentleman may proceed.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I had completely thought of avoiding this completely, but in view of the objection from the Chair — not from the membership — this order that I was about to present was distributed on your desk this noon, and I thought I would avoid this conflict or even these brief remarks to the members of the House in view of the lateness of the hour and the lateness of the day.

But the alternatives left to me are nil because of the objection from the Chair. Throughout the course of this session there was a matter of salaries that had been discussed two years ago relative to the House and Senate, the secretaries for the leadership. Two years ago I let go of the matter of discriminate salary between the House and Senate. I thought, "Well, with the assurance that this session of the legislature would not make the same error."

Unfortunately, when the salaries of the staff was established in the early part of the session, some of the salaries were sent to the Appropriations Committee, the salary schedules for the Senate and the House secretarial staff, was sent to the Committee on State Government. At the outset it was re-

garded as an error on the part of the State Government Committee to set the salaries which were supposedly to be the same between the House and the Senate.

When I brought this to the attention of the Chairman of the Appropriations Committee and the Chairman of the State Government Committee, they told me that they were going to take corrective actions to make sure that these errors would be corrected. A message was sent to the appropriate departments to do the necessary corrections. Unfortunately, after this was done and the correction was made from the Comptrollers office, through the intercession of the members in leadership, high leadership in the House, a message was sent to the Comptroller's office that the salary of the secretary of the Minority office and the secretary of the Majority office was withheld for a week and a half to make sure that the amount of money that they had received as directed by the Chairman of the Committee were withheld, until the amount that they had received through the Comptroller's office was taken out.

Further I was assured that this was not the making of the committee that were given the responsibility of setting the salaries. It was my hope this afternoon that I would have to avoid this at all costs. But the alternative bickering between certain members of this House and certain members of the other branch had to come in between the adjustment of salaries of secretarial staff by their petty disagreement between some certain membership. This I feel so unfortunate, that this House of Representatives has to be faced with this kind of derogatory remarks that I am making now, because discrimination in the salary was noted and it was tried to be corrected and by the refusal of this House to introduce the introduction of this order at this time I feel even more serious.

And when you try to accomplish something in a fair and a square manner and try to keep unpleasant tasks from the legislative records, but through these tactics I feel very unfortunate must be done.

Throughout the length of this session I thought we had an amicable session this year only to find out that because certain leaders don't agree then they will have to take it out on the secretaries in the conducting of business before the House and the Senate.

So therefore I hope that the members of this House will pardon my words this afternoon in this late hour, but I feel that the legislative record for the next few years must stand corrected; that when an agreement is reached between the leadership and committees and certain members have to intercede because of certain differences between them and somebody else, then I think it is a sad state of affairs that they will take out on the secretarial staff salaries after dedicated work to the legislative members of this House and also the other branch.

There are additional things that I would like to bring out at this time but I am afraid—I have just received a little note—that they may be even more unpleasant between the leadership of both parties and certainly the conducting of business in the House of Representatives. I will not state them in the record now, but I won't forget them for a long time.

The SPEAKER: The Chair would advise the members of the House that these bodies are governed by rules, and the Chair would call your attention to Joint Rule 5 and Joint Rule 26. Furthermore, the Chair would call your attention to House Rules 53 and 54. I merely point this out to indicate the position of the Chair. Rules are made to govern the legislative bodies.

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

Mr. LEVESQUE: Mr. Speaker, parliamentary inquiry to the Chair.

The SPEAKER: The gentleman may pose his inquiry.

Mr. LEVESQUE: Has it not been the precedent of this House that at certain occasions by a vote of the members of the House rules have been suspended?

The SPEAKER: That is correct. However, under proceedings and debate, Orders of the Day, no paper shall be taken up out of its regular order except by the unani-



mous consent of the House. There was objection and the matter is not before us. The Chair would further rule that a unanimous consent rule can only be suspended by unanimous consent.

To suspend the rules, it is the ruling of the Chair that the order shall be in writing, reproduced and laid on the table for one day.

#### House at Ease

Called to order by the Speaker.

At this point, a message came from the Senate borne by Secretary Jerrold Speers of that body informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

On motion of Mr. Richardson of Cumberland, that gentleman was charged with and conveyed a message to the Senate informing that body that the House had acted on all matters before it and was ready to adjourn without day.

The following paper from the Senate was taken up out of order by unanimous consent:

The following Order:

ORDERED, the House concurring, that a Committee of four on the part of the Senate, with such as the House may join, be appointed to wait upon the Governor and inform him that both branches of the Legislature have acted on all matters before them and are now ready to receive any communication that he may be pleased to make (S. P. 550)

Came from the Senate read and passed, and the following appointed as members of the Committee on the part of the Senate:

Messrs. QUINN of Penobscot  
MOORE of Cumberland  
LETOURNEAU of York

In the House, the Order was read and passed in concurrence, and the Speaker appointed the following members on the part of the House:

Mrs. BAKER of Orrington  
BOUDREAU of Portland  
COFFEY of Topsham  
GIROUX of Waterville  
KILROY of Portland  
LINCOLN of Bethel

MORGAN of

South Portland

PAYSON of Falmouth

Miss WATSON of Bath

Mrs. WHEELER of Portland

WHITE of Guilford

BROWN of York

CUMMINGS of Newport

Mrs. Baker of Orrington for the Committee subsequently reported that the Committee had performed the duties with which it was charged and that the Governor would be present in the House forthwith.

His Excellency, Governor Kenneth M. Curtis, accompanied by members of the Executive Council, entered the Hall of the House amid applause of the House, the members rising, and delivered the following communication:

GOVERNOR CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: This legislative session has certainly been a long one, and I do not plan to prolong it this afternoon.

I need not tell you that your task has been a most difficult one. You have met at a time when the State of Maine, and in fact the states and municipalities all across this nation, have been faced with the most difficult problems of financing government in our history. As always, I expect, time and history will be the ultimate judge of your actions.

However, I think it safe to say now — at a time of great national growth, with rapidly diminishing resources — we can say that significant progress has been made in the conservation legislation that has been enacted; and at a time when the national spotlight is on youth, you have responded by lowering the voting age and the age of adulthood. And, as always, we can say that there are matters left undone. But I think we can also safely say that progress has been made.

But above all I think we should note, as I expect always, that the members of this Legislature have labored long and hard, with great sacrifices to themselves and their families and their vocations.

So in the name of the people of the State of Maine, I wish to thank

you for your service and to say that until we meet—in all probability at special session—I wish you and your families a most pleasant summer. Thank you very much. (Prolonged applause, the Members rising.)

Thereupon, Governor Curtis and members of the Executive Council retired from the Hall of the House.

The SPEAKER: The Chair is most grateful for the dedication and the loyalty of his membership during the whole session. I do not have a prepared speech for you; neither do I wish to give you a real eulogy. I am grateful for the loyalty that has been expressed here through the session. I recognize as anyone in my position must recognize, that there are dissenting voices, but to all of you I can only say to you, every one, God Speed and without doubt we will be meeting in another six months.

The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Meisner.

Mr. MEISNER: Mr. Speaker and Members of the House: I am sorry the hour is so late because I had a long speech prepared, many stories that I could use, but I will have to forego that privilege at this time and as we have many things for the special session I shall put my speech over until that time.

It is very tempting to at this time, the last speech in the House, to praise the works of great men and great women who have labored here. I will have to forego that privilege in order to at this time say to you that the House having finished the business with which they were charged, I now move that we adjourn without day.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Meisner, moves that the House adjourn sine die. Is this the pleasure of the House?

The motion prevailed and at 5:19 P.M., Eastern Daylight Saving Time, Wednesday, July 2, 1969, the Speaker declared the House adjourned without day.