

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 17, 1969 to July 2, 1969

Index

1st Special Session

January 6, 1970 to February 7, 1970

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, January 14, 1970

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

Prayer by the Rev. Mr. Edward Antin of Augusta.

The journal of yesterday was read and approved.

The SPEAKER: This is a big day for the Maine Legislature in special session. This morning this is known as State Government Day. There has been a student from the Greater University of Maine assigned to all of the chairmen of committees, to the leadership and to the staff.

The girl on my left is assigned to the Clerk's office so that she may observe some of the proceedings of State Government. The young lady at my right is Gail Jordan from Washington State in Machias. The Speaker of course is especially delighted that a girl was chosen from his county to be assigned to him this morning, and she is here also to observe. These are platform guests of the Speaker and the Clerk of the House this morning.

Furthermore, the Chair would state to the members this morning that this is also the official Sesquicentennial Day for the Maine Legislature. As you know, this afternoon we will go into Joint Convention commemorating this as Sesquicentennial Day for the Maine House and Senate. There will be a very nice program for us this afternoon. We will be addressed by the Honorable Chief Justice Robert B. Williamson, and in the afternoon there will be ceremonies on the second floor in the Hall of Flags.

So this is really a momentous occasion for this special session of the Maine Legislature.

Papers from the Senate

From the Senate: The following Communication: (S. P. 619)

MAINE STATE HIGHWAY
COMMISSION
AUGUSTA

January 13, 1970

To The Honorable Senate and
House of Representatives of the

One Hundred and Fourth Legisla-
ture

In accordance with the wishes of the 104th Maine Legislature as expressed in the provisions of joint order Number SP 512, authorizing and directing the State Highway Commission to make a study of the need and cost of reconstruction of U. S. Route 201 between the cities of Gardiner and Augusta, the State Highway Commission herewith submits the requested report.

This report was prepared by the Commission's Planning and Traffic Division with the close cooperation of the Location Section and Right-of-Way Division.

Final conclusions in this regard will be developed as a part of an area traffic study currently being completed by the staff of the Highway Commission.

Very truly yours,
MAINE STATE HIGHWAY
COMMISSION

(Signed)

DAVID H. STEVENS, Chairman
BERTRAND A. LACHARITE,

Member

STEVEN D. SHAW, Member

Came from the Senate read and with accompanying Report ordered placed on file.

In the House: The Communication was read and with accompanying Report ordered placed on file in concurrence.

From the Senate: The following Joint Resolution:

WHEREAS, the importance of knowing how to prepare an adequate legal document so vital to the legislative process is difficult to exaggerate; and

WHEREAS, Mrs. Dorothy C. Berry has exercised that highly technical discipline with a rare combination of skills, aptitude and temperament over the past thirty-five years; and

WHEREAS, on July 1, 1970 Mrs. Berry will retire from the service of the State in the wake of an unparalleled standard of excellence reflecting great credit on the Maine Legislature; and

WHEREAS, mirrored in her competence are warm-hearted thoughts and countless creditable acts which have become a hallmark and object of deep appre-

ciation of many Legislatures; now, therefore, be it

RESOLVED: By the Senate and House of Representatives of the 104th Maine Legislature assembled this day in special session, that we the members extend the warmest thanks to Mrs. Dorothy C. Berry for her many years of dedicated service and outstanding accomplishment; and be it further

RESOLVED: In token of our endless gratitude and lasting affection that a suitable copy of this Resolution be presented to Dorothy with our very best wishes for her future. (S. P. 620)

Came from the Senate read and adopted.

In the House: The Joint Resolution was read and adopted in concurrence.

The **SPEAKER:** The Chair would be remiss indeed if he did not call your attention to this Joint Resolution that has been reproduced and placed upon your desks. I am sure that many of you like myself have had many pleasant associations with Mrs. Dorothy Berry and can acknowledge and attest to the fact that she has been a dedicated state employee, highly skilled in the performance of the duties to which she has been assigned.

Indeed this lady has been the right arm of the Honorable Samuel Slosberg in the discharge of the duties of the Research Director, and I am sure that we can all join in commending and wishing Dorothy a very pleasant and happy retirement. (Applause)

Reports of Committees Passed to Be Engrossed

Report of the Committee on Public Utilities reporting "Ought to pass" on Bill "An Act to Extend the Period During Which the Trustees of Harrison Water District Have to Acquire Properties Owned by Harrison Water Company" (S. P. 567) (L. D. 1694)

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

In the House, the Report was read and accepted in concurrence and the Bill read twice. Under suspension of the rules, the Bill was read the third time, passed to be engrossed and sent to the Senate.

Non-Concurrent Matter

Bill "An Act Authorizing the State Board of Education to Lease a Section of Property at Southern Maine Vocational-Technical Institute to the Research Institute of the Gulf of Maine" (H. P. 1327) (L. D. 1656) which was passed to be engrossed in the House on January 7.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-363) in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act relating to Length of Trout in Brooks and Streams" (H. P. 1331) (L. D. 1660) on which the House accepted the Minority "Ought not to pass" Report of the Committee on Inland Fisheries and Game on January 9.

Came from the Senate with the Majority "Ought to pass" Report accepted and the Bill passed to be engrossed in non-concurrence.

In the House:

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

Mr. **FOSTER:** Mr. Speaker, I move that the House adhere to its former action.

The **SPEAKER:** The gentleman from Mechanic Falls, Mr. Foster, moves that the House adhere to its former action.

The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. **DYAR:** Mr. Speaker, I move that we recede and concur with the Senate and would speak to my motion.

The **SPEAKER:** The gentleman from Strong, Mr. Dyar, moves that the House recede and concur with the Senate. The gentleman may proceed.

Mr. **DYAR:** Mr. Speaker and Ladies and Gentlemen of the House: Last Friday morning we heard a lengthy dissertation on why L. D. 1660 should be not accepted. At that time I listened, at times amazed and more often than not confused by the statements made. So much was said in fact, that I did not rise to defend the issue as I felt that the House

Chairman in moving the acceptance of the report and briefly speaking to it had made the necessary points.

Now I must take issue with the statements made. First of all we were told that homework had been done and that our sister state of New Hampshire had adopted a similar law some years previous and that all was well in New Hampshire. That the sportsmen, the wardens and everybody was just happy with their situation. We also heard time and time again that selfish people in New Hampshire had tried without success to repeal that law.

What we were not told was that all is not well with the trout fishermen in New Hampshire. We were not told that the New Hampshire stocking program is supplemented by the Federal fish hatcheries. You were not told that our own hatcheries were contaminated with disease and approximately 600,000 trout rather than millions of brook trout were stocked in the state this summer. New Hampshire trout fishing, ladies and gentlemen, is now on a put and take basis. A native true-to-life brook trout is becoming a thing of the past in New Hampshire.

We were told that the proponents of this bill, the licensed Maine guides, had sneaked this bill in with no fanfare and that the local God-fearing opposition were not aware that there was anything in the wind. I would like the record to show that there were petitions out this summer for the repeal of this Chapter.

Now there was criticism of the characters who came down from the big woods to testify on the bill. They were loud, boisterous, misinformed guides, who were down here to line their pockets and the pockets of the sporting camp owners with gold. Now one of these crude backwoodsmen was Ralph Philbrick. Ralph has been a licensed guide for over thirty years in the Kennebag area. This man knows his fish from A to Z and has guided many many of these rich sportsmen who have been accused of catching that bushel basket of short trout in order to

get that ten or twelve inch trophy. For the record the trophy fish up there would be in the three pound class. If the argument was to hold, the ten to eighteen inch brook trout would have been thrown back also.

We had another real loud one from up in the Rangeley area, Ralph Frazer, president of the Rangeley Guides Association, Ralph is another registered guide. Emery Cameron in the Magalloway area, another registered guide, was very familiar with the disaster that has happened in New Hampshire. We also have several New Hampshire residents who had planned to come down and speak on this bill, but due to the short notice they were unable to attend.

We had Charlie Bradbury down from Rangeley, another licensed guide. We had Jim Carr up from Richmond. He has spent considerable time going across this state, teaching school children how to remove fish from hooks as a conservation measure. Maynard Connors, president of the Maine Fish and Game was in attendance and spoke before us as a proponent of on this bill and stated that there were 43 fish and game clubs in the State of Maine who were all in favor of this bill, with the exception of the Pleasant River Club which is located up north on the blueberry barrens and their fish have been killed by DDT and they could care less.

There were other proponents at this hearing. Maynard Marsh of the Department of Fish and Game who spoke on the enforcement angle. One other proponent of the bill testified that he seldom appeared at a public hearing but testified that he couldn't stand back on this one — even his children had written him from out-of-state to come in and testify. This was Gene Letourneau, sportswriter for the Gannett papers. Now there is little doubt in my mind that these men were not qualified. I think all of them had the so-called little people in mind when they spoke, not the 18-inchers that Don Hansen refers to but the residents and taxpayers and license buyers of this state.

Yes, we have done our homework. We had the research, not

from New Hampshire but the respected research of Michigan, Pennsylvania, Vermont, Alberta, our own state and even New Zealand. It was stated that the Fish and Game Department and the biologists need a couple of years to do research. Gentlemen, this research has already been done. The reports from Alberta draw the same conclusions as that done by our biologists in the Old Town research. The research by these other states show that the mortality rate to fish caught with a fly is 3 per cent, that one out of three hard hooked fish caught on worms will die. Research has proved that a takeable fish, six to 12 inches depending on water and feed conditions, was the results of the needs of five two-year old fish, 25 yearlings or 1250 fry — this is the inch and a half to four-inch fish.

A low minimum size limit favors the survival of the slow growing runt fish of each age group as spawning stock. We have found out these facts; the Department knows them. At a meeting of the Maine Fish and Game held in Gardiner on December 14, Commissioner Speers stated that he or his department would not interfere with this repeal. They would like to see the repeal go through so that they could classify the brooks and streams in the State of Maine opening the slow producing brooks up to an unrestricted limit and a good trout stream by placing six or possibly seven inch restrictions on those streams. There is also the possibility of removing the small fish from the cold water streams by electro-fishing and placing these fish in warm streams where they will grow and mature and spawn to improve the stocking of our native trout.

We question the emergency of such legislation. Why? The inland waters of the State of Maine, referring to brooks and streams — and I might indicate that some of our brooks and streams are larger than our rivers, cannot, I repeat, cannot take one open season of unrestricted fishing. This plunder or rape of the native brook trout would bring an end to an era. Again we cannot operate on a put

and take basis statewide because of the present hatchery problems. One season could be the beginning of the end.

I would ask that you reconsider your vote of last Friday and remember that from little fish big fish grow. Thank you.

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

Mr. LEWIN: Mr. Speaker and Members of the House: As House Chairman of the Inland Fish and Game Committee I feel that I should add a few remarks this morning to what has already been said by my good friend Mr. Dyar of Strong. Now you will agree with me, I am sure, that first we must have a large number of small trout to get a few large trout later on. A large number of our small streams are natural hatcheries and feeding grounds for small trout, to grow in size and then later travel downstream to the larger watersheds.

The so-called "fish winter kill" that we hear about is Nature's way of giving us better fishing by naturally culling out the weak and the deformed fish and leaving a stronger breeding stock for the next year. If there is a reason given that a trout that is hooked, a small trout, is going to die, it is true that a trout in a river or a lake or a pond will die after being hooked and then released, as well as those that are in the brooks and the streams.

I might say that salmon are much more susceptible to dying when hooked and released and do not have the stamina of trout; therefore all fish should be included in the law if we are to permit the keeping of short trout.

I trust that you will go along this morning with the motion of the gentleman from Strong and recede and concur with the Senate.

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

Mr. PORTER: Mr. Speaker and Members of the House: All the people who have done any trout fishing have had the same experience as I have. You have been fishing with a fly and you realize a small trout has hit your fly,

you pull it in, wet your hands ready to take the trout off the hook and return it to the waters. But the second look shows that in your hand is a four inch trout with a hook through its eye. Now if it is through the lip of course you can release it; the trout will live. But because it is hooked through the eye it is pretty apt to die. Therefore, what are you going to do?

In the past we have had to make that decision, to save it and hope that we won't get caught with a short trout or to release it. I think that many of us have kept that small trout, knowing that it is going to die and just hope to God we wouldn't meet a warden. Now, under the new law that passed last winter that trout may be kept—I said may be kept. He doesn't have to be kept. This is not mandatory; it is permissive. And if someone wants to keep the four-inch trout he may do so, but he doesn't have to.

I maintain that it is better for a man to eat a four-inch trout that has been hooked through the eye than to release it and let it die or have it eaten by a bird or an animal.

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

Mr. FOSTER: Mr. Speaker and Members of the House: At the outset I will not attempt to exchange answers and accusations and so forth with my friend from Strong, Mr. Dyar, but I would suggest that you read the horseblanket of last Friday where I made a speech on this bill and compared the language in it that I used to the language that I have been accused of using this morning by Representative Dyar. You will see a vast difference and it will kind of shock you I think. The speech that he gave this morning was prepared either by him or by somebody else, because he read it. The speech by the Chairman was prepared either by him or somebody else because he read it too.

Now last Friday when the vote was taken, 95 to 35, I hadn't the slightest idea that I would ever be back to this microphone defending a law that we passed in the regular session, a law that has been maturely considered and passed

both houses, but a law obviously that has caused a concern with a small segment of our population of the State of Maine. And as I had indicated to you Friday that if that small segment is the guides—there is no question about it, all the names that you have heard recited to you this morning were guides' names. That is true—it has caused them to come up with a howl; they have a right to howl. But I say come howl or high water that this law should have an opportunity to have a chance to be tried—it is on our books, it is the law of the land; and not consider it an emergency, to rush it in here and try to get it overturned, at a session when we should only be hearing emergencies.

I will tell you that what they are seeking to do, they are seeking to prevent a law from being given a fair trial. It was given—I will go back to New Hampshire again, you won't find anything in my speech where I said about the sportsmen and the guides of New Hampshire. I was talking entirely and completely and solely about the correspondence and communications that I had with the Inland Fisheries and Game Department of New Hampshire. They haven't changed their mind I am sure since last summer.

As to the disease in the fish, certainly the catching of small fish from brooks and streams haven't had anything to do with the disease, but they have shoveled that at you this morning trying to prevail upon you, trying to convince you, trying to convert you that you have made an awful mistake. I am telling you that there are plenty of people, there are a hundred to one in the State of Maine today that want to see this law given a chance. It was passed, it is on the books. Right this minute I am looking at a small brochure that has been sent to out-of-state people. In this small brochure which says—"no length limit on trout taken from brooks and streams."

Now that is handed to the people that are coming within our state boundaries and borders to fish. If they come here on the first day of April and they think that they are fishing under this law, and they

are apprehended because of some violation of this law if it is repealed, or the old law so to speak, the warden merely taps them on the back and tells them that they are violating the law. They will protest and remonstrate, saying here it is. The warden will then have to say—"Well April Fool! It is the law. We changed it, we rushed it through in the special session as an emergency. We changed that law, it's too bad. April Fool!"

Now that is true if it is going to be an emergency. If it isn't an emergency, the fishing season is going to be half over. People are going to fish one day under one law and the next day under another law. I submit to you that we owe it to the people of the State of Maine. We don't owe the guides too much. We were even generous with them yesterday I thought when we passed an amendment saying that they could violate the law, and it wasn't compulsory or mandatory that they would lose their guide's license. They simply changed the word that they "shall" to "may." I think that we're generous with the guides. I think that they ought to respond and give us a chance to have the people of the State of Maine have this law checked, give them a chance.

Let our Department of Inland Fisheries and Game do their research. They are sophisticated people over there. They will do a scientific research. They will keep their record; they will keep their statistics. And then at the time to come in the future they can report back. It won't be a political scramble. They can report back, the knowledge that they have attained and acquired will be made available to this Legislature.

And how in Heaven's name could anybody argue with that idea that policy of the laws on the books, give it a chance and stop blasting off before it gets a chance for trial. I sometimes think that they are afraid, the guides are afraid for a trial, afraid it will work. I can't help but think that. But anyway, let the Fish and Game Department, they are skilled, they are scientific, and they will give us the answer. If they should come up in two years' time or four

years' time or whatever and say that it didn't show, it wasn't beneficial this law, I would be the first one to raise my voice to have it repealed.

But now today I am asking you to go along with what you did Friday. You killed this bill in this House, the repeal of the law that is on the books, by a 95 to 35. Today they are asking you to recede and concur with the Senate who passed it. After this receding and concurring has been disposed of, my motion to adhere will then be in order. So I am going to do this, and the motion to recede and concur — I will ask for a roll call, and I will ask for a roll call when the time comes on my own motion.

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

Mr. BOURGOIN: Mr. Speaker, Ladies and Gentlemen of the House: I would bring to your attention that there is already some literature out on people who come from out-of-state that will read the law as it is in that literature and most likely if this bill is passed it will put some of those people into courts for violations. Thank you.

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

Mr. LEWIN: Mr. Speaker and Members of the House: I would ask for indulgence for one last remark. I would like to leave one thought with the members of the House this morning. Does it make sense on one hand to catch all the small trout, that is below six inches, from our brooks and streams and at the same time be forced to raise hatchery trout at over nine dollars per pound to replace them? Thank you.

The SPEAKER: The pending question is on the motion of the gentleman from Strong, Mr. Dyar, on House Paper 1331, L. D. 1660, Bill "An Act relating to Length of Trout in Brooks and Streams," that the House recede and concur with the Senate.

A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members de-

siring a roll call vote will vote yes; those opposed will vote no.

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 Strong, Mr. Dyar, that the House recede from its former action and concur with the Senate. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Allen, Baker, Benson, Bragdon, Buckley, Bunker, Casey, Chandler, Clark, C. H.; Clark, H. G.; Cottrell, Cox, Crosby, Cummings, D'Alfonso, Dam, Dennett, Dyar, Erickson, Faucher, Fraser, Goodwin, Hanson, H a r r i m a n, Hawkens, Hewes, Hichens, Jalbert, Johnston, Kelley, K. F.; Kelley, R. P.; Lewin, Lincoln, MacPhail, Millett, Mills, Mosher, Norris, Payson, Pratt, Richardson, G. A.; Ricker, Rideout, Rocheleau, Ross, Sabagian, Scott, C. F.; Starbird, Stillings, Trask, Tyndale, Vincent, Wheeler.

NAY—Barnes, Bedard, Berman, Bernier, Binnette, Birt, Bourgoin, Burnham, Carter, Chick, Corson, Cote, Couture, Crommett, Croteau, Curran, Cushing, Donaghy, Drigotas, Dudley, Durgin, Farnham, Fecteau, Fortier, A. J.; Foster, Gauthier, Giroux, Good, Hall, Haskell, Henley, Heselton, Huber, Hunter, Immonen, Jameson, Jutras, Kelleher, Keyte, Laberge, Lawry, Lebel, Lee, Leibowitz, LePage, Levesque, Lewis, Lund, Marstaller, Martin, McKinnon, McNally, McTeague, Meisner, Mitchell, Moreshead, Morgan, Nadeau, Ouellette, Porter, Rand, Richardson, H. L.; Santoro, Scott, G. W.; Shaw, Snow, Soulas, Susi, Tanguay, Temple, Thompson, White, Williams, Wood.

ABSENT — Boudreau, Brennan, Brown, Carey, Carrier, Coffey, Curtis, Danton, Emery, Eustis, Evans, Finemore, Fortier, M.; Gilbert, Hardy, Kilroy, Marquis, Noyes, Page, Quimby, Sheltra, Waxman, Wight.

Yes, 53; No, 74; Absent, 23.

The SPEAKER: Fifty-three having voted in the affirmative and

seventy-four in the negative, the motion does not prevail.

Thereupon, on motion of Mr. Foster of Mechanic Falls, the House voted to adhere.

The SPEAKER: The Chair would announce at this time that Mr. Danville from Fort Kent State College is assigned to the Minority Leader, Mr. Levesque, at this State Student Government Day of the Maine Legislature. We welcome you, Mr. Danville.

Orders

Mr. Temple of Portland presented the following Joint Resolution and moved its adoption:

WHEREAS, the lighter Dean Reinauer exploded in a series of devastating blasts while loading gasoline at Portland Harbor on December 30, 1969; and

WHEREAS, life and property in the cities of Portland and South Portland were placed in great danger by the stricken barge; and

WHEREAS, men of the Portland and South Portland fire departments, the J. F. Moran Company and U.S. Coast Guard averted disaster by safely maneuvering the vessel to sea; now, therefore, be it

RESOLVED: By the Senate and House of Representatives of the 104th Legislature, now assembled in Special Session, that, we the Members, commend the courageous men of the Portland and South Portland fire departments, the J. F. Moran Company and U.S. Coast Guard for their skillful performance of duty and outstanding acts of bravery on that day; and be it further

RESOLVED: That a suitable copy of this Resolution be immediately transmitted to each of the aforesaid as a true measure of our thanks and appreciation. (H. P. 1427)

The Joint Resolution was adopted and sent up for concurrence.

House Reports of Committees Leave to Withdraw

Covered by Other Legislation

Mr. Ross from the Committee on Taxation on Bill "An Act to Extend Certificate of Number Coverage and to Provide Increased Registration Fees in Lieu of Personal Property Tax on Certain Water-

craft" (H. P. 1416) (L. D. 1783) reported "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Lawry from the Committee on Public Utilities reported "Ought not to pass" on Bill "An Act Clarifying the Laws Relating to Licensing of Sewage Treatment Plant Operators" (H. P. 1348) (L. D. 1677)

Mr. Susi from the Committee on Taxation reported same on Bill "An Act relating to the Taxation of Farm Machinery" (H. P. 1360) (L. D. 1689)

Reports were read and accepted and sent up for concurrence.

Ought to Pass

Printed Bills

Passed to Be Engrossed

Mr. Shaw from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act to Clarify the Law for Eligibility for Burial in the Maine Veterans Memorial Cemetery" (H. P. 1413) (L. D. 1780)

Mr. Bernier from the Committee on Public Utilities reported same on Bill "An Act relating to Power of Houlton Water Company to Purchase Securities of Other Public Utility Corporations" (H. P. 1408) (L. D. 1774)

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

Divided Report

Tabled and Assigned

Report "A" of the Committee on Taxation reporting "Ought to pass" on Bill "An Act relating to Property Tax Exemption for Nature Conservancy" (H. P. 1372) (L. D. 1721)

Report was signed by the following members:

Mr. WYMAN of Washington
—of the Senate.

Messrs. SUSI of Pittsfield
HARRIMAN of Hollis
COTTRELL of Portland

Mrs. WHITE of Guilford
—of the House.

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

Report was signed by the following members:

Messrs. HANSON of Kennebec
MARTIN of Piscataquis
—of the Senate.

Messrs. ROSS of Bath
FORTIER of Rumford
DRIGOTAS of Auburn
—of the House.

Reports were read.

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

Mr. SUSI: Mr. Speaker and Members of the House: I move we accept the "Ought to pass" Report.

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

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Yesterday the Taxation Committee heard a bill of mine which is item one at the very top of the page, concerning the registration of watercraft in lieu of boat taxes. Even some of the opponents admitted that this had many merits. However, it was very complicated. And rather than drag this legislature through this subject again via the long amendment route, I was willing—and to move this session along, I was willing to accept the "leave to withdraw." I now feel that we should not pass this specific item along unnecessarily, because I really feel that it wouldn't live too long in the final analysis. This has to do with conservation, which, of course, is a very commendable cause. However, it is just another exemption from our sales tax structure and five of us felt that we should not expand these exemptions any further. So I hope that you will vote against the motion of the gentleman from Pittsfield, Mr. Susi, and then accept Report "B". I request that a vote be taken.

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

Mr. SUSI: Mr. Speaker and Members of the House: I wasn't acquainted with the activities of

the Nature Conservancy group up until the time this bill came before the Taxation Committee. I will attempt to acquaint you to a limited extent on who they are and what they do. From our hearing we learned that they are a group who accept gifts. So far as I know, they are not in any position to purchase land for the purpose of keeping this land in conformity with good conservation practices. I am also of the impression that the land that they get is mainly wetland, swamps, bogs and marshes that are particularly suited to nesting areas for birds, and these nature uses that I am not that much acquainted with but which I generally sympathize with certainly; not particularly valuable land, as I understand it.

Information was given that in the entire State of Maine, in the most recent year that they had information on, the amount of real estate taxes was \$1,100. Well applying our present per acre per year tax rates, property tax rates would indicate that they had something like a couple of thousand acres in the entire State of Maine.

So it isn't a far-reaching provision that we are concerned with here. And at the time of the hearing, some of us on the committee were concerned that possibly someone might use such legislation as this in an attempt to avoid property taxes through perhaps deeding the land to the Nature Conservancy group, and retaining the usage of the land so that in effect the Nature Conservancy group could be avoiding the real estate taxes while the donor, or however you call it, would still have the use of the land. But on checking with the Bureau of Taxation we found that this wasn't a problem, that the laws were sufficient to prevent this happening. So we who supported the bill felt that there was adequate reason in the nature of this group and their purposes to extend this on this type of land. I hope you would support the "Ought to pass" Report. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I

would like to describe to some length how this bill might affect the small town in which I live, and possibly disagree with some of the statements that Representative Susi has made.

In our small town, the Town of Bristol, approximately three years ago Nature Conservancy acquired about a half a mile of prime shore property. They have consistently tried to have this land become tax free, and the assessors and the selectmen in the town have refused to do this. The land, true, is wildland, but it is beautiful shore property. If it were taken off of our tax list, it would certainly mean a whole lot to the Town of Bristol. And I certainly am not in favor of this proposal at this time.

The SPEAKER: The Chair recognizes the gentleman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker and Members of the House: I concur with the statements of the gentleman from Pittsfield, Mr. Susi. I feel very strongly that we should do anything we can to support our conservation program in this state. I can see Mr. Lewis's problem, but I would hope that we could make up for it in some other way and pass this bill.

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

Mr. HARDY: Mr. Speaker and Ladies and Gentlemen of the House: I don't know just where the gentleman from Pittsfield, Mr. Susi, got all of his information, but I have to relate a situation that was going on last winter in a town adjacent to mine down on the coast. The great increase in real estate taxes, especially around water, forced a retired individual to sell two or three hundred acres completely surrounded by fresh water for a figure approaching \$200,000. The purchaser of this property intended to develop a fine year round home type development before he was approached by Nature Conservancy representatives. It was indicated that they would like to own this property and conserve it for the future for all people, and the price now was a half a million dollars.

Before the thing was settled late in our session of last winter, the property was purchased by Nature Conservancy for a cost plus, and I suppose the \$200,000 plus ten per cent. This was all the chap was allowed to make on it. Nature Conservancy now holds this piece of property, and although at the present they have agreed to pay tax on this thing in this small community, I suspect that this bill would give them the footing to ask for the tax exemption here also. And this would bring a very serious problem to this town which already contributes literally thousands of acres to the State Park system. And things of this type really can grow to proportions that are very serious. And I respectfully urge all to oppose the motion by Mr. Susi.

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

Mr. LUND: Mr. Speaker, I note that the sponsor of this measure is Marion Fuller Brown, who has been out of the House for several days. She is out of the state because of the very serious illness of a close relative. And in view of this I would hope that some person might table this to give her a chance, when she is able to come back to the House, to appear in defense of her measure.

Whereupon, on motion of Mr. Hardy of Hope, tabled pending the motion of Mr. Susi of Pittsfield that the House accept Report "A" "Ought to pass" and tomorrow assigned.

**Passed to Be Enacted
Emergency Measure**

An Act relating to Appointment of Single Town Assessor for Town of Brunswick (H. P. 1344) (L. D. 1673)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 121 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by

the Speaker and sent to the Senate.

Emergency Measure

An Act to Create the Bangor Parking Authority (H. P. 1346) (L. D. 1675)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 128 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following Enactors appearing on Supplement No. 1 were taken up.

**Passed to Be Enacted
Emergency Measure**

An Act Appropriating Funds for Providing Shade Trees Through the Forestry Department (S. P. 581) (L. D. 1708)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 121 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Appropriating Moneys to Carry out Duties of the Legislative Research Committee (H. P. 1316) (L. D. 1645)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 124 voted in favor of same and 6 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, the foregoing papers were ordered sent forthwith to the Senate.

**Passed to Be Enacted
Emergency Measure**

An Act relating to Eligibility of Bangor City Councilors for Certain City Government Offices (H. P. 1339) (L. D. 1668)

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

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

Mr. KELLEHER: Mr. Speaker, I move that the rules be suspended for the purpose of reconsideration in order to offer an amendment.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that the rules be suspended for the purpose of reconsideration. This requires a two-thirds vote and the Chair will order a vote. All in favor of suspending the rules for the purpose of reconsideration for the purpose of offering an amendment will vote yes; those opposed will vote no.

A vote of the House was taken.

110 having voted in the affirmative and 17 having voted in the negative, 110 being more than two-thirds, the rules were suspended.

Thereupon, the House reconsidered its action of January 9 whereby the Bill was passed to be engrossed.

Mr. Kelleher of Bangor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-632) was read by the Clerk.

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

Mr. COX: Mr. Speaker and Ladies and Gentlemen of the House: What this amendment is that has just been offered, is to put this bill to change the Bangor City Charter out to referendum. Now ladies and gentlemen, if we put bills like this out to referendum, then I submit that we should take every bill in this House and put it out to referendum.

We are here as elected representatives of the people. If you don't believe in the representative form of government, then abolish it. However, we can't under the Constitution and none of us want to, I am sure.

Now this bill has been carefully considered by 25 elected representatives, that is the two Senators from our area, the five Representatives, and eight City Councilors in the City of Bangor, and ten members of the Legal Affairs Committee have said that this bill "ought to pass." Now out of 25 people who have considered this bill very carefully, one has said no. I put it to you, ladies and gentlemen, that if we are going to believe at all in a representative form of government, then we should certainly vote against this motion to amend this bill and put the City of Bangor to the expense of having a referendum.

Now it is the concensus of opinion in my area, at least among the elected representatives, that we need this bill very badly and we need it now. If we have to go to referendum, it is going to take time, it is going to cost money. So therefore, I ask you to vote against the motion for adoption.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This is a very very simple amendment. It speaks for itself if you will let it. When the Charter first came into being and it was passed in this House, it was sent back to the people and the voters of Bangor whether they wanted to accept it or whether they didn't want to accept it. And they did accept it. And this provision was in the Charter.

Now as far as the cost that Mr. Cox incurred, I don't think you can put a price tag on good legislation, the expense or the inexpense. This is entirely a matter that belongs to the people of the City of Bangor, and I think that this amendment will simplify matters both for the opposition and myself. It is pertinent to them, and they should be the people that decide. This is a very important Charter change. No matter what is said or being said around here, it is an important Charter change concerning the City of Bangor, and I think the people of the City of Bangor should be able to decide on it.

Mr. Cox of Bangor then requested a vote.

Whereupon, Mr. Kelleher of Bangor requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote on the adoption of House Amendment "A" to An Act relating to Eligibility of Bangor City Councilors for Certain Government Offices, House Paper 1339, L. D. 1668 will vote yes; those opposed will vote no. The Chair opens the vote.

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

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: I rise today once again to oppose the amendment offered by the gentleman from Bangor, Mr. Kelleher. In essence he is actually saying he favors this charter change, but would want the people to decide. We as representatives are elected by the people, and as previously stated the majority of the elected representatives favor this charter change.

As of this date I can honestly say I have not received one letter, or one single phone call asking me to vote otherwise. For these reasons I hope you will vote against the amendment, and allow us to get along with the business of running our city efficiently. I hope you will vote against the amendment.

The SPEAKER: The pending motion is on the adoption of House Amendment "A". If you are in favor of the adoption of House Amendment "A" you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Barnes, Benson, Berman, Bragdon, Carrier, Carter, Corson, Cote, Crommett, Dennett, Dudley, Durgin, Emery, Faucher, Foster, Giroux, Good, Hall, Hanson, Harri-man, Hawken, Heselton, Hewes,

Hichens, Huber, Johnston, Jutras, Kelleher, Lawry, LePage, Lund, Martin, McNally, McTeague, Moreshead, Page, Rocheleau, Susi, Tanguay, Trask, Vincent, Williams.

NAY — Allen, Baker, Bedard, Bernier, Binnette, Birt, Boudreau, Bourgoin, Brennan, Buckley, Bunker, Burnham, Casey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Cottrell, Couture, Cox, Crosby, Croteau, Cummings, Curran, Cushing, D'Alfonso, Dam, Donaghy, Drigotas, Dyar, Erickson, Farnham, Fecteau, Fortier, A. J.; Fraser, Goodwin, Hardy, Haskell, Henley, Hunter, Immonen, Jalbert, Jameson, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Laberge, Lebel, Lee, Leibowitz, Levesque, Lewin, Lewis, Lincoln, MacPhail, Marquis, Marsteller, McKinnon, Meisner, Millett, Mills, Mitchell, Morgan, Mosher, Nadeau, Norris, Noyes, Ouellette, Payson, Porter, Pratt, Rand, Richardson, G. A.; Richardson, H. L.; Ricker, Rideout, Ross, Sahagian, Santoro, Scott, C. F.; Scott, G. W.; Shaw, Sheltra, Snow, Soulas, Starbird, Stillings, Thompson, Tyndale, Wheeler, White, Wight, Wood.

ABSENT — Brown, Carey, Coffey, Curtis, Danton, Eustis, Evans, Finemore, Fortier, M.; Gauthier, Gilbert, Quimby, Temple, Waxman.

Yes, 42; No, 94; Absent, 14.

The SPEAKER: Forty-two having voted in the affirmative and ninety-four in the negative, House Amendment "A" fails of adoption.

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

Mr. NORRIS: Mr. Speaker, may I have this matter tabled for one legislative day please.

Whereupon, Mr. Kelleher of Bangor requested a vote on the tabling motion.

A vote of the House was taken.

17 having voted in the affirmative and 105 having voted in the negative, the motion did not prevail.

Thereupon, this being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of same and 24 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Constitutional Amendment Failed of Final Passage

Resolve Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions (H. P. 1308) (L. D. 1622)

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

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

Mr. DENNETT: Mr. Speaker and Ladies and Gentlemen of the House: This special session of the 104th Legislature is now in its seventh day. For seven days I have sat in my seat silent and obscure. Not once have I arisen to disturb the peace and harmony of this august body.

However, this morning I think the moment of truth has arrived. I rise this morning, Mr. Speaker and Ladies and Gentlemen, to oppose the enactment of this Constitutional Amendment. My reasons for opposing this are many and varied. But principally, I would call your attention to the bill itself. What does this bill do? It simply, throughout the bill, changes a single word from biennially to annually. What would we have in annual sessions? Frankly, I think, and all of you know, that this special session is a striking example. And this is only on a miniature scale what an annual session would be under the proposal as outlined in this Constitutional Amendment.

What would you have? All the old chestnuts which failed to pass in the previous session dragged forth and out of the fire to be re-submitted. To what? To the same committees that previously heard them, to the same Legislature who had failed to pass them. Do you really want to go through anything like this?

Generally speaking, if there is a proposal for an annual session, it does at least propose, perhaps, some innovations; perhaps something that is new; perhaps certain restrictions on a session of the Legislature; perhaps a time limitation; perhaps many, many things. But this proposes nothing. It proposes nothing new. It simply says

that we will change from biennial to annual sessions.

I think there is another point that we should give strict and close attention to. I think we all are aware that for all purposes that this is not a professional Legislature. We are not professionals. We are citizen legislators. We are called from many walks of life to come here to Augusta and attempt, to the best of our ability, to pass such laws as we think are in the best interests of our state.

We are truly a representative Legislature. We are an excellent cross section of the people of the State of Maine. A representative body that perhaps has no equal. What if we have annual sessions of the Legislature? The ability to be on attendance in this body will be denied to many of our citizen legislators for again many and varied reasons. What I am fearful of is that under this system a class of professional legislators would arise, such as there are in many states that have adopted these annual sessions.

What would it mean if we had a class of professional legislators? I think it might be like perhaps a state that comes to my mind, where generally speaking the Legislature convenes on January the 1st, and adjourns on December the 31st of that year, and the next day comes back into session again. How many of you people really, deep in your hearts, would like a thing like this? What happens when you have a professional body of legislators? I think you're all aware. It's very plain to be seen that a man spending an entire year, or a greater part of a year, should receive thousands of dollars more than we are in receipt of. And perhaps it can be readily defended, if a man or woman is spending their full time, they are certainly entitled to a just reimbursement.

What would it do with the costs? Double it? Triple it? Quadruple it? The Lord only knows. It would work a vast hardship not only on the members, unless they were professionals — and I don't think for one moment that you would get better legislation from professionals than you do from the citi-

zen body that we have now. As a matter of fact, I think we get better legislation in a body such as this.

I believe there are many many other reasons — many of them — it takes too long to enumerate them. I think I have made the main and principal points. And I think that if you will search your hearts, and your consciences, that you cannot help but to agree. When the vote is taken, I certainly hope all of you who have the best interests of our state in mind will vote no to the enactment of this Constitutional Amendment.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: You have heard from the gentleman from Kittery, Mr. Dennett, this morning, starting his remarks with being silent and pure to this end of the Legislature. And coming from the Minority Floor Leader, I would assume that the same remarks could be made but to leave one word. We have been silent, and I just question now whether I should come up with the term pure or not.

I'm sure that each and every member of this House probably feels that in his own way he has been pure. But as the gentleman has already indicated, this is the dividing of the ways and we must be not so pure from here on in. At least for a temporary moment.

As the sponsor of this document, it is my very sincere feeling that the Maine Legislature as it is presently formed in a group of citizen representatives, would still very much be maintained by the citizens of Maine, and would absolutely not, under any conditions, revert to a professional type legislator.

The reason why I feel this sincere about annual sessions is that I have confidence in the people of Maine and the representatives that they elect to represent them in these halls here in Augusta. The feeling is presently that we may be able to better ourselves by having annual sessions. We would be able to have better directions from the different bureaus and de-

partments in allocating priority money that must be done on a biennial basis presently, which sometimes you will find that an estimate this year by the time it comes out two years hence, may be off \$2 million, or it may be off by \$19 million.

When you estimate budgets on a biennial basis, naturally you will have to use the high figures in order to be able to arrive at something that you think is a fair estimate. It has been the experience in these halls and in the different departments and bureaus, that when they took a high figure as an estimate for the next two years, they have still come out with errors in the tune of 18, 19, 20 million dollars.

I firmly believe that when you estimate on an annual basis you get a better picture of what your estimates would be, so that the people that are actually going to be doing the work can also give a better and reasonable estimate as to what the costs are going to be.

Plus the fact that I think that this Legislature, in its wisdom, when they are elected to represent the people, would also come here and set rules and guidelines, that if a bill has been presented in one session of the Legislature, rules will be issued by the members as to whether the same bills, if it had a non-favorable report, will be re-considered by the same group of people.

Right now, legislation has been introduced session after session, session after special session. And this can run into the tune of two or three special sessions during the course of the biennium. But when it comes to repeating legislation, you always repeat it to another group of legislators. We could avoid these duplications by annual sessions, by setting ground rules, that is by the Legislative branch setting their own ground rules as to what would be admissible year after year with unfavorable reports.

So this part, I feel very confident that the Legislative branch of our Government could do these things if we only let the people decide that the annual sessions would be good for our Government. If we reject this annual session at this

stage, this will not allow the people of Maine, the voting public, the taxpayers of our state, an opportunity to tell us and succeeding Legislatures as to whether we should have annual sessions or not.

Going back to the professional versus the people's voices in government, I think in this present Legislature, as in past Legislatures, we have had to have in certain areas class representation, because it was impossible for a member to indicate to his people that he would like to run for election because he would be away from home anywheres from six to seven months in one stretch. Now, this doesn't mean to indicate on my part that it would reduce the number of months in half. Because I think this is relatively impossible to accomplish. But what I would like you people to consider is that it would cut the number of months that we would be down here.

Instead of coming here in January and going home in July, you might be able to come here in January and by April or at the least the early part of May, being able to go back to your line of work, be that industry or farming, or whatever professional responsibilities you have.

So these are some of the reasons that I would like to see the people of Maine have an opportunity to voice their opinion as to whether the Legislative branch of our Government should meet annually to better consider the finances of our state, our system in its entirety. Thereby giving the department heads, and all departments, a chance at closer scrutiny of their recommendations for the coming two years. As it has been for many years, we have been meeting more or less annually in any event. The only thing, we are not accomplishing the benefit of a closer and better estimate of revenues, and also the expansion of these revenues.

So these are my brief remarks on this document that I hope the members of this House, of both political parties, like to see the issue back to their people, so that they may have a chance to voice their opinion to their elected representatives as to whether a better system of the Legislative branch

to enact the laws, and appropriate the moneys that these taxpayers are paying. I think we would be doing justice to ourselves in the future, in future organization of the Legislative branch, and I think the public should have a voice in this decision. Thank you.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Some of you may recall that during the regular session, when I was speaking on a bill having the leadership call us back into special session, I termed it the thinking man's solution to annual sessions. This will now be voted upon by the people.

I noticed just the other day that one of our papers conducted a man-on-the-street poll about annual sessions, and everyone questioned favored annual sessions. Now, that sounds very simple. But in my mind it is not fair. Because the average person, unless he has been here, does not really understand the ramifications of this Legislature.

To me there are four very simple reasons that we should vote against annual sessions. The first is expense. Annual sessions would cost well in excess of \$1 million. Second is efficiency. We can accomplish a great deal more in a comparatively short time in special sessions, whether you call all these things emergency or not, than you can in annual sessions. The third has been touched on before, but it is the caliber of legislators. We now have many dedicated, sincere, and conscientious persons who come here from all over the state and give up their jobs and professions for six months every two years. But they, in my opinion, would not be able to do that every year. The fourth reason, and last but not least, is the control of departmental budgets, and the ability to hold somewhere near the line.

All over the state we hear the hue and cry of persons who want us to cut down on unnecessary expenses. If we were to meet annually, rather than do this, just think of how they would grow—if we opened up departmental negotia-

tions annually rather than every other year.

And I think these four basic reasons are a good reason to vote against the bill.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I feel as though I have been here a few days, and I now would like to cast a few words on your ears. I know my voice is weak and it doesn't reach very many of you. However, I would like to endorse everything that the gentleman from Kittery, Mr. Dennett, has said. I would like to add to it this much, that I enjoy your company, I rather enjoy my stay in Augusta, and wouldn't mind that it be every year.

But let me go on to tell you that the people that I represent in this House resent us being here this often. And they do not care to have us down here each year. They feel as though it's bad enough that we have to come here every two years, and they can ill afford the expense we make for them when we do come. They can see that if we come every year that the expense will be even greater.

And another thing that I might remind you, I have been here a considerable number of terms, and each year I hear the same bills. It reminds me of chewing something over and over, some of it is very distasteful in your mouth, and you have to chew it over and over each two years. I don't want to have to be here and go over this every year.

Now in regards to the gentleman from Madawaska, I don't agree with anything he said. I don't even agree with where he said his conversation was brief. I don't even agree with that. Now I feel as though the man must be dreaming when he said that it will eliminate coming here in January and being here until June. I can see that we will be here in annual sessions the same way, from January to June, and anyone who thinks otherwise, in my mind, will be dreaming.

I am sorry that my voice reaches such a few of your ears, but I

feel very strongly on this issue. Thank you.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: As an individual, and not as a Majority Leader, since my party has not taken a position on this, either in caucus or at any time that I know of, I would like to state, and I hope truly briefly, my reasons for being opposed to annual sessions.

The argument in favor of annual sessions, you know, is an interesting blend of fact and fiction. One of the fictions is that all of the states that have gone to annual sessions have done so because it is absolutely necessary, and they have thereby been able to more effectively do their business. The fact is not so. The truth of the matter is that a great many Legislatures that have gone to annual sessions have tried to write into the bill some means so that in the off year they can limit the length of the session to 30 or 60 or 90 days, or limit it to budgetary matters, and so forth.

The experience in other states, I think, demonstrates very clearly that this sort of artificial limitation on the length of the off year session doesn't work. We have in Maine, right now, annual sessions. We have a general session at which we enact a biennial budget. And our biennial budget is the only gesture that we make toward any semblance of long term planning for state expenditures.

Then we come on in the off year, we make budgetary adjustments. The proof of the fact is that our Appropriations and Financial Affairs Committee reviewed the entire Part II budget of the last session in preparation for this session now. So we already have annual sessions. And what this bill proposes to do is to make those annual sessions unrestricted so that as someone has said earlier, the same old chestnuts come back year after year after year.

Now, we are perfectly capable of enacting a biennial budget, and meeting in special session in the off year and making the budgetary adjustments that are necessary in

order to keep it in line with the then existing state of affairs. We already have a system which I believe other states are coming more and more to appreciate, where we, in our off year session, the elected leadership of both parties sits down and determines what bills are allowed in. And I think it's perfectly obvious that a great many pieces of legislation, including my pet bill, a bill to change the name of Westbrook Junior College to Westbrook College, was not a crushing emergency that would cause the people of the State of Maine a great deal of stress and strain if it didn't pass. It's merely a minor corrective sort of change in the law, and there are many such bills before us.

And we have some control through our present setup in the length of that off year session. I think that our problem is compounded by the fact that our editorial and news people, and the man on the street accept the very simplistic argument that, "Well, how can you run a business this size only meeting biennially?" Well, of course, the fact of the matter is, as I have seen it, we meet annually now, and we have perfect power, particularly with the passage of the bill sponsored by Mr. Ross, to call ourselves into session to meet those problems that do arise.

And finally, I want to tell you, like most converts I feel very strongly about it. As I progressed a rather undistinguished career through the University of Maine, I was taught as an article of faith that you had to favor annual sessions. And I did, perhaps as much to pass my government exams as for any other reason. And having examined the situation, having met with the legislators of other states, having seen the way the thing really operates, I think it is merely a semantics discussion.

If you want to change the name to interim session in the off year, that is all right with me. But I am against unrestricted annual sessions, and I hope that the members of the House would agree.

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

Mr. BIRT: Mr. Speaker, Ladies

and Gentlemen of the House: During the discussion this morning, I have been trying to put together this bill 1622, with the Constitution, and unless I am very far out of field, it appears to me to be quite ambiguous. Under the change recommended in the Constitution in Article V, it allows the convening of the Legislature, on extraordinary occasions, as well as the establishing of the annual sessions which we presently have. But it also empowers the Governor to adjourn in case of disagreement. Now this is pretty broad terminology, much broader than I believe that we want to put into our Constitution. We could be in disagreement with him and he could come in and adjourn the Legislature. The Constitution does allow the adjournment of the Legislature by the Governor in case of disagreement on adjournment only, but it is a very specific area in which he has that prerogative.

It also has a phrase in here in which he may change the place of meeting. My understanding of this would be that he would be allowed to convene the Legislature on an extraordinary occasion and specify the place of meeting. I think that these are two broad terminologies, if I am correct, certainly we do not want to put into the Constitution. If I were for this bill, I would be opposed to it on the conditions that are in the bill, and I would certainly hope that this did not succeed in enactment.

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

Mr. McTEAGUE: Mr. Speaker, I request that this be tabled until the next legislative day.

Whereupon, Mr. Ross of Bath requested a vote on the tabling motion.

The SPEAKER: All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken.

38 having voted in the affirmative and 87 having voted in the negative, the motion did not prevail.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the

House: Just a few added comments that I would like to make to the members of the House before a final vote is taken in the disposition of this bill today. I think it has become imperative in this day and age that the legislative branch of our government is somewhat at an imbalance with the other two branches, namely the executive and the judicial. In my attempt to have this proposal presented to the people for their action or reaction, it is my firm belief that we in the legislative branch have got to upgrade our system. Presently we have 151 members in the House, which I personally feel is a little bit too many for a state with less than a million in population. But these steps will have to be taken by succeeding legislatures, because we had our show last year and it didn't seem to be acceptable. But be that as it may, the branch being the way it is now is providing absolutely no facilities, or relatively very little facilities might be a better choice of words, to its members in order for them to be the effective legislative branch of our government.

I think these gradual steps of trying to better ourselves must be taken, and succeeding legislators could be setting the ground rules as to whether the same old chestnuts are going to come back year after year. And I think if any of you have visited any other state legislatures, they may meet every year uncontrollably, or as it may seem, uncontrollably, to a lot of people. I think the decorum of our system for our legislative branch here in Maine is looked upon by the other 49 states as being the outstanding example of legislative branch for decorum. We could add to that by having better facilities and better informed members of both branches.

I think the 20 states that presently meet annually could still better their system, although they meet annually. And one must not leave it for tomorrow for somebody else to correct. One should take the steps while he is in a position of being able to take steps to correct errors and to try to better the system so that it will work ef-

fectively for more people year round. And these are some of the reasons that I think the Legislature of Maine could be helping themselves by being a better or more equal branch of government, if we were able to meet annually and also to provide ourselves with better facilities to better inform ourselves and therefore act more responsibly and responsive to our citizens.

So I hope when the motion is taken of have this document referred to the public for their reaction, that the members of this House will give its final vote of approval.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: We have heard on this occasion the eloquent arguments on both sides of the question by the Majority Leader, Mr. Richardson, and the Minority Leader, Mr. Levesque, and other distinguished members. I am certain that all of us have many times read and heard these arguments before. I should be candid and state that I do favor annual sessions, perhaps I am lacking in sophistication.

I think we are faced with an even more fundamental question here than the question of whether or not we as a state should have annual sessions. We have a question which is supported by a respectable and very large segment of the public. As has been mentioned before, a poll, I believe in the Portland Press Herald, showed that every one of the men on the street polled, and I think it is about ten names, were in favor of this. Perhaps they are not as sophisticated as some of the members of this House. Nevertheless, they are the people. They are the ultimate sovereign under our form of government.

I feel that since we do have a great body of opinion among the people that supports this, it is supported by many experts in the field of government, as Mr. Richardson alluded to, and because I know that all of us do believe that fundamental questions should be decided by the public, the arguments can

be put to them by both sides, they can judge, they are really sophisticated in the deepest sense. I feel very strongly that we should not deprive the people of our state the right to vote on this question. What are we afraid of? Are we considering our own convenience, perhaps, more than the will of the people? I certainly hope not, I think not. Let us give them a chance, after being informed by the arguments on both sides, to decide this question.

The Supreme Court recently decided that in dealing with Constitutional Amendments that the Legislature was a special organ and had a special responsibility. The Governor had no role to play in these matters.

We are in a sense a preliminary Constitutional convention every time we consider an amendment to the Constitution. I believe that matters of this importance can be well decided and should always be decided by the people. I therefore hope that you will vote in favor of the matter before us.

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

Mr. BOURGOIN: Mr. Speaker and Members of the House: I would like at this time to bring to your attention that annual sessions, coupled with lowering the size of the House, as it has been proposed to 96, would not put any additional or very little additional expense to the State of Maine.

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

Whereupon, Mr. Brennan of Portland requested a roll call.

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

The SPEAKER: The pending question is the final passage of Resolve Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions, House Paper 1308, L. D. 1622. If you are in favor of final passage you will

vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Bedard, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carter, Casey, Corson, Cote, Cottrell, Couture, Cox, Crommett, Croteau, Curran, D'Alfonso, Drigotas, Dyar, Emery, Faucher, Fecteau, Fortier, A. J.; Fraser, Gauthier, Giroux, Goodwin, Hewes, Huber, Hunter, Jalbert, Jutras, Kelleher, Keyte, Kilroy, Laberge, Lebel, Leibowitz, LePage, Levesque, Lewin, Martin, McKinnon, McTeague, Mills, Mitchell, Morsehead, Morgan, Naudeau, Norris, Ouellette, Rocheleau, Santoro, Sheltra, Starbird, Tanguay, Temple, Thompson, Vincent, Wheeler, Wood.

NAY — Allen, Baker, Barnes, Benson, Berman, Birt, Bragdon, Buckley, Bunker, Carrier, Chandler, Chick, Clark, C. H.; Clark, H. G.; Crosby, Cummings, Cushing, Dam, Dennett, Donaghy, Dudley, Durgin, Erickson, Farnham, Foster, Good, Hall, Hanson, Hardy, Harriman, Haskell, Hawkens, Henley, Heselton, Hichens, Immonen, Jameson, Johnston, Kelley, K. F.; Kelley, R. P.; Lawry, Lee, Lewis, Lincoln, Lund, MacPhail, Marsteller, McNally, Meisner, Millett, Mosher, Noyes, Page, Payson, Porter, Pratt, Rand, Richardson, G. A.; Richardson, H. L.; Ricker, Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Stillings, Susi, Trask, Tyndale, White, Wight, Williams.

ABSENT — Brown, Carey, Coffey, Curtis, Danton, Eustus, Evans, Finemore, Fortier, M.; Gilbert, Marquis, Quimby, Waxman.

Yes, 62; No, 75; Absent 13.

The SPEAKER: Sixty-two having voted in the affirmative and seventy-five in the negative, sixty-two not being two-thirds, the Resolve fails of final passage.

Sent to the Senate.

Passed to Be Enacted

An Act Appropriating Funds for Union River Anadromous Fish Restoration Program (S. P. 580) (L. D. 1707)

An Act relating to Dumping Offal and Feathers on Highways (S. P. 589) (L. D. 1744)

An Act relating to Conferring Associate Degrees by Husson College (S. P. 600) (L. D. 1771)

An Act relating to Salary of the Assistant Director of Legislative Research (H. P. 1314) (L. D. 1643)

An Act relating to Appropriations and Allocations to the Legislative Research Committee (H. P. 1315) (L. D. 1644)

An Act Appropriating Funds for Maine Historical Society (H. P. 1319) (L. D. 1648)

An Act relating to State-owned Motor Vehicles (H. P. 1356) (L. D. 1685)

An Act relating to Motor Vehicle Air Pollution Equipment (H. P. 1369) (L. D. 1718)

An Act relating to Charts and Publications of the Maine State Park and Recreation Commission (H. P. 1399) (L. D. 1755)

An Act relating to Issuing Bonds for Revenue-Producing Municipal Facilities (H. P. 1407) (L. D. 1763)

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

By unanimous consent, the foregoing matters were ordered sent forthwith to the Senate.

Supplement No. 2 was taken up out of order.

From the Senate: The following Order:

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out to the Senate a Bill relating to interest on bonds of the State of Maine, authorized but unissued, to establish a regional vocational education center, or centers, in York County. (S. P. 622)

Came from the Senate read and passed.

In the House, the Order received passage in concurrence.

Orders of the Day

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

SENATE REPORT — Committee on Education on Bill "An Act relating to Difference of Student Tuition

Between University of Maine and the State Colleges" (S. P. 596) (L. D. 1767) reporting "Ought not to pass" as covered by other legislation. (In Senate - accepted)

Tabled—January 13, by Mr. Levesque of Madawaska.

Pending—Acceptance in concurrence.

On motion of Mr. Levesque of Madawaska, retabled pending acceptance in concurrence and specially assigned for tomorrow.

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

HOUSE REPORT — "Ought not to pass" — Committee on Education on Bill "An Act to Create a School Administrative District in the Town of Madawaska" (H. P. 1403) (L. D. 1759)

Tabled—January 13, by Mr. Levesque of Madawaska.

Pending—Acceptance.

On motion of Mr. Levesque of Madawaska, retabled pending acceptance and specially assigned for tomorrow.

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

Bill "An Act Creating the Nonpublic Elementary Education Assistance Act" (H. P. 1395) (L. D. 1751)

Tabled—January 13, by Mr. Jalbert of Lewiston.

Pending—Reference.

On motion of Mr. Jalbert of Lewiston, referred to the Committee on Education and sent up for concurrence.

By unanimous consent, ordered sent forthwith.

Mr. Farnham of Hampden was granted unanimous consent to address the House.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen, Fellow Members: I think within the last week we have seen an example of courage by one of our members that deserves commendation. I refer to Representative Kelleher of Bangor. The record will show that I consistently voted against the gentleman. But the gentleman from Bangor felt that the Charter of the City of Bangor was like the

Constitution of the State of Maine and of the United States, that if it was to be changed, it was to be changed by the people for whom it was written.

Many of us, not me alone, admired his courage. He did not consider this a scrap of paper. We voted against him, those of us from that area, because we did not feel that the City of Bangor would repeat this performance because we recognized that there was an emergency there, because we knew in our hearts that if this did go to the vote of the City of Bangor that the vote would have been ten to one to make the change.

There was nothing personal in his feelings, because I know that he holds the man, Pete D'Errico with the greatest respect, and really acknowledges that he is the man for the position.

I make these remarks just to let Ed know that your head may be unbloody, but we are all proud of you. (Applause)

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker and Members of the House: We are seeing an innovation today in this program as initiated by you, Mr. Speaker, with the capable assistance of the Assistant Director of the Legislative Finance Committee, Mr. Samuel Hinds, who is also a former colleague. What prompts me to be on my feet is to talk about the ultimate success of such a program as indicated by the youngsters, the young adults and the coming citizens who have been delegated to be with various departmental heads and members of the Legislature. Would that the rest of the nation, in their legislatures, follow what is being done today, would that the rest of the nation see the type of youngsters that we are breeding in our fine state.

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

Mr. VINCENT: Mr. Speaker and Ladies and Gentlemen of the House: My voting record of the

regular session would probably indicate that I am a fairly free spender. A few days ago this report of the Gardiner, Augusta U.S. Route 201 was circulated to the members of the House. Approximately 200 copies were printed up, and the report itself, the paper is fairly inexpensive, which is not to belittle the report itself. I bring attention to the cover. The cover cost 48 cents per copy, which comes to a total of \$96.00. There is absolutely no reason why this report could not have been stapled together since it was delivered to the House members. It would have saved \$96.00 and it wouldn't have impressed us one way or another with the cover. I bring this to the attention of the House members. Thank you for your attention.

On motion of Mrs. Goodwin of Bath,

Recessed until two o'clock this afternoon.

**After Recess
2:00 P.M.**

The House was called to order by the Speaker.

At this point Honorable Benjamin Butler, a former Representative, escorted his guests, who were arrayed in costumes of former days to the rostrum so that they could be viewed by the audience.

At this point, a message came from the Senate borne by Secretary Starbranch of that body, proposing a Joint Convention to be held forthwith in the hall of the House.

Thereupon, the House voted to concur in the proposal for a Joint Convention and Mr. Richardson of Cumberland was charged with and conveyed a message to the Senate to that effect.

Mr. Richardson subsequently reported that he had delivered the message which which he was charged.

At this point, the Senate entered the Hall of the House of Representatives and a Joint Convention was formed.

In Convention

The President of the Senate, the Honorable Kenneth P. MacLeod, in the Chair.

The Convention was called to order by the Chairman.

On motion of Senator Katz of Kennebec,

ORDERED, that a Committee be appointed to inform the Honorable KENNETH M. CURTIS, Governor, the members of the Executive Council, Chief Justice Robert B. Williamson, Governor John W. Stevens of the Passamaquoddy Tribe, Governor Eugene Francis of the Passamaquoddy Tribe, Mr. John G. Sapiel of the Penobscot Tribe, and the Honorable Dana W. Childs, Chairman of the Maine State Sesquicentennial Commission, that the two branches of the Legislature are in convention assembled in the Hall of the House of Representatives and extend to them an invitation to address the Convention with such remarks as they may be pleased to make.

The Chairman appointed:

Senators:

KATZ of Kennebec
 BARNES of Aroostook
 REED of Sagadahoc

Representatives:

RICHARDSON
 of Cumberland
 DENNETT of Kittery
 KELLEY of Machias
 PAYSON of Falmouth
 LEVESQUE
 of Madawaska
 COTE of Lewiston
 BOUDREAU of Portland

Senator Katz, for the Committee, subsequently reported that the Committee had discharged the duties assigned it, and the Governor was pleased to say that he and his distinguished guests would forthwith attend the Convention.

Thereupon, Governor Kenneth M. Curtis, attended by the Executive Council and accompanied by his distinguished guests, entered the Convention Hall amid prolonged applause, the audience rising.

Prayer was offered by the Rabbi David Berent of Lewiston.

Senator Reed of Sagadahoc presented the following Joint Resolution and moved its adoption:

WHEREAS, the State of Maine has now embarked upon its Sesquicentennial Year of Statehood; and
 WHEREAS, the long and proud history of the State of Maine is a legacy of the people who have struggled to promote Maine's growth and prosperity through the years; and

WHEREAS, the State of Maine now stands at the threshold of a new era in its history; now, therefore, be it

RESOLVED: That all citizens of the State of Maine are urged to join in saluting Maine's Sesquicentennial Year of Statehood, and paying tribute to the rich heritage handed down to us by those pioneers who played such a vital role in the development of Maine as a separate and independent State; and be it further

RESOLVED; That the Members of the One Hundred and Fourth LEGISLATURE OF THE STATE OF MAINE at a Joint Convention, in Special Session, January 14, 1970, acknowledges and officially supports the aims and purposes of the Maine State Sesquicentennial Commission, "To foster and encourage an appreciation of the natural, historical, cultural and spiritual heritage and resources of the State of Maine; to develop projects of lasting value, and to encourage the involvement of all Maine people in preparing and presenting the many phases of the Sesquicentennial Celebration." (S. P. 626)

Thereupon the Joint Resolution was adopted.

Chairman MacLeod of Penobscot addressed the Joint Convention as follows:

On March 20th of this year it will be 150 years since Maine became the 23rd state of the United States of America. And today truly this is an auspicious occasion. And to commemorate this occasion we have brought together some of our original citizens of this state, who were here many, many hundreds of years prior to the white man arriving. And I would like to recognize representatives of these people at this time: Governor

John W. Stevens of the Passamaquoddy Tribe, Governor Eugene Francis of the Passamaquoddy Tribe, and Mr. John G. Sapiel, Tribal Constable of the Penobscot Tribe representing Governor John Mitchell. I would ask that these three gentlemen rise and accept the greetings of the convention.

(Thereupon the gentlemen arose amid the applause of the Convention the audience rising.)

SENATOR MacLEOD: All members of our Congressional delegation would have liked to have been with us today, and none of them were able to make it because of other duties and commitments. But they all did send their greetings, and I would like to just read excerpts from each of them.

From Congressman Peter Kyros: "Endowed with unequalled natural beauty, our state is also known for the quiet personal strength found among its citizens. The many collections of paintings, portraits, photography, literature are only partial testimony to the unique and beautiful character of Maine. As Maine enters the next 150 years and our nation approaches its 200th birthday, Americans will find in our state those things which are ultimately most important: a sense of beauty, a sense of personal values, and a true concern for all that lives upon God's earth."

From Congressman William Hathaway of the 2nd District: " 'Dirigo' she says to her sister states — 'I guide.' And she leads the way toward the celebration of yet another anniversary — the 200th anniversary of our nation's birth — we are aware that the saying 'As Maine goes, so goes the Nation' is becoming much more than a mere political epigram. On this great day of celebration, then, let us ask as Nathan Haskell Dole did years ago, 'What other state compares with Maine?' And let us hope that our efforts in Maine's behalf will enable our descendants 150 years from now to echo our reply — 'None.' "

From Senator Edmund S. Muskie: "I send every best wish for success to the Maine State Sesquicentennial. As the state commences the observance of its 150th birthday, it is appropriate that

the state recognize its best achievements and contributions and that we undertake to gain a better understanding of our responsibilities today, to ourselves as a state and to the nation."

And from Senator Margaret Chase Smith: "We all have a deep pride in our great state and in the wonderful reputation that our Maine people have for integrity, initiative, honesty and self-reliance. It is most fitting that not only our pride in our state be evidenced at this propitious time but as well that this observance be a manifestation of our gratitude for all the blessings and achievements bestowed upon our state and our people."

The sentiments as expressed by the four members of our Congressional delegation are such that I don't think anything I could say could add anything to this occasion. But I did want to read those excerpts of our Washington delegation.

I would like at this time to introduce the distinguished Speaker of the House, Speaker of this body, the Honorable David Kenedy.

Mr. KENNEDY: Mr. Chairman, Your Excellency the Governor of the State of Maine, and Chief Justice Williamson, and my colleagues and visitors to this State House today: I feel deeply privileged and signally honored to be allowed to participate in this historical commemoration of the organization of the State of Maine. We all have a profound pride in the heritage of its citizens.

I think today, as I look over the list of former Speakers of the Maine House of Representatives, from 1820 up to the beginning of this century, that we can take pride in the progress that they made, and the heritage that we enjoy here in this Legislature. The decorum, the respect for each other, and so on.

Time would not permit me, of course, and it would take a great deal of space, to enumerate the achievements of many of these individuals. From Hannibal Hamlin in 1837, all the way down through the list, the honors that they acquired in the history of the State

of Maine. And I notice that about a hundred years ago that we had Speakers of the House from my county, but it was a hundred years until I assumed this position.

Many of these former Speakers have become Governors of the State of Maine, Chief Justices, District Judges, and so on. But one outstanding citizen today that I would like to pay tribute to, even though he had not been a Speaker of the Maine House of Representatives, and I refer to the Honorable Thomas Brackett Reed of Portland, an outstanding Maine citizen, Attorney General of Maine in 1870, was elected to the 45th Congress, House of Representatives in 1877, and served consecutively up to and including the 56th Congress in 1899.

He was one of the most notable speakers of Congress. And while there, noting the lack of decorum of that honorable body, he put into effect what is now known as the Procedures, or Reed's Rules. Reed's Rules now are still referred to by the national Congress, and we even rely upon them for the conduct of the business of the Maine House.

And again, I feel signally honored to be privileged to participate in this commemoration. (Applause)

Senator MacLEOD: It is now my pleasure to introduce the Chairman of the Maine Sesquicentennial Commission, a former member of this body, a former Speaker of the Maine House, the Honorable Dana W. Childs.

Hon. DANA W. CHILDS: Mr. Chairman, Mr. Speaker, Governor, Chief Justice, distinguished guests on the rostrum, Members of the 104th Legislature, and friends: The Maine State Sesquicentennial Commission was created by the 103rd Maine Legislature. We are charged with "coordinating and correlating the programs and activities of all public and private agencies and organizations in the state which are planning for the observation of this anniversary." The ceremonies held here today are the first of many which will be held throughout the state during the year. With a central office and a small staff, the commission plans,

as effectively as possible, to carry out the mandate of the Legislature to act as the coordinating agency for the activities which are being planned by institutions, businesses, government agencies, industry, and various organizations in Maine.

The commission has adopted a three way approach to the task which was set for us by the legislation which created the commission: historical, celebrational and long-range.

First, we felt it important that Maine recognize its great historical heritage. We have met with the Maine League of Historical Societies and Museums and other organizations in Maine to work with them on plans for this coming year. Many of the historical societies, museums and groups plan exhibits and special events recognizing the heritage of our state.

Secondly, the Commission felt it important that activities be planned and encouraged which are in the nature of an observation or celebration of the State's birthday. We have met with the Maine sportswriters to discuss the awarding of a sesquicentennial trophy in sports events ranging from golf to sailing. Among the men and women that you see here today in costume, are those from the Friends of the Children's Home for Little Wanderers who will be sponsoring a Sesquicentennial Fashion Show in April. We have worked with the staff of the Maine State Museum to create the display which will be officially opened in the Hall of Flags following the ceremony, and which will be seen by thousands of visitors during the summer.

Realizing that the celebration by its very nature must be a grass-roots affair, the Commission, a few months ago, called a meeting of representatives of industry, state-wide organizations, and government agencies. We have, to date, received excellent cooperation from companies that have used the sesquicentennial seal in their advertising and in their publications. We have also received excellent cooperation from agencies and organizations using the Sesquicentennial as the occasion to sponsor contests aimed at making Maine

a better place in which to live. Many individuals have offered their time and talent. One outstanding example of this was given to us by the Maine artist Gene Klebe who designed the Maine Sesquicentennial seal which I note that many of you are wearing on tie clasps.

During the fall of this last year we have worked to assist in the establishment of active Sesquicentennial county organizations throughout the state. This effort is still going on. The response has been excellent and we have a number of county committees planning special events, publications, and expansions of annual fairs to note the Sesquicentennial year. We have devised a plan to assist the county organizations in fund raising through the sale of license plates to individuals and Sesquicentennial decals to merchants and businesses.

In addition, the Commission, working through its design committee, has authorized the sale of a number of commemorative items and publications, many of these are on display today in the Hall of Flags. These items will include a Sesquicentennial coin, which we anticipate selling through many financial institutions. In the area of publications, the Commission has sponsored a Sesquicentennial Cookbook, which is now available, and a historical calendar, and a pictorial history, which will be available soon.

The Commission plans to devote the income from these sources to carrying out the third aspect of the Sesquicentennial observation — the design and support of projects that will be of lasting value to Maine, as we enter our second one hundred and fifty years.

Before any action is taken on these projects toward the end of the Sesquicentennial year, the Commission would greatly appreciate suggestions that may be offered by any group or individual. Among the suggestions that have been made to date are financial assistance to groups or towns who wish to erect a significant historical marker. Also suggested is a contribution toward the funding of a statewide year-round

youth orchestra. We do not anticipate that the fund raising projects we have authorized will produce a large amount of income in excess of expenses, but we do hope to have some measure of funds available at the end of the year to assist projects that will reach toward the future of Maine, and at the same time recognize our past and present achievements as a state.

In creating the Commission and assigning it the task of determining much of the character of the Sesquicentennial year, the Legislature has given the twenty members of the Commission a challenging assignment, and one which I hope we will be able to carry out effectively. We are attempting to foster activities which will honor our heritage and observe the birthday of our state. We hope we will also find it possible to assist some projects which will prove to be of lasting value. To achieve these ends we need the help and cooperation of people who take pride in the State of Maine, in what we have achieved, and in what we hope to achieve in the future.

I have been charged by the Commission with the duty of presenting to our honored speakers here today a gift to be for them some memory of this occasion. First may I present to the President of the Senate, which says on this "President of the Senate, Kenneth MacLeod, Sesquicentennial Ceremony, Maine Legislature, January 14th, 1970." (Applause.)

"Speaker of the House, David Kennedy, Sesquicentennial Ceremony, Maine Legislature, January 14th, 1970." (Applause)

"The Honorable Kenneth Curtis, Sesquicentennial Ceremony, Maine Legislature, January 14th, 1970. (Applause)

"The Honorable Chief Justice Robert Williamson, Sesquicentennial Ceremony, Maine Legislature, January 14th, 1970." (Applause)

For the benefit of the wets this is a cup that can be used for drinking beer, and for the benefit of the dries it is a cup that can be used for drinking tea. But for whatever purpose you use it, we

hope you certainly enjoy it. Thank you.

SENATOR MacLEOD: His Excellency, Governor Kenneth Curtis. (Applause, Convention rising.)

GOVERNOR CURTIS: Mr. Chairman, Mr. Speaker, Chief Justice Williamson, Chairman Dana Childs, my very good friend and colleague Governor Francis, Councilor Sapiel, Members of the 104th Legislature, Ladies and Gentlemen: On March 15th, 1820, when Maine did in fact become the 23rd state of the Union, it marked the end of what was a really very tortuous political process that had lasted for more than 33 years. So I think it might be appropriate as we are all gathered here today, with the Legislature in session, again going through the process of making laws, that it might be interesting to trace some of the political problems that beset Maine in its beginning.

It is most interesting for me to reflect upon the fact that it took seven referendum elections before Maine finally severed all of its ties with Massachusetts, and launched out on its own. And incidentally, but not insignificantly, it was that action that allowed us all to be where we are today, in the seat of government of this sovereign State of Maine.

It is also interesting for me to note that in the very first referendum election on statehood in 1787, the champions of statehood won by a vote of 618 to 352. But I guess this wasn't considered a very representative vote, for they soon went on to another vote, and statehood lost this time by 354 votes.

By 1807 statehood was being defeated by a significant margin of more than 6,000 votes, or a margin of three to one. The next vote came nine years later, and by then the tide had turned, and statehood was favored. But, however, again it took two more votes before a reluctant Massachusetts finally agreed to let go of its rebellious province down east.

Some unkind souls—I won't mention any names—have suggested that politics played a part in this decision. And that Massachusetts

let us go because Maine was voting too strongly in the Democratic-Republican camp, or the party of Jefferson that was the ancestor of the present day Democratic Party. Massachusetts at that time was a Federalist stronghold. And the Federalists often being considered the ancestors of the present day Republican Party. But I have no proof whatsoever whether this accusation is true or false.

But it is true that the first governor of Maine, William King, was a Democrat-Republican, and in his election campaign he received 21,083 votes out of 22,014 votes cast. (Laughter.) I think that kind of polarity should make every one of us here in this hall rather green with envy.

But it is also true that Thomas Jefferson had a very close connection with Maine. And that one of the Articles in our Maine Constitution was written by this great man. The Article is called the Literary Article and it deals, appropriately enough, with the state's obligation to provide education for its citizens. And thus we were started off as a state on the right track in the field of education by one of America's finest thinkers and finest public servants.

Maine Government grew slowly after we received our statehood. And this was understandable, considering the nature of our people. And what was in some respects a raw frontier land, where man was trying to carve a civilization out of the wilderness. By 1822 we had formed our first state agency, in the form of the State Land Agents, appointed by Governor Albin Parris, to prevent the illegal cutting of timber on public lands.

Six years later we had our first dedicated fund, when the revenues from the sale of public lands were earmarked for use in the public school fund. By 1830 we had our first deer hunting law, and in 1832 the state had decided to extend its support to agriculture. I did forget to mention that only four years after statehood, in 1824, we had our first state prison, right where it is today, in the area of Thomaston.

I could go on mentioning other firsts in Maine, but the basic point

that I'd like to make is that Maine, from its earliest start has made definite commitments to providing services through government to its people.

And as our world has become more complex, so have the needs of our people, and the services that have been required, and the costs of these services. In the 20th century, for example, we see a rapid growth in Maine of governmental programs. The period of between 1905 and 1920 saw an expanding of basic conservation laws, of forest fire protection measures, of game laws, and the state's first game preserve. In 1911 the Department of Labor and Industry was established. In 1913 the Highway Commission was formed. And in 1917 the Maine Department of Health was created, which in 1931 became the Department of Health and Welfare.

In recent years we have seen the birth of the Department of Economic Development, the State Planning Office, and the State Housing Authority. And as the problems and concerns with which government must deal multiply, it is necessary for those in government service to devise governmental structures for attempting to deal with these concerns, and these problems. And as we all know here, through personal experience, we are not always successful, and the road is often long and frustrating, as it was in the beginning. But I think that Maine people, for whom it took more than 33 years to achieve statehood, the statehood that we celebrate today, we have always had the persistence and the patience, and the willingness to tackle the tasks of the day. And to persevere in an honest, sincere manner that has always been the hallmark of our down east ways.

We can take great pride in our heritage, and we can all draw from the strength that it gives us to face the challenges of today. I am proud to join with you to celebrate this great heritage.

(Applause, Convention rising.)

SENATOR MacLEOD: Thank you Governor. We are indeed privileged to have as our principal speaker the Chief Justice of the

Supreme Judicial Court of Maine, the Honorable Robert B. Williamson.

(Applause, Convention rising.)

CHIEF JUSTICE WILLIAMSON: Mr. Chairman, Your Excellency Governor Curtis, Members of the Council, Mr. Speaker, Chairman Childs, Governor Francis of the Passamaquoddy Tribe, Councilor Sapiel representing Governor Mitchell of the Penobscot Tribe, Members of the Convention, Ladies and Gentlemen:

We meet to open the celebration of 150 years of Statehood. On behalf of the Courts and personally I express our appreciation of the privilege and honor of participating herein with this distinguished gathering.

It is fitting, it seems to me, that the three great branches of Government, the Legislative, the Executive, and the Judicial, join in the observance.

Some years ago I received a Christmas card with a few words of the philosopher, Alfred North Whitehead — words I have never forgotten:

"The ideals cherished in the souls of men enter into the character of their actions." I repeat, "the ideals cherished in the souls of men enter into the character of their actions."

I do not offer the quotation as a text. I do hope, however, that you will find there the essence of my remarks.

Obviously, it would be impossible in the time available to cover the history of our State beyond the barest outline known to each one of us. Should I speak of our great leaders — of Hamlin, Blaine; of our poets, Longfellow, Millay and Robinson; of our authors, Sarah Orne Jewett and Kenneth Roberts; of Winslow Homer, the artist; of Franklin Simmons, the sculptor; of the many in every field who have brought fame and honor to Maine? Should I speak of the men and women in contemporary life, who meet the same high standards? If I should start, where would I end?

Should I speak of shipbuilding in the days of sail, of its decline, and of its rebirth in the days of steel; of the forests, with long lumber

yielding in importance to paper; of the fisheries and of the farms; of growth and change in industry and the wide range of recreation? There is the story too of social and cultural development, of public health and welfare.

History is the life of the people. It is found not only in dramatic records of great events and in the lives of great men but in my view in the daily living of each of us.

I shall not then attempt the impossible task, impossible for me at least, of telling the factual history of our State. My purpose will be rather to give a few examples illustrating the ideals which I suggest have brought us in the past century and a half to where we are today — in 1970.

First, let us consider the founding of the State. What were the reasons that the people of Maine, of the District of Maine, should seek separation from the Commonwealth?

Distance from the seat of government with long delays and increased expense was an important factor. Of more consequence was the rapid development of the frontier in Maine following the Revolution. We were the frontier — bounded by wilderness. The settlements were largely on the coast. It has been established as well, as our Governor indicated, that by 1819 our political viewpoint differed markedly from Massachusetts proper. We were a frontier people with the needs, desires, and characteristics often not found in the older communities.

The drama of those years, and the reasons for an inevitable separation, are also found in the census.

From 1790 to 1820 — a period of 30 years — our population increased from 100,000 to 300,000, or trebled. Our rate of growth by decades ranged from 58% to 30% in Maine, in Massachusetts proper it was 13% to 10%.

We were growing in Maine — on the Northeast frontier — growing both relatively and absolutely, more rapidly than Massachusetts proper. In 1820 our population was larger than that of Connecticut or New Jersey. The nation as a whole increased from 4 million in 1790

to under 10 million in 1820, or at the rate of 1/3 or more each decade. In passing, I noted in a 1792 register records “No slaves” only in Maine and Massachusetts.

The movement away from Massachusetts proper, the term used in the Separation Act, began in 1785. The Revolution had barely ended. It was only ten years from the burning of Falmouth by the British, from the march of Arnold’s Men to Quebec, from O’Brien and the Margaretta at Machias.

It was not until 1819 that the proponents of statehood were successful. The vote was 17,000 “for” and 7,000 “against”.

The Constitutional Convention charged with drafting a constitution for submission to the people met in Portland in October 1819.

William King, of Bath, was chosen President of the Convention, and later the first Governor of our State. “The personnel of the Convention was notable”, says Nash, the historian. “A majority of the members had originally come to the wilderness to establish their homes, and now they had assembled in Convention to erect a new State dedicated to Almighty God and political liberty”.

The Convention had a model in the constitution of Massachusetts.

“Commonwealth” was soon replaced by “State”. After considerable discussion “Maine” was adopted. Consideration—only briefly—I with pleasure report—was given to “Columbus” and “Ligonia” as names for the State.

As one would expect, there was little difference between the Massachusetts Constitution and that adopted by the Convention. The founders in the Meeting House of the First Parish in Portland were not writing on a blank paper. This was not Philadelphia in 1787 or Boston in 1780.

I mention only a few issues. First, in the matter of religion, we struck out all connection between State and Church. In this we preceded the Commonwealth by a few years.

Second, the imperative need of education for a free people, and the duty of the public to provide therefore were plainly recognized. The importance of such an article

as the Governor touched upon, Article VIII—in the constitution had been stressed by Thomas Jefferson to William King. King wrote him: “The last winter (1819) you may recollect naming an article of the kind to me as of the first importance, as calculated to perpetuate our Republican system. I was convinced of the correctness of your opinions on that, as on every other occasion.” Indeed, King in a later year gave credit to Jefferson for the language or substance of the article.

Third, the constitution called for apportionment and assessment of taxes on real property, “equally according to the just value thereof”. This removed a distinction in taxation between improved and unimproved land in Massachusetts at the time.

Lastly, there was a long, and at times passionate debate over apportionment of the Legislature. The difficulties of 1819 are not unknown today—the conflicting interests of the cities (or in 1820 large towns) and of the rural areas.

Judge Bridge of Augusta reminded the delegates of their duty:

“I should hope, Sir, that we were making a constitution to last, at least, for one generation. Indeed, Sir, we ought to look further ahead and calculate that we are making a constitution to last for many generations. It is not enough for us to consult merely our present convenience. A temporary policy is not the policy for constitution making”. * * * * “Let me caution, gentlemen, against an unreasonable jealousy of the large towns—in proportion as they are deprived of an equal representation they are slaves.”

That is rather strong stuff. It carries the idea of “One man One vote”—somewhat delayed until our day.

The Constitution was approved by the people. “The time of Separation,” said Governor Brooks to the General Court in Boston, “is at hand—the 15th of March next will terminate forever the political unity of Massachusetts proper and the District of Maine; and that District, which is bone of our bone, and flesh of our flesh, will assume

her rank as an Independent State, in the American Confederacy.”

On March 3rd Congress admitted Maine as a State from March 15, 1820.

The State government was soon organized. On May 31st the Legislature met and Governor King took office on June 1st.

In July the first commission of a judge was issued to Prentiss Mellen, Chief Justice. Maine was at long last a State in the Union and a going concern.

A half century more or less passes, Maine contributed its full share to the Union in the Civil War. Over 72,000 of our then 630,000 population served in the forces. It was this War between brothers which from 100 years seems to have been so unnecessary unless only by such sacrifice could we make a free and united nation.

“The Soul of the Lion”, the title of Wallace’s biography of General Joshua L. Chamberlain, aptly describes the man. In the war Chamberlain, a Bowdoin professor, with the 20th Maine regiment held the Union left at Little Round Top. The valor and skill of the men from Maine under his leadership may well have saved the Union Army at Gettysburg and perhaps the war itself. We remember also the gallantry of Chamberlain when in taking the surrender of Lee’s infantry at Appomatox, the Union Infantry under his command gave a full salute to the valiant and vanquished foe.

Chamberlain as our Governor shortly after the war strongly advocated improvement in education. Our youth must be trained. He was disturbed by the loss of youth to the State—a loss sadly continuing to this very day. He sought to bring the resources of the state to aid industrial growth.

His service to the State, in the war, in the State House and as President of Bowdoin College, places him high in the records of the State. His finest service, or perhaps a service equal to that at Little Round Top, came in January 1880 in Augusta. Strange and unbelievable as it now seems, there was near collision of armed men in the installation of a new administration of the state government.

The governor was then elected annually and by a majority of the votes cast. In the election of 1879, as in 1878, no one having a majority, the election was thrown into the Legislature.

The Governor and Council found irregularities in a number of the official returns. This resulted in the change from a Republican majority to a Fusionist majority comprising Democrats and Greenbackers.

In early January, Chamberlain, as Major General of the militia, under orders of Governor Garcelon, took charge of the situation. He undertook to keep, and he kept, order until the hot heads of the day cooled. This he accomplished not with a show of force but by the authority of the man himself, high evidence of his character and of the respect in which his firmness, his courage, his fairness and his judgment were held by all parties.

All agreed, urged by Chamberlain, after several days to leave the issue to the Justices of the Supreme Judicial Court. Their decision on January 17th was accepted; the Legislature was organized; the Governor elected. Law and order prevailed. It is a worthy example of respect for law as determined in the courts. We of the courts take pride in the part our predecessors played in the preservation of our democratic institutions.

I read the conclusion of Governor Davis' address in January of 1880.

"I congratulate you and the people of the State, that in all the excitement of the past four weeks, no act of violence has been committed—that through all and over all the majesty of the law has been sustained. Our fathers brought to this continent two noble principles, one the love of liberty, and the other a respect for law. These qualities, working together, have built up the grandest government the world has ever known. The love of liberty sometimes leads beyond the liberty to do right. The respect for law checks and regulates this spirit; it has ever been our guide in all the history of our State; it has triumphed in the great crisis through which we have just passed, and it is a credit to the law-abiding

citizens of all parties that such is the case. Representative government is stronger for this test. The history of this period will mark one of the bulwarks of constitutional liberty, it will serve as a beacon light shining down through the ages to keep the ship of State from the reefs and rocks that lie along her course."

We owe much, ladies and gentlemen, to General Chamberlain.

In the past half century, Percival Proctor Baxter, Governor and benefactor of our State served as an admirable example of the good citizen. In Baxter Park the men and women and children of Maine and thousands from beyond our borders will for time untold share in the life of the wilderness. Consider if you will not the extent of his gifts to us in terms of material value. He would not have us so measure them. Rather consider the care, the purpose he had in mind, and the love which he expressed for his State and mankind.

It should, I think, be the part of the childhood of every boy and girl in Maine to camp at Chimney Pond, or on the other side of the mountain, and above all to climb to the top of Mt. Katahdin, and to remember who made possible the unforgettable experience.

I have ended my stories to illustrate the ideals of Maine; the founding of the State; General Chamberlain; Governor Baxter. There has been no attempt, as I have said, to give you a running account of our history.

We would do well to honor here again and forever the men and women, the youth who have borne for us, and now bear for us, the troubled burdens of the nation in time of war.

In 1970 we take stock again, — 150 years of statehood have ended. Of more immediate interest to each of us in our daily living is the ending of the sixties and the advent of the seventies.

We have been troubled in the past decade, seemingly as never before, or at least in ways we have not understood.

The very foundations on which we have based our beliefs and lives have been subjected to testing, to weighing, to criticism, and to

attack often savage and blindly destructive.

"We hold these truths to be self evident: that all men are created equal, that they are endowed, by their creator, with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness." There were men from Maine who started for Lexington and Concord the morning after in April 1775 and O'Brien and his men in Machias, the year before Jefferson drafted our Declaration of Independence. The people of Maine shared in making the Constitution of the Commonwealth in 1780, with its declaration of rights of which the first was carried into our Constitution in 1820 with no change in intent.

"All men are born equally free and independent and have certain natural, inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness."

Here are the guiding rules and principles of more than a century and a half. The words remain the same; our fundamental law has not been changed. The question now is whether we have the same passionate faith of our forefathers in ordered liberty and freedom and justice under law; the same devotion in the exercise of these principles; the same willingness to work at the never ending task of realizing the ideals, which are without life if only words.

We start then the year — the seventies — the fourth half century of our beloved State more soberly and more troubled than a decade ago. Our unsolved problems press upon us the war, civil rights, poverty, education, the control and improvement of our environment, crime and the waste, human and material that comes from crime, the development of our economy, the relationship of state and nation. The list is not complete. There are changing standards and relationships to be met and understood.

All in all it is not a comfortable world we face in 1970.

Comfort and ease, however, are not the hallmarks of free men. This we know; and waste no time in regretting the passing of old days.

Gorham Munson in his chapter on the Vanished Nineteenth Century Penobscot Man writes:

"Mrs. Ekstorm (writing of Penobscot river men) tells a tale to illustrate the high morale of this little army of 250 men (on the lumber drives in the Penobscot); a morale that was expressed by an Indian, Lewey Ketchum, when he said; "It wasn't just our money's worth. There were all those logs to be taken care of; and it kind of seemed as if a man ought to do the best he could. Everybody in those days did the best he could."

The founders, General Chamberlain, Governor Baxter, Lewey Ketchum and his river men, are among the thousands upon thousands of the men and women who have done "The best they could".

We of all ages, with like spirit and determination, can make a reality of our promise for the better future of our State. Margaret Mead, the anthropologist, tells us that "The Future is Now". It is time to put our ideals to the test of action. (Applause, Convention rising.)

At the conclusion of Chief Justice Williamson's address, the distinguished guests withdrew amid applause, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chairman declared the same dissolved and the Senate retired to its Chambers, amid applause of the House, the members rising.

In the House

The House was called to order by the Speaker.

On motion of Mr. Rand of Yarmouth,

Adjourned until ten o'clock tomorrow morning.