

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 17, 1969 to July 2, 1969

Index

1st Special Session

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, January 30, 1970

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

Prayer by Father John Curran of Augusta.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, February 2, at 11 o'clock in the morning. (S. P. 653)

Came from the Senate read and passed.

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

Reports of Committees

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act relating to Powers and Duties of the Attorney General" (S. P. 588) (L. D. 1743)

Report was signed by the following members:

Messrs. BELIVEAU of Oxford
LETOURNEAU of York
— of the Senate.
Messrs. STARBIRD of Kingman
Township

DONAGHY of Lubec
D'ALFONSO of Portland
Mrs. GOODWIN of Bath
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Mr. WYMAN of Washington
— of the Senate.
Messrs. DENNETT of Kittery
MARSTALLER of Freeport
RIDEOUT of Manchester
— of the House.

Came from the Senate with the Minority Report accepted and the Bill indefinitely postponed.

In the House: Reports were read.

On motion of Mr. Dennett of Kittery, tabled pending acceptance of

either Report and specially assigned for Monday, February 2.

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act Establishing a Human Rights Commission" (H. P. 1439) (L. D. 1814) which was passed to be engrossed in the House on January 27.

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

In the House: On motion of Mr. Kelley of Machias, tabled pending further consideration and specially assigned for Monday, February 2.

Orders

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

Mr. LEVESQUE: Mr. Speaker, is the House in possession of Legislative Document 1826?

The SPEAKER: The answer is in the affirmative. Bill "An Act Permitting the Town of Madawaska to Join School Administrative District No. 33 Under Certain Conditions," House Paper 1450, L. D. 1826, is in the possession of the House.

On motion of the same gentleman, the House reconsidered its action of yesterday whereby the Bill was passed to be engrossed.

Whereupon, on motion of Mr. Brennan of Portland, tabled pending passage to be engrossed and specially assigned for Monday, February 2.

**House Reports of Committees.
Ought to Pass
Printed Bill**

Passed to Be Engrossed

Mr. Jalbert from the Committee on Appropriations and Financial Affairs, acting by authority of Joint Order (H. P. 1444), reported a Bill (H. P. 1452) (L. D. 1829) under title of "An Act to Authorize a Bond Issue in the Amount of \$3,935,000 for the Construction of New Facilities and Equipment at Northern, Southern, Eastern, Central and Washington County Vocational-Technical Institutes and a Diagnostic Facility for the Boys

Training Center" and that it "Ought to pass"

Report was read and accepted 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.

**Ought to Pass with
Committee Amendment
Passed to Be Engrossed**

Mr. Brennan from the Committee on Judiciary on Bill "An Act relating to Easements in Lands" (H. P. 1336) (L. D. 1665) which was recommitted, reported "Ought to pass" as amended by Committee Amendment "A" (H-679) submitted therewith.

Same gentleman from same Committee on Bill "An Act relating to the Commitment of Juveniles to Juvenile Institutions" (H. P. 1382) (L. D. 1731) reported "Ought to pass" as amended by Committee Amendment "A" (H-680) submitted therewith.

Reports were read and accepted and the Bills read twice. Committee Amendment "A" to each was read by the Clerk and adopted. Under suspension of the rules the Bills were read the third time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

**Third Reader
Tabled Later in the Day**

Bill "An Act Establishing a Consumers' Council" (H. P. 1447) (L. D. 1823).

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

(On motion of Mrs. Coffey of Topsham, tabled pending passage to be engrossed and later today assigned.)

**Third Reader
Tabled and Assigned**

Bill "An Act Abolishing Full-Time County Attorneys and Increasing Salaries of Certain County Attorneys and Assistant County Attorneys" (H. P. 1449) (L. D. 1825).

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

(On motion of Mr. Crosby of Kennebunk, tabled pending passage to be engrossed and specially assigned for Monday, February 2.)

Amended Bill

Bill "An Act to Authorize Bond Issue in the Amount of \$24,835,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine" (S. P. 603) (L. D. 1778) (pending adoption of Committee Amendment "A" as amended by Senate Amendment "A" thereto).

Was reported by the Committee on Bills in the Third Reading.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: This issue, the amount of bonds to be authorized for capital construction at the University of Maine, I appeared before the Appropriations Committee as the only opponent to the level of indebtedness that was recommended in the initial bill which was at \$24 million. I opposed this level of bonded indebtedness because when this level was checked against national standards of capital investment per student it seemed to me that it was clearly excessive.

Now I am pleased that the Appropriations Committee has decided to cut this back by approximately \$8 million and I think perhaps it might be useful as a basis for judgment if we discussed a little bit the application of these same standards to the remaining package. I feel very strongly that it is extremely difficult in this area to make firm judgments unless the total investment is judged against some standard.

Now following my appearance before the Appropriations Committee, the officials at the University of Maine discovered that one piece of information they had given to me was not a compatible figure for the statistical purposes that I wanted. We have had several meetings since that time and we are now in substantial agreement, at least on the figures involved,

and so from that base I would like to explain my reaction to the current level.

Now in using any guideline of this sort, naturally part of it becomes a judgment factor, and generally the University's position is that my judgment in several areas tends to be too conservative. In other words, my interpretation tends to be pretty much on the conservative side. I think probably this is a fact, and certainly there is a difference in our points of view.

However, just for the purposes of the record I am going to put a few figures into the record. My estimate of current capital investment per student in the United States is \$6,200 per student. Using this as a base and the current enrollment at the University, the University currently should have a total plant investment of somewhere in round figures of \$87½ million. Now the University tells me that they do have a plant investment currently of \$88 million. So in fact, using that yardstick, the plant investment at the University is very close to what the investment should be, using national statistics.

Now going on from there to project their capital needs — and bear in mind this is from judgment factors of mine, which the University tends to regard as too conservative, it would seem to me that the University at this point can justify capital investment somewhere between eleven and thirteen million dollars. So I would say that from a conservative appraisal of the capital needs of the University, if they are going to have an increase in student body that they project — and to date their student projections have been very good, there is no alternative to making a capital investment at the University of somewhere between the areas that I have mentioned. They must make this amount of capital investment.

So there seems to remain a judgment area here between the 16 million that is recommended by the Appropriations Committee, which represents a cut of some 8 million over that requested by the Univer-

sity, and the guideline that I have suggested. I am not suggesting that my guideline is foolproof, it is a matter of judgment; but I think it does give a reference point against which a sound judgment can be made.

So to sum up in my opinion, the University must make a capital investment now of somewhere between the eleven and thirteen million dollar area. The Appropriations Committee has recommended a \$16 million area. I think the difference in the figures would represent an area of judgment. As far as I am concerned personally, I will support the \$16 million figure, because obviously no one's judgment is infallible. I hope that perhaps this will give some kind of a reasonable background against which the value judgments can be made. Thank you very much.

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

Mr. FARNHAM: Mr. Speaker, I offer House Amendment "A" to Committee Amendment "A" under filing number H-677, would move its adoption and would speak to my motion.

Thereupon, House Amendment "A" to Committee Amendment "A" (H-677) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman and he may proceed.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen: I think most of you are aware of my interest in education and I wish you would look at Committee Amendment "A", 1778, and question a number of the items on there and in your own mind ask, "What will they add to the education of our youth?"

We have a number of athletic fields, parking lots, student center at Portland — and it has been my understanding that the bulk of Portland is going to be moved out to Gorham, so I couldn't see the need of a student center. But the one that stuck in my crop the most was deleting \$2½ million for additions to the library at the University of Maine and leaving in \$4 million for a field house or gymnasium or athletic complex.

Now I realize that this is phase two of the development of a new athletic plant at Orono and I will admit quickly that it is needed. If this passes we will get phase three a couple of years from now and then phase four a couple of years later, and in the end we will probably have \$10 million in the kitty. But it does disturb me, because the University of Maine library is overcrowded now, and those of you who have not been around the college dormitory in the last few years probably do not realize it that thirty odd years ago — I guess it's nearer forty, when I went to college, your room was a place where you studied.

Today it is a place where you keep a TV, a radio, a Hi-Fi, and in some instances a little cooler for your beer cans.

So, what happens? The student who is in college for academic reasons must get out of the dormitory every day and head for the library, in the peace and quiet of a library, to do his studying. And it just seems ridiculous to me that here is an educational institution with an overcrowded library, and that library being the only place where students can study in peace and quiet, and we delete that and add a gymnasium.

I hope that you will go along with my motion to adopt this amendment.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen: First of all I am very pleased that during my absence yesterday the bill was allowed to go to this stage so that we could discuss some of the issues that are involved, including Mr. Farnham's amendment.

As a graduate of the University of Maine I am very familiar with the Fogler Library, I have studied there; and in passing I would like to suggest that I found it an excellent place to pass notes to attractive young ladies, in addition to studying. But I think there is a much more serious issue involved here and it is — who is going to run the University of Maine? Who is going to make these value judgments? Now as one of those who

voted for the concept of a Super University in order to in my view end the academic nit picking going on between Gorham and Portland, I feel that the basic fundamental premise that underlies the adoption of this system is to try to take the capital construction program out of politics, in which so many times we saw a major capital construction project located almost fortuitously in the area where a significantly influential legislator, strictly a member of the other body, decided that it ought to be.

It seems to me that we have got to make these decisions on the basis of recommendations and priorities that we receive from the people whom we vest with responsibility and whom we in fact must repose a great deal of confidence, we must ask them to bring to us a statement of the University's needs. Now they came before the Appropriations Committee with a \$24 million bond issue. The Appropriations Committee in its judgment, by a nine to one report, reduced the amount of that capital construction program by about \$8 million.

And I am very pleased to have my friend Mr. Haskell give you the information that indicates that we are in the area where national statistics indicate that we are doing basically what we should be doing. I welcome his support, but I most emphatically reject the proposition that the place to make these decisions on priority lists is in the Legislature. We should take the University trustees' recommended priority lists, and if we start dredging up items from the bottom of the list and putting them up within the capital construction program because we individually feel that one thing is better than another, then we are right back where we started, we are right back in the old "all right I'll vote for your building if you will vote for my building" argument.

Phase two of the Department of Physical Education and Athletics is a priority item. The Appropriations Committee shut off at the 16 million-plus level; they adopted the priority levels that the trustees gave them. And this is the reason

why I hope that this Legislature will not go back to the old pork barrel routine that led us into so much trouble and out of which we are still trying to bail ourselves. To argue that a facility which was constructed in the 30's is adequate to handle a student population which is roughly triple now what it was then seems to me just absurd.

Now I am not happy with the bond issue at its present level. I for one would like to see us go with the 24 million. There are others here who would like to see it 12. There are others who want it 16, but they want some bill that they think is more important in it. And I just think that in the last analysis we have these priority lists, we have the judgment of the trustees, and I think that we are obligated to give that judgment a great deal of weight.

I move the indefinite postponement of the amendment and I ask for a division when the vote is taken.

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

Mr. JALBERT: Mr. Speaker and Members of the House: When I voted for the so-called Super University concept I did it with the full realization that somewhere along the line we would have to give these people the leeway that they were asking for. I am one who has lived constantly with this bond issue, long before even we came to the Legislature in special session assembled. As a matter of fact I am preparing now, either for distribution or for the floor of the House oratory, a very brief summary concerning every one of these items on L. D. 1778.

I think that I would concur with the gentleman from Cumberland, Mr. Richardson, that if we start going from one area to another we will find ourselves definitely in a political pork barrel. I can feel free to speak along the line of saying I would have no preference, because none of these bills in that involves a great many people in my area, none of the buildings physically involve my area.

I feel very definitely that the physical education, phase two,

must be entertained at this time and I would certainly go along with the thinking of the trustees who have given a great deal of time on these priorities. It was the committee's thinking that by going along this way that we would keep away from nit picking as it would be by us. Certainly I would concur with the indefinite postponement of this amendment and would further add that certainly there are programs here for roads and parks and certainly we have got to make allowances for these things after we build the buildings, we must make allowances for these as well as our sewage treatment plant, as well as our student center, and as well as our alterations and additions. Certainly I would hope that some of these minor items would have been placed elsewhere and taken out of our surplus.

But that is not available now, so we have to resort to the bonding program. I certainly hope, with due deference to the gentleman from Hampden, Mr. Farnham, I certainly hope that today we can discuss thoroughly the amendments up and down so that this bill can finally be put into the engrossment stage.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: There have been two evaluations made of the present document that we have before us and we find it interesting enough both BPI and the trustees of the University of Maine placed the proposal that is in the amendment in the same priority level. The listing from BPI placed this 29 out of 35 items. The trustees of the University placed this 30, so that they fall very close to the same category. Both of them, they would be down around the eighteen to twenty million dollar level and beyond the cutoff level that the Appropriations Committee developed. Many of us feel strongly that one of the most valuable assets to a good university is an excellent library. Nevertheless the trustees and BPI both must have looked at the situation and felt that the facilities there were adequate to

take care of the operation of the University for another short period, and I would support the indefinite postponement of the amendment.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: A very few words, I think we should point out at this time that when we looked at the original bond issue for the University we were talking of 24 million and the Appropriations Committee felt that we could not spend that much money. We told the trustees as such and they came back with their suggested list, at the level of \$16 million. I think that if we believe in the Board of Trustees of the University and we have any faith in their judgment, then we should go along with it.

I would like to make a personal observation about both the Fogler Library as it stands now in Orono and also of the Phys Ed building. When I was there in 1964 there were 4,500 students at the University and it was crowded then in the Phys Ed plant. The interesting thing about it is that at the same time I was also doing graduate work in the Fogler Library and there was an empty floor on the fourth story which was being used as a study hall, which has now been converted into stacks for books. But at the present time — at the time in 1964 this was not the case. So obviously the library was not as crowded as were the conditions in the gym themselves.

Now interestingly enough if you figure that you now have 8,000 students at the University of Maine and you have a gymnasium which can seat about 3,000 of them, then I think you are in trouble. And this is one of the reasons why the \$4 million for the phase two of the University Phys Ed building is in that level in the spending.

The SPEAKER: The pending question is on the motion of the gentleman from Cumberland, Mr. Richardson, that House Amendment "A" to Committee Amendment "A" be indefinitely post-

poned. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

66 having voted in the affirmative and 42 having voted in the negative, the motion prevailed.

The SPEAKER: Is it now the pleasure of the House to adopt Committee Amendment "A" as amended by Senate Amendment "A" thereto?

The Chair recognizes the gentleman from Freeport, Mr. Marstaller.

Mr. MARSTALLER: Mr. Speaker and Members of the House: I think we have a serious problem confronting us here in the fact that just a few short months ago the voters of this state turned down a much smaller bond issue for the University of Maine. I think it was the feeling of the voters that the University of Maine was going through a transition period, things were not settled and they were not sure just what the program was going to be. I think this was one factor. Another factor I think the people were sure they wanted to do something on the conservation issue and they voted the bond issue for pollution abatement.

However, I think the situation at the University of Maine has not cleared up enough that people will support a bond issue of this size, I think that there is a need for these items, but to bring a bond issue back of this proportion would be a mistake at this time. I would think that it would be a good policy for us to refer this bill back to the committee and ask them to bring in just the emergency items at this time for a new bond issue. I think this would be more in line with what could be passed by the voters of Maine and be a reasonable proposition at this time. So I move that this item be referred back to the committee.

The SPEAKER: The pending question now is on the motion of the gentleman from Freeport, Mr. Marstaller, that this Bill be recommended to the Committee on Appropriations and Financial Affairs.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I merely want to comment speaking for myself, and I might be speaking for every member of the committee, that if this is recommitted it will come back here in ten minutes in the same fashion it left.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I am very pleased that Mr. Marsteller has brought up this point because this is something that bothers me tremendously. I would like to see the University of Maine go ahead, but we seem to be working on the very poor premise here that everyone has — the trustees and the chancellor have the full confidence of the people of the State of Maine. We have had one bond issue turned down. If we have this one turned down I think it is a step backward.

If we look into the basic costs of some of the things that are going on with this Super University I think perhaps some of us would change our minds a little bit and be willing to backtrack. Just for this past week we have had available to the trustees well over a million dollars that could come out of non - resident students at the various branches of the University. This was not accepted. Instead we are being asked to have an open admissions policy at the University and even free tuition.

Now on top of that we have a chancellor's office that is currently costing us \$355. At the current subsidy levels this will pay the subsidy on roughly 210 students. For instance, the dormitories up to the University of Maine, the last one that was built, cost close to \$8,000 a bed — not a room, a bed. I am not sure whether they are trying to build a modern Waldorf Astoria up there or not, but it does seem to me that a place to be housed in comfort and in an atmosphere where you can have proper study facilities shouldn't cost to that extent.

I wish that you people would reconsider this business and send it back to the committee and let them bring out the real priorities, because we just shouldn't send this

back to the people, a big bond issue that we know in our hearts will be turned down and should be turned down.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Chandler.

Mr. CHANDLER: Mr. Speaker and Ladies and Gentlemen of the House: I would suggest that perhaps Mr. Marsteller and Mr. Donaghy are both trying to second guess the Maine voters, and I think it is high time we stopped doing this. I have no crystal ball to tell you how the voters in my community are going to vote on the particular issue and I don't think either of the previous gentlemen do either.

Let us backtrack just a moment. It is pretty hard to talk about increase, and a matter of money increased and percentage of increase when you start with such a low base — and ladies and gentlemen, you who are alumni of the University of Maine I offer apologies in advance for my next statement. But twenty - one years ago this past fall when I applied to Boston University, I did so because the common phrase in the State of Maine among high school students — and this was not something perpetrated by people in attempting to influence university growth, but the common phrase and the common sense statement made by high school students in the State of Maine in the fall of 1948, was if you can't go to college go to Maine.

The sad situation, ladies and gentlemen, over the past number of years has been that we have been so shortsighted in our acceptance of public higher education, and this shortsightedness has come from two particular groups — I hate to stereotype people but I think it is necessary that we do in this case. One group are those that say "I didn't go to college, my kids aren't going to college, and their kids aren't going to college; and I don't give a damn for the University of Maine." The other group are those who say "I went to a private institution, my kids are going to a private institution, and their kids are going to a private institution; and I don't

give a damn for the University of Maine.”

Now let us boil it down to simple facts. The development of the land grant university system in this nation has been undoubtedly the backbone of our democratic system. It behooves each and every one of us to look at higher education across this land and see what it has done for the development of those other states. I stand here and I assure you with no selfish interest at heart, but only because I have a knowledge of the University of Maine campus at Orono, working every-day knowledge, and a knowledge of those students that are there; and all of the slanted press and all of the slanted coverage that gives rise to public opinion saying that the kids of today are rotten, I assure you, ladies and gentlemen, it is definitely wrong. In twenty years of serving college students I have never seen a finer group of young people than are at the University of Maine campus at Orono.

As far as the administration and the faculty is concerned, I have no ax to grind. I am not going to stand here and refute statistics. I am not going to stand here and tell you how I think the voters will vote, but I think it is fair to the youth of this state and proper that we give the voters of this state the opportunity to vote on this bond issue. I disagree with the cut, naturally I disagree with it; but that is neither here nor there. The Appropriations Committee in its wisdom has prepared, working with the trustees, working with all sorts of knowledge available about this particular subject of capital construction, then Appropriations Committee has prepared this particular amendment for us. I would say that it would be criminal for us to turn them down. Thank you.

The SPEAKER: The pending question is on the motion of the gentleman from Freeport, Mr. Marsteller, that this Bill be re-committed to the Committee on Appropriations and Financial Affairs, and you will confine your debate to whether this bill shall be re-committed or not.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: It is late in the session, and I would suggest to you that very little use this purpose will be served by at this time sending this bill back to the committee. I think the viewpoint has been accurately expressed that the committee has studied this and would have very little else to offer other than the amendment which you now have before you.

It seems to me that the real question is this: Do we want to have a University continue to offer added educational opportunity to people in the state, many of whom are not having that opportunity, or do we not?

I would add an additional category of critic to those two categories already mentioned, and that is the person who says things are expanding too fast, and so on. It is true, things are expanding fast. But they have to expand in order to accommodate the increasing number of students that are applying each year.

It was pointed out to your Appropriations Committee that the University is increasing in size at a rate equal to adding a Colby College each year. Now you can't do this, ladies and gentlemen, without additional buildings and additional space, and I hope you will vote against the motion to re-commit.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: The House in its wisdom this morning should take under consideration, before re-committing this bill to the Committee on Appropriations and Financial Affairs, that these same items or relatively same items were before the Appropriations Committee during the regular session of the Legislature. Now it comes back to us with further consideration by the Board of Trustees of the University, plus the approval of priorities by the Bureau of Public Improvements, and again the Appropriations Committee. It is my sincere feeling that it would serve absolutely no useful purpose of recommitting

this bill to the committee for any further action. If we are going to debate specific areas of the legislation, all well and good. But I don't think that it would be wise on our part to recommit the bill, as was already pointed out, the bill would be back to the House for consideration in fifteen minutes.

So I hope the members of the House realize that, that this was studied during the regular session of the Legislature. It has now been restudied from that time to this time by the Board of Trustees and the Bureau of Public Improvements and the Appropriations Committee, and I don't see that there is going to be too many areas that they can change, alter, that is going to make very much difference on this document. Thank you.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I hesitate to have my dulcet tones, and those of the flu bug, foisted on your ears, but I must rise in answer to the gentleman from Orono. I am not talking about twenty years ago; I am not talking about private colleges being better than the University of Maine. I must speak from personal knowledge and I hope you will forgive this. But I presently have a student at the University of Maine, not twenty years ago. That student had her choice not only of going to other private schools in many parts of the country, she has been to another public institution and has now gone to finish up at the University of Maine and hopefully for graduate work. This is not because she thinks the University of Maine is a poor institution—

The SPEAKER: Would the gentleman confine his debate to whether this shall be recommitted or not and the reasons therefore.

Mr. DONAGHY: I thank you, sir. I say this because I feel that I have a knowledge that the University of Maine is a good institution, and we want to keep it so. And whether or not it is a crystal ball, the people have spoken on the bond issue, and we will hurt the

University of Maine, in my opinion, if we put out this big package. I can't believe that the people are ready for it.

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

Mr. VINCENT: Mr. Speaker and Ladies and Gentlemen of the House: I am in opposition to this bill being recommitted. I would be under the assumption that if it was recommitted the bill would be deleted, and such deleted items would be taken up during the regular session and passed. If this be the case, it would take two years before these programs could be carried out and we would have a two-year inflationary cost upon building and construction. It is for economic reasons that I would ask that you vote against recommitment and pass it at this time. Thank you.

Mr. Levesque of Madawaska requested a roll call vote.

The SPEAKER: The pending question is on the motion of the gentleman from Freeport, Mr. Marstaller, that this Bill, "An Act to Authorize Bond Issue in the Amount of \$24,835,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine," Senate Paper 603, L. D. 1778, be recommitted to the Committee on Appropriations and Financial Affairs. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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 Freeport, Mr. Marstaller, that this Bill be recommitted to the Committee on Appropriations and Financial Affairs. If you are in favor of the motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Barnes, Birt, Carrier, Crosby, Donaghy, Durgin, Emery, Foster, Gauthier, Hall, Hanson, Hardy, Huber, Jameson, Kelley, K.

F.; Lee, Marsteller, McNally, Meisner, Mills, Nadeau, Noyes, Porter, Rand, Rocheleau.

NAY — Allen, Baker, Bedard, Benson, Berman, Bernier, Binnette, Boudreau, Bourgoin, Bragdon, Brennan, Buckley, Bunker, Burnham, Carter, Casey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Coffey, Corson, Cote, Cottrell, Cox, Crommett, Croteau, Cummings, Curran, Curtis, Cushing, Dennett, Drigotas, Dyar, Erickson, Eustis, Evans, Farnham, Fecteau, Finemore, Fortier, A. J.; Fraser, Gilbert, Giroux, Goodwin, Harriman, Haskell, Hawkens, Henley, Heselton, Hewes, Hichens, Hunter, Immonen, Jalbert, Johnston, Jutras, Kelleher, Kelley, R. P.; Keyte, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Lewin, Lewis, Lincoln, Lund, MacPhail, Marquis, Martin, McKinnon, McTeague, Millett, Mitchell, Morgan, Mosher, Norris, Page, Payson, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Sahagian, Santoro, Scott, C. F.; Scott, G. W.; Shaw, Sheltra, Snow, Soulas, Starbird, Stillings, Susi, Temple, Thompson, Trask, Tyndale, Vincent, Wheeler, Williams, Wood.

ABSENT — Brown, Carey, Couture, D'Alfonso, Dam, Danton, Dudley, Faucher, Fortier, M.; Good, Moreshead, Ouellette, Pratt, Quimbl, Ricker, Tanguay, Waxman, White, Wight.

Yes, 25; No, 106; Absent, 19.

The **SPEAKER**: Twenty-five having voted in the affirmative and one hundred six in the negative, the motion does not prevail.

Is it now the pleasure of the House to adopt Committee Amendment "A" as amended by Senate Amendment "A" thereto?

Whereupon, Mr. Donaghy of Lubec requested a roll call vote.

The **SPEAKER**: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. **HENLEY**: Mr. Speaker, a parliamentary question. This amendment, that is the Committee Amendment that would be adopted to the Bill?

The **SPEAKER**: The pending question is the adoption of Committee Amendment "A" as amended by Senate Amendment "A" thereto.

A roll call has been requested on the adoption of Committee Amendment "A" as amended by Senate Amendment "A" thereto. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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 adoption of Committee Amendment "A" as amended by Senate Amendment "A" thereto. If you are in favor of adopting these amendments you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Allen, Baker, Bedard, Benson, Bernier, Binnette, Birt, Boudreau, Bourgoin, Bragdon, Brennan, Buckley, Bunker, Carrier, Carter, Casey, Chandler, Chick, Clark, C.H.; Clark, H. G.; Coffey, Corson, Cote, Cottrell, Cox, Crommett, Croteau, Cummings, Curran, Curtis, Cushing, Dennett, Drigotas, Dyar, Erickson, Eustis, Fecteau, Finemore, Fortier, A. J.; Fraser, Gilbert, Giroux, Goodwin, Hardy, Harriman, Haskell, Hawkens, Henley, Hewes, Hichens, Huber, Immonen, Jalbert, Johnston, Kelleher, Kelley, R. P.; Keyte, Kilroy, Laberge, Lawry, Lebel, Lee, LePage, Levesque, Lewin, Lewis, Lincoln, Lund, MacPhail, Marquis, Martin, McKinnon, McNally, McTeague, Millett, Mitchell, Morgan, Mosher, Nadeau, Norris, Noyes, Page, Payson, Porter, Rand, Richardson, H. L.; Rideout, Ross, Sahagian, Santoro, Scott, C. F.; Scott, G. W.; Shaw, Sheltra, Snow, Soulas, Stillings, Susi, Temple, Thompson, Trask, Tyndale, Waxman, Wheeler, White, Wood.

NAY — Barnes, Berman, Burnham, Crosby, Donaghy, Durgin, Emery, Evans, Farnham, Foster, Gauthier, Hall, Hanson, Heselton, Hunter, Jameson, Jutras, Kelley, K. F.; Leibowitz, Marsteller, Meisner, Mills, Richardson, G. A.; Rocheleau, Starbird, Vincent, Williams.

ABSENT — Brown, Carey, Couture, D'Alfonso, Dam, Danton, Dudley, Faucher, Fortier, M.; Good, Moreshead, Ouellette, Pratt, Quimby, Ricker, Tanguay, Wight.

Yes, 106; No. 27; Absent, 17.

The SPEAKER: One hundred six having voted in the affirmative and twenty-seven in the negative, Committee Amendment "A" as amended by Senate Amendment "A" thereto is adopted.

Thereupon, the Bill was read the third time, passed to be engrossed as amended and sent to the Senate.

**Passed to Be Enacted
Emergency Measure**

An Act to Clarify and Amend the State Housing Authority Law (S. P. 642) (L. D. 1813)

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. 112 voted in favor of same and 7 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Amending the Municipal Public Employees Labor Relations Law (H. P. 1410) (L. D. 1776)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Implement the Powers of Municipal Home Rule (S. P. 555) (L. D. 1630)

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

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

Mr. COTE: Mr. Speaker and Ladies and Gentleman of the House: I am not going to make any mo-

tion at this time, except that I want to go on record as opposing this type of bill for home rule. I feel that many of our communities will end up in chaos. I think it is unworkable, it is very complex, and I just say these few words for the record so that later on, when any municipality gets into trouble, I can say, "I told you so."

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I think at this point perhaps it would be wise to explain the bill to you, to show you the complications if any, so that you will be fully aware of them.

If you take a look at L. D. 1630 you will note that it is an Act to Implement the Powers of the Municipal Home Rule as adopted by the people of this state last November.

Now there were two approaches that we could have taken in presenting a bill to you. One was this method, and the second was to present alternate charters which would have taken about 150 pages of the law books, so that every community would have had to take one or two or three of these and say this is what we want, and then they would have had to adopt them verbatim. We felt that this was not necessarily good for the people of the state, because we had to remember that there are only some forty communities that have charters, and the remaining communities of this state operate under enabling legislation.

If we had gone this route there would have been no opportunity to provide these communities, especially the small towns, from having home rule. And so we took the second approach. And if you take a look at L. D. 1630 you will find those details listed. It provides that charters can be written, it provides for charters to be revised, and it provides for the adoption of those revisions and the new charters.

There are two ways of getting a new charter adopted in your community. One is for a group of people to go to the municipal officers and ask them, and request

from them a charter commission. If by chance the municipal officers refuse, which is entirely within the prerogative of the municipal officers, then the citizens of the community can petition the municipal officers with 20 per cent being the minimum number.

Now why did we put 20 per cent? This is important. We put 20 per cent because we simply did not want the municipal officers to be forced to have a referendum every time five people decided they were going to have a charter commission. Now you are fully aware of certain groups of people who love to get nominations and petitions, and it is extremely easy to get ten signatures. But it is going to be somewhat more difficult to get this number.

Once this is done, then the question of whether or not the community wants a complete charter commission and a complete revision goes to the community. And the people of your community would decide as to whether or not they want a commission. If they want a charter commission at that point, then six members of the commission would be elected by the people. Six members of the nine members would be elected by the people. The remaining three would be appointed by the municipal officers with only one—only one could be a municipal officer. The reason for this, we felt, was that the municipal officers should be represented. They should not have to run town-wide or city-wide because they have already been elected; and thirdly we felt that perhaps we might be able to get a lawyer who might not necessarily want to run, but he would take an appointment from the municipal officers.

At that point they would hold hearings. After the hearings, the interesting thing about it is that we have put into the implementing legislation that they would have to make a report within ten months after they have been appointed. We did this in order to prevent a commission from getting itself elected and, assuming that they were opposed to a revision, from doing nothing. And this way then they would have to

make the report. Once the report has been made, and within two months after the final report has been made, then the people of the community would have to vote on the complete charter revision.

The second important portion of this bill provides for charter revisions. And the charter revisions would be handled in much the same way. The municipal officers could send them out to the people. If they refuse, then the people could petition, and then it would automatically go on the ballot.

A few last points. It is important to bear in mind that the Constitution now says that the communities have home rule. The Legislature therefore has no further authority in the act of altering and amending the charters of municipalities. We can only set the guidelines. These are the guidelines that we have set.

In speaking to the Legislative Research Office, it is the feeling there and in many portions of the Legislature that we will probably end up saving anywhere from one to two weeks, since we will no longer have to worry about the charter revisions of any community. And so I would hope that we would adopt this morning.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Emery.

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I have seen results of a charter commission in my area. I don't like this bill, and I feel that certain power groups can use this bill to their advantage. Small groups may lobby effectively and change the charters to their own advantage, and I feel that apathy has and will occur and abuses will occur also. I don't like it and I am opposed to the bill. Thank you.

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

Mr. MILLS: Mr. Speaker, I have gone over this bill at some length. Quickly I will cite that the City of Eastport has a charter that was enacted by this legislative body in 1935. In going over the charter down there we have waited patiently for this bill to

come through so we may act upon our own charter.

There are seven violations of the Maine statute law in our charter as it stands today, and there are several more violations that I couldn't list offhand right now. I am strongly in favor of the passage of this document.

The SPEAKER: The Chair hears objection and will order a vote. All in favor of the enactment of this bill will vote yes; those opposed will vote no.

A vote of the House was taken, 109 having voted in the affirmative and 9 having voted in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Increasing Burial Expenses Under the Workmen's Compensation Act (S. P. 611) (L. D. 1787)

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

An Act Creating the Maine Post-assessment Insurance Guaranty Association (H. P. 1446) (L. D. 1822)

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

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

Mr. BENSON: Mr. Speaker, if I may I would like to ask someone to give just a thumbnail description or an explanation of this bill and what it does.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Scott.

Mr. SCOTT: Mr. Speaker and Ladies and Gentlemen of the House: I don't think I want to spare my thumbnail this morning, but I will attempt to give the gentleman from Southwest Harbor a brief explanation of this bill. Although I would be glad to yield to the sponsor of the bill, the gentleman from Manchester, Mr. Rideout, if he wants to take over.

This is a model bill which was drafted by the National Association of Insurance Commissioners.

The express purpose behind the bill is to protect the policy holders of insolvent insurance companies. And the reason why the National Association of Insurance Commissioners took action on this at this time was because of the Federal legislation now before Congress that is pending, known as the Magnuson Bill.

If this bill was passed it would provide protection against insolvent insurance companies nationally. It would bring with it Federal regulation to some aspects of the insurance business. The Magnuson Bill would also levy charges upon Maine insurance premiums regardless of whether any Maine insurance companies became insolvent. It is felt if we enact this legislation at this time it will go a long way toward keeping out the Federal regulation, which none of us want.

The bill is a postassessment bill, which will, in case of an insurance company going insolvent in this state, it would levy an assessment against the other companies doing business at that time according to their premium volume. It was a very involved bill, and the committee felt that we should have legal assistance on it, which was granted, and we hired Mr. Robert Williams, the legal counsel who worked on the Maine Insurance Code which was passed last regular session. I think he did a good job, and if there are any further questions I would be glad to answer them.

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

Mr. McTEAGUE: Mr. Speaker, if I may question Mr. Scott, on Page 2 of the bill, about two thirds of the way down where it states in Subsection A "The claimant or insured is a resident of this State at the time of the insured event." In the Brunswick area, and I assume other areas of the state also, we have a goodly number of servicemen who although they do reside in Maine for considerable lengths of time, and they buy, for example, their automobile insurance here, they are probably still considered to be residents of their home state. My question, sir, is:

Is it the purpose of this bill to cover a situation involving a serviceman stationed in Maine?

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Scott.

Mr. SCOTT: Mr. Speaker, I will attempt to answer the question which the gentleman from Brunswick raised to me yesterday. We did call the Commissioner of Insurance who was on the way to Massachusetts for a hearing on this type of law in other states. It was by phone and their interpretation that the wording will cover Mr. McTeague's problem in regard to service personnel.

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

The following paper from the Senate appearing on Supplement No. 1 was taken up out of order.

Ought to Pass in New Draft Passed to Be Engrossed

Report of the Committee on Natural Resources on Bill "An Act relating to Water Quality Standards" (S. P. 599) (L. D. 1770) reporting same in a new draft (S. P. 650) (L. D. 1828) under same title and that it "Ought to pass"

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

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

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

Orders of the Day

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

MAJORITY REPORT (7) — Committee on Taxation on Bill "An Act Increasing State Tax in Unorganized Territory, Relieving Elderly Persons from Property Tax and to Study the Assessment of Taxes in Unorganized Territory" (H. P. 1406) (L. D. 1762) reporting same in a new draft (H. P. 1448) (L. D. 1824) under title of "An Act Increasing State Tax in Unorganized Territory" and that it "Ought to pass" and **MINORITY REPORT**

(3) reporting "Ought not to pass"

Tabled — January 29, by Mr. Carey of Waterville.

Pending — Motion of Mr. Danton of Old Orchard Beach to recommit to the Committee on Taxation.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday the gentleman from Old Orchard Beach, Mr. Danton, agreed to withdraw his motion to recommit. But I see this morning that he himself has withdrawn, so this is not possible. Therefore, I would ask you to please vote against recommitment. If instead you permit the majority report to be accepted, I believe this bill can be amended to accomplish anything that might be reported out of committee. Moreover, I feel if this re-draft goes back to committee, it will meet an untimely death and our senior citizens will not even be allowed to have the property tax relief measure debated.

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

Mr. ROSS: Mr. Speaker and Members of the House: As a member of the Taxation Committee, I signed the unanimous "ought to pass" report on this. In these times all sorts of things parade under the name of progress. We add programs, we increase staff, we give higher salaries, we do all sorts of weird things even though some of the population is not being considered. In my opinion many of these are window dressings used as gimmicks by politicians to attract votes. Too often we shove aside the elderly people who by thrift, hard work, diligence and so forth have built up our state over the years.

The SPEAKER: Would the gentleman please confine his debate to whether this bill shall be recommitment or not.

Mr. ROSS: I was referring to its recommitment, I do not want it recommitment. But I have never seen the Taxation Committee so unanimous in its desire to help these people in property tax relief.

Now if in the final analysis, by some parliamentary error, this

unanimous report can't even be considered on its merits alone, I think it will be a sad commentary on legislative justice. And I surely hope that the bill is not recommitted, that Mrs. Goodwin does have a chance to present an amendment, and if this amendment is presented, I most certainly hope that it will be germane and we will be able then to debate it on its merits.

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

Mr. SOULAS: Mr. Speaker and Members of the House: Due to the absence of the gentleman from Old Orchard Beach, and we have just heard — and I don't question the integrity of our esteemed representative from Bath, Mrs. Goodwin, but I would feel that the man should be here himself to at least withdraw his own motion. For this reason I would hope somebody could table this until one legislative day.

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

Mr. NORRIS: Mr. Speaker, I move that we table this bill for one legislative day.

Whereupon, Mr. Susi of Pittsfield requested a vote on the tabling motion.

The SPEAKER: All in favor of this matter being tabled until the next legislative day will vote yes; those opposed will vote no.

A vote of the House was taken.

47 having voted in the affirmative and 76 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is whether this Bill shall be recommitted to the Committee on Taxation. The Chair will order a vote. All in favor of this matter being recommitted will vote yes; those opposed will vote no.

A vote of the House was taken.

34 having voted in the affirmative and 93 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi, that the House accept the Majority "Ought to pass" Report.

All in favor will say yes; those opposed will say no.

A viva voce vote being taken, the motion did prevail.

The Bill was read twice and assigned for third reading the next legislative day.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker, I am having an amendment prepared, but the Xerox machine has broken down and it will have to go to the printer, and I would hope that the bill could be tabled until later in today's session pending engrossment.

The SPEAKER: The Chair would advise the gentlewoman it has been assigned for third reading at the next legislative day.

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

Bill "An Act Prohibiting Dumping of Out - of - State Waste Matter" (S. P. 645) (L. D. 1820) (In Senate, passed to be engrossed)

Tabled—January 29, by Mr. Snow of Caribou.

P e n d i n g — P a s s a g e to be engrossed.

On motion of Mr. Snow of Caribou, tabled until later in today's session pending passage to be engrossed.

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

Bill "An Act to Appropriate Moneys for Necessary Items and Miscellaneous Changes for the Fiscal Years Ending June 30, 1970 and June 30, 1971" (S. P. 643) (L. D. 1818) (In Senate, passed to be engrossed as amended by Senate Amendment "A" (S-399))

Tabled—January 29, by Mr. Dennett of Kittery.

P e n d i n g — P a s s a g e to be engrossed.

Mr. Dennett of Kittery offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-673) was read by the Clerk and adopted.

On motion of Mr. Levesque of Madadwaska, tabled pending passage to be engrossed as amended

and specially assigned for Monday, February 2.

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

Bill "An Act to Promote Governmental Reorganization and Efficiency" (S. P. 641) (L. D. 1812) (In Senate, passed to be engrossed) (In House, House Amendments "A" and "B" adopted) (H. "A" H-667, H. "B" H-676)

Tabled—January 29, by Mr. Farnham of Hampden.

Pending — Passage to be engrossed.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I tabled this bill the other day because it didn't look at all to me like the bill that first was printed, L. D. 1792.

Now L. D. 1792 was thirty - two pages long. We had a remarkable committee, had good digestion, and got it down to four pages. Now L. D. 1792 I never dreamed would have a chance, and I thought the committee in its wisdom would realize that though there was a tremendous amount of work put into this bill there wasn't a great deal of thinking put into it. I feel the same way about the four page digest that has come out on this matter.

I would like to call your attention to a couple of items. The first section I agree with, we should have a study; I guess we have had one every year for the past ten years on reorganization. But in the second part we are going to appoint a number of secretaries — and I hope they are mini - skirted, and if they are not, if they are already working for the state, of course we won't have to pay them, but I presume some of them will not be working for the state and there is no money in this bill to pay them, so I presume their work will be one of charity.

Now their powers and duties are enumerated, and we get the statement that they are authorized to pry into every department in the State of Maine, dig out any information that is treated confi-

dentially by those departments, and I would expect by July my income tax will have been pursued and looked up by some one of the secretaries. I don't know which one is going to have the job.

It comes down to a section on responsibilities, and there it tells what is to be merged. First, we are going to take the Employment Security Commission, which though it is a state agency, is actually financed one hundred per cent by federal funds and has close affinity to federal departments. We are going to take from the Education Department vocational education which I think is all wrong. Then we are going to mix up the Inland Fish and Game, Sea and Shore Fisheries — I could agree to that, but I would like to know what phase or what part the Recreation Commission has to do with forestry and so forth.

In all, I think this is a miscarriage of justice. I hope other people have taken the time to read it. I think if they have, and they have digested it, that they will move indefinite postponement, or somehow put this baby to rest. I am not going to make the motion because I think there are others who might be somewhat interested in this.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: Mr. Speaker and Members of the House: I rise in opposition of this L. D. 1812. Although there is some merit in proposing governmental reorganization, the prime obligation of the Legislature in this matter is to determine whether or not, as a result of such proposals, the efficiency of the departments involved would improve, resulting in a better service to the public, and hopefully at reduced administrative cost.

It is the consensus of opinion of many that the Legislature should be more concerned in finding ways and means to lessen the existing bureaucratic establishment and to develop tighter fiscal control over the monetary requests and expenditures, such as a full time legislative staff qualified in fiscal and

administrative matters to study and determine adequate staffing, qualifications and other requisites in order that fiscal irresponsibilities be eliminated.

In spite of the significant increase in the number of state employees over the period of years, it is sound practice to determine whether or not the service to the public has improved.

Many are concerned about the possibility of a gigantic bureaucratic executive department that would result in an additional high-salaried group of executives and staff, administrating departments which have nothing in common with respect to administrative problems in the interpretation and application of the various laws.

It would be most desirable to eliminate repetition and duplication of efforts by departments, and guidelines should be established for departments to carry out their administrative obligations.

A major weakness, in existence over a long period of time, is the lack of proper coordination between departments and agencies, resulting in conflict and confusion and greater cost.

Emphasis must be placed on improved operations and fiscal responsibilities.

There is every indication that the average taxpayer is vitally concerned with the ever-increasing cost of government operations, whether it is federal, state or municipal.

The more the government cost, the greater is the burden placed on the consumer and the taxpayer.

The demand for public service must be recognized and in a sound and moderate manner, the essentials should be recognized and acted upon.

There is much to be desired in government and response to the demands and needs of the public is always in order for consideration.

Whether or not these proposals are the solution to our economic problem must be deliberated, and not in haste.

Our objectives should be a long-range study to find ways and means to continue to expand and

to improve state service to the people and to maintain a favorable business climate in trying to solve the economic problems confronting business in this area of a highly competitive nature.

Wouldn't it be much sounder thinking to provide for a comprehensive detailed study by a selected group of successful businessmen with proven background in organization and management?

It is my feeling that bills of this nature involving reorganizations of state government departments should be taken up in a regular session when adequate time and thought can be given to the measure.

In view of this, Mr. Speaker, ladies and gentlemen, I move for indefinite postponement of L. D. 1812 and all of its accompanying papers.

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

Mr. RIDEOUT: Mr. Speaker and Ladies and Gentlemen of the House: As Mr. Farnham pointed out, this L. D. started out in life as a 32-page document which came in about six parts. We worked it over in State Government and eliminated three or four of the parts, and reduced it down to what we considered to be the areas that we could support for passage.

Now the bone of contention seems to be, in this bill, the Part A that Mr. Farnham did refer to. I submit to you that Mr. Farnham is jumping at shadows on this. I can find absolutely nothing wrong, and I would like to go through it briefly with you and point out why I can find nothing wrong with this.

Now Section 1 is the purpose of Part A. And it is an authorization that the possible consolidation of existing agencies in government be studied and recommendations be prepared and submitted to the next regular session of the Legislature. Now presumably he agrees with that, as he testified.

The second part of it, on the appointment of the secretaries, as amended it would read: "To carry out the purposes of this Act the Governor, with the advice and consent of the Council, is author-

ized to appoint persons qualified by training and experience" as secretaries in four different areas, to prepare these recommendations for the governmental consolidation and reorganization.

The third section, the powers and duties of the secretary, it seems to me is elementary enough, that each secretary shall be responsible for the organization and supervision of the necessary studies and preparing the appropriate recommendations for administrative reorganization to the next regular session of the Legislature. "In discharging his responsibilities, the secretary shall encourage full and free participation of the agencies concerned, the public and other interested parties." Now I find nothing wrong with that.

In the second paragraph one of the things Mr. Farnham indicated that the secretaries and the people working on this would be privy to confidential information. I submit categorically this is wrong. Now if he would read with me, "each secretary will, in the performance of his duties, have access to all records and information related to his task." I have noticed around the corridors that there have been people who have been upset about this, so I have taken it upon myself to inquire from the Attorney General's office and from various and sundry lawyers, and this means just what it says, "related to his task". There has been prepared some lists of confidential information that some of the departments are worried about divulging, and from the information and advice I get from the people that I respect in this area, they say that this is just not so. The only information that they would be allowed to have would be related to the task of reorganizing the agencies of government.

Now the third paragraph has been amended out so that there is no concern about the budgetary requests coming in in any different form.

In Section 4, the "recommendations setting out the substantive reorganizations suggested with accompanying budget recom-

mendations and necessary statutory and administrative changes." I find nothing wrong with that, because then we could get a look at an unofficial joint budget that could give you an idea of how the consolidation may look.

Now the fifth section, the responsibilities of these four secretaries have just been organized along some guidelines, and if you will read it says "the responsibility shall extend but not be limited to". Now this gives enough latitude so that when they are investigating the possible consolidation of government bureaus that they can accept or reject many of these. Perhaps some of the things that you people object to they would also object to. But I submit that the final determination will be done by the Legislature. And if, when the recommendations come in, if you disagree, or we all disagree, or agree, then we will have plenty of time to accept or reject any of the recommendations. By the way, the authority granted in this part shall expire June 30, 1971. So it isn't something that is going to create a bureau that will continue forever.

Now I submit to you that all of us at one time or another have given lip service to government reorganization and efficiency. But anytime anything comes along that smacks of this, no one wants to start. As far as Mr. Sahagian commenting on the study, let me indicate that this bill in its first place was an outgrowth of a two-year study by the Governor's Task Force on Governmental Reorganization. The State Government Committee has been in this area for years. We have some working knowledge of what the recommendations are. But in addition to that, this bill provides that it shall be further studied and the recommendations will be made to the 105th.

Now perhaps I am naive and perhaps I haven't been around long enough to know a hooker when I see it but by the lord Harry it seems to me that this is a good start to see if there isn't some way that we can stop the bureaus in government in

proliferating all over the place, and we have no particular goal in mind.

We can't seem to save any money in any other way, and it seems to me that if we could save some money by consolidating departments, eliminating duplication, then it is a good thing. Now if I am wrong I hope you people will vote to indefinitely postpone this. But if I am right I would hope that you will vote against the indefinite postponement and pass this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Newport, Mrs. Cummings.

Mrs. CUMMINGS: Mr. Speaker and Ladies and Gentlemen of the House: There is a time for everything. A time to listen to your conscience, a time to listen to your party, a time to listen to your voters, and a time to listen to the future. This is one of the rare times when all these voices will direct you in the same direction.

Your conscience must tell you that the government in Maine needs reform. Your party surely tells you that, if this bill had originated in their files it would most certainly be a position to support. Your voters must have said to you hundreds of time that what was needed was a real, old-fashioned New England form of frugal government which would stop wasting taxpayers money. And the future will point with pride to the accomplishments of the rare legislators who voted beyond their world of the 104th and looked to the future good of the State of Maine.

Now is the time to be statesmen, not just petty politicians. Now is the time when we must vote for the good of the entire state of Maine, not just for a few positions or a few men's feelings. Now is the time to vote to save many hundreds of thousands of dollars of our voters money, our own money and our children's money.

Every one of us here has heard the lamenting about the constant crush of coffee-drinking clerks in the cafeteria. Everyone here has been involved in long, hot and heavy battles with regard to the

overburdened taxpayer. All right! Here is a bill that can relieve that poor soul. Here is a bill that every one of our constituents would want us to vote for. Here is a bill that should transcend all party lines. This is a bill whose passage will mark Maine as being the only state where legislation is voted on according to its merits, and not according to how it affects party politics or personal aggrandizement.

I urge you to be brave. I urge you to be strong, and to be true sentinels of the good of Maine, and vote for governmental reform.

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

Mr. STARBIRD: Mr. Speaker and Ladies and Gentlemen of the House: I most heartily agree with the previous two speakers. I am in full agreement. I merely want to say this, because at the present moment I cannot bore you with my dubious brand of oratory. My mouth is sore, I had six teeth out yesterday afternoon; so I simply want to put myself on record as I have in my committee report entirely in favor of this bill. If you want to do something to consolidate, to save money, to help this state, vote for this bill. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Ladies and Gentlemen of the House: While I have been listening to the oratory I have been cleaning up my desk, and I came across this little gem on my desk which you probably all have. Well, to paraphrase this a little bit I would like to read it to you.

First we appoint a special council to explore and study the problem in depth, then we allocate special funds for this purpose for some of the finest technological minds in the nation will study every aspect of the problem. Then we name a special study committee to examine the study. They will make recommendations to be studied and implemented by a blue-ribbon panel of experts consisting of a subcommittee. There is the spirit. It is never too late.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: It is certainly not the type of legislation that we started out with at the beginning of the special session. But as everyone in this House knows, that what starts out doesn't always end up in the same way. So the document that you have before you now is what the committee felt they were able to support and defend as good legislation for the reorganization of some of the departments of our State government.

Granted it does not do an overall reorganization, because it is felt by the committee that this would be relatively impossible to do at a special session. So right now I think what we have got before us will give us a good start into a reorganization of parts of our State government, and with the hope that this will be successful, and later on we might be able to reorganize some other sections to prove some efficiency and economy in the operation of these different departments.

So I hope the members of the House this morning will vote against the motion to indefinitely postpone and send this bill on its merry way.

Mr. Sahagian of Belgrade requested a roll call vote.

The SPEAKER: The pending question is on the motion of Mr. Sahagian of Belgrade that this Bill "An Act to Promote Governmental Reorganization and Efficiency," Senate Paper 641, L. D. 1812, be indefinitely postponed. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Belgrade, Mr. Sahagian, that L. D. 1812 be indefinitely postponed. If you are in fa-

vor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Baker, Birt, Bragdon, Clark, H. G.; Crosby, Cushing, Durgin, Evans, Farnham, Hall, Hanson, Henley, Huber, Kelley, K. F.; Lee, Lincoln, Page, Rand, Richardson, G. A.; Sahagian, Scott, G. W.; Shaw, Williams.

NAY — Allen, Barnes, Bedard, Benson, Berman, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Buckley, Bunker, Burnham, Carey, Carrier, Carter, Casey, Chandler, Chick, Clark, C. H.; Coffey, Corson, Cote, Cottrell, Cox, Crommett, Croteau, Cummings, Curran, Curtis, D'Alfonso, Dennett, Donaghy, Drigotas, Dyar, Emery, Erickson, Eustis, Fecteau, Finemore, Fortier, A. J.; Fortier, M.; Foster, Fraser, Gauthier, Gilbert, Giroux, Goodwin, Hardy, Harriman, Haskell, Hawkins, Heselton, Hewes, Hichens, Hunter, Immonen, Jalbert, Johnston, Jutras, Kelleher, Kelley, R. P.; Keyte, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Lewin, Lewis, Lund, MacPhail, Marquis, Marstaller, McNally, McTeague, Meisner, Millett, Mills, Mitchell, Morgan, Mosher, Nadeau, Norris, Noyes, Ouellette, Payson, Porter, Richardson, H. L.; Ricker, Rideout, Rocheleau, Ross, Santoro, Scott, C. F.; Sheltra, Snow, Starbird, Stillings, Susi, Temple, Thompson, Trask, Tyndale, Waxman, Wheeler, White, Wood.

ABSENT — Brown, Couture, Dam, Danton, Dudley, Faucher, Good, Jameson, Martin, McKinnon, Moreshead, Pratt, Quimby, Soulas, Tanguay, Vincent, Wight.

Yes, 23; No, 110; Absent, 17.

The SPEAKER: Twenty - three having voted in the affirmative and one hundred and ten in the negative, the motion does not prevail.

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

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

Bill "An Act to Permit Probable Cause Arrest on Marijuana Misdemeanor Violations" (H. P. 1375) (L. D. 1724) (In Senate, passed to be engrossed as amended by Committee Amendment "A" (H-659))

Tabled — January 29, by Mr. Marstaller of Freeport.

Pending—Motion of Mr. Brennan of Portland to indefinitely postpone House Amendment "A" (H-675) (Roll Call Ordered)

On motion of Mr. Lund of Augusta, retabled pending the motion of Mr. Brennan of Portland to indefinitely postpone House Amendment "A" and specially assigned for Monday, February 2.

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

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

Mr. RICHARDSON: Mr. Speaker, I would inquire if the House is in possession of House Paper 1445, L. D. 1821, "An Act Requiring Bonds to Insure Performance of Waste Discharge License Provisions?"

The SPEAKER: The answer is in the affirmative.

On motion of Mr. Richardson of Cumberland, the House reconsidered its action of yesterday whereby the Bill was passed to be engrossed as amended by House Amendment "A".

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action of January 28 whereby House Amendment "A" was adopted, and on further motion of the same gentleman, House Amendment "A" was indefinitely postponed.

The same gentleman then offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-686) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: You will recall, I hope, the discussion in hall of the House on January 28, concerning the

question of requiring the filing of bonds by an applicant for a license before the Environmental Improvement Commission. And during the course of the discussion I inquired of the gentleman from Eagle Lake, Mr. Martin, whether or not my understanding was correct that the Environmental Improvement Commission now has the authority to require the applicant for a license to show financial responsibility in the event that they may impose any conditions on him. That is, can the commission say to the applicant and the prospective industry, "Do you have the financial responsibility to comply with the commission's orders as far as construction of sewage and treatment facilities are concerned?" And I was under the impression that the commission did have that authority, and I think I may say that the gentleman from Eagle Lake was under the same impression.

Now further investigation has indicated that as part of examining a license application, the Environmental Improvement Commission does not now have the authority to require of the applicant a showing of financial capacity to meet the commission's orders with respect to the construction and maintenance of treatment facilities with respect to its discharge of effluent.

The bond idea to me, the idea of requiring the posting of a bond is a means of getting at by indirection what we should get at directly. Every member of this Legislature, I know, is very anxious to take action with respect to pollution abatement, that will be in the long run in the best interest of the people of this state. But I don't think that we should in any fit of semi-hysteria adopt everything that comes through this House that has anti-pollution stamped on it. I think we might very well commit a lot more sins than we would acts of corrections. For this reason I hope you will adopt House Amendment "B" which gives the commission the authority to inquire as to each applicant whether or not he has the financial capacity to keep good his promises that he makes to the commission. And this will require us to

abandon this concept of a bond which I think is poorly thought out, is going to pose an unnecessary burden and in the long run is going to prove totally unworkable.

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

Mr. MILLS: Mr. Speaker, this H-686 as drafted, I would like to pose a question to the Majority Floor Leader on that part of it that reads, "The hearing shall be held by not less than 3 members of the commission." Could I inquire how many members there are on this commission and if it is customary for them to operate with three members?

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: I would point out to the gentleman from Eastport and to the other members of the House that the amendment before you, H-686, now under consideration, does not change existing law with respect to hearings by the commission which now reads as follows:

"The hearing shall be held by not less than 3 members of the commission, and evidence taken and received shall have the same effect as though taken and received by the full commission and shall authorize action by the full commission as though by it taken and received." My amendment does not change in any way existing procedure and procedural rules adopted by the commission and authorized by the Legislature.

The only thing that my amendment does is to allow the commission to examine into the financial capacity of the license applicant. Does he have the money to keep the promises that he makes? And I think all of us in the Legislature can look back over past history and see time and time again where a license applicant has made all sorts of flowery promises but he didn't have the capital behind him necessary to keep those promises.

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

Mr. McTEAGUE: Mr. Speaker, I would address another question to the gentleman from Cumberland regarding the amendment. Would it still be possible if the commission found it desirable to require a bond, or does this amendment remove the power of the commission in all cases to require a bond?

The SPEAKER: The gentleman from Brunswick, Mr. McTeague, poses a question through the Chair to the gentleman from Cumberland, Mr. Richardson, and the Chair recognizes that gentleman.

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: This amendment gives the commission the authority to do what it should have been doing in the first place, and that is to refuse the application in the event that it feels that the applicant does not have the financial capacity to meet the commission's orders and to keep its promises to the commission at the time the application is made.

I suggest to you that the bond idea is a bad one. And this would remove that provision from the proposed bill that is now before you. In other words, the commission, under this amendment, could not require the posting of a bond. What it can do, and what it should do, is to say to the financially under-capitalized applicant for a license, "No, you can't have a license." And I think that it is the direct and honest and candid and forthright way to handle the problem, not with this bond which nobody can satisfactorily tell me how the bond monies are going to be used.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: As you well know from the debate a few days ago, this is my bill, and the gentleman from Cumberland, Mr. Richardson, and I for the past two days or so have been trying to work out something to carry out the same purpose that we wanted to accomplish. The important thing at the present time, in my opinion, is that the commission does not have the authority to take the financial con-

dition of a company into consideration whatsoever. They simply have to assume that it is going to be done with the hopes that this amendment were to be added, what we would therefore do would be to require the commission to consider the applicant's financial ability to be able to construct the pollution abatement program, and if it would not be, then the commission therefore would be in a position, which it is not now in a position to do, to refuse to grant that license. And I would hope that we would accept the amendment.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I have no quarrel with the bill or with Mr. Richardson's and Mr. Martin's explanation of the responsibility implied. What I would like to know is about the depth of the responsibility. An expansion of an industry which at the time of the granting of a license might have all kinds of financial backing, but what happens in the future years, four or five years from that time if the industry loses that financial backing and they have no bond to cover pollution? I feel that the mere granting of a license based on the financial standing at the time of the expansion is not sufficient. Bond would protect us in the future. That is all I can see in favor of bonding.

The SPEAKER: The Chair recognizes the gentlewoman from Topsham, Mrs. Coffey.

Mrs. COFFEY: Mr. Speaker, could I have this tabled for one legislative day?

Thereupon, Mr. Benson of Southwest Harbor 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.

20 having voted in the affirmative and 78 having voted in the negative, the motion to table did not prevail.

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

Mr. MARTIN: Mr. Speaker, in response to the question posed by

the gentleman from Norway, Mr. Henley, first of all, the commission would be in the position to repeal the license and this is what it should do if they are not going to fulfill what they said they were going to do.

The other problem with the bonding that we had was that to whom would the money go? To the State of Maine? And would the commission then be in a position to go out and build the facility itself? There is nothing on the law books at the present time which allows this. There is nothing on the law books that would allow the commission to go out and contract. And so the money would come to the state. Fine, but the commission was not empowered to actually do the work itself.

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

Mr. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: I am very pleased to see Representative Martin agree to this amendment this morning. These are the very things that I had doubts about the other day when we debated this bill, and I certainly am in support of the amendment as offered by Mr. Richardson.

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

The following paper from the Senate appearing on Supplement No. 2 was taken up out of order.

Non-Concurrent Matter

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve to Reimburse Canton Water District for Costs of Relocating Pipes because of Highway Construction (S. P. 597) (L. D. 1768) and Minority Report reporting "Ought to pass" as amended by Committee Amendment "A" on which the Majority Report was accepted in non-concurrence in the House on January 29.

Came from the Senate with that body voting to insist on its former action whereby the Minority Report was accepted and the Bill passed to be engrossed as amend-

ed by Committee Amendment "A" and asking for a Committee of Conference, with the following Conferencees appointed on its part:

Messrs. LOGAN of York
STUART of Cumberland
BELIVEAU of Oxford

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

Mr. BRAGDON: Mr. Speaker, I move that we adhere.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, moves that the House adhere to its former action. Is this the pleasure of the House?

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

Mr. MARTIN: Mr. Speaker, I move that we insist and join in a Committee of Conference.

The SPEAKER: The pending question now is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the House insist and join in a Committee of Conference.

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

Mr. BENSON: Mr. Speaker and Members of the House: We went over this ground rather thoroughly yesterday and I don't think it is necessary to cover it again today. I do ask that you vote against the motion of the gentleman from Eagle Lake, Mr. Martin, to insist and have a Committee of Conference. I don't think we are going to prove anything by that. I ask you then to support the motion of the gentleman from Perham, Mr. Bragdon, to adhere.

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

Mr. FORTIER: Mr. Speaker and Members of the House: I am probably not as familiar with procedures of highway construction, I am no engineer, but I do understand that it was on recommendation of the state engineers that the location was established. It was upon their recommendation that there was no obstruction of pipelines or anything else. I understand that now the customers of

the water district in that region are in a position to have to pay an increase of thirty percent more, which was simply the fault of—it was due to the location of this particular road. I understand the refusal has been more on a technicality, that under certain roads, for example, if it was a state highway, that it would be permissible, and I do hope that you will insist on a Committee of Conference.

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

Mr. BIRT: Mr. Speaker and Members of the House: According to my understanding, the testimony that was given at the time we had the hearing on this bill before the Appropriations Committee, a hearing was held in the Town of Canton by the Highway Commission. Consideration was given to the possibility of going around the town. The people of Canton wanted to keep the road within their town, and it was also pointed out that if this were done, any dislocation of facilities belonging to the Canton Water District would be the responsibility of the Canton Water District. This was thoroughly understood by the members of the Canton Water District, and it is consequently the feeling that they understood what was going to happen if this redevelopment of the highway was done there.

And I also feel that it was pointed out yesterday that the opening of this door could very well open the door to the many larger public utilities such as your power companies and your telephone companies if they ran into a serious dislocation problem with a large expenditure of money, that they could come back in and request the same thing. And I would hope that the motion to insist and request a Committee of Conference is defeated and then we would go along with the motion to adhere.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the House insist and join in a Committee of Conference. The Chair will order a vote. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

45 having voted in the affirmative and 69 having voted in the negative, the motion did not prevail.

Thereupon, the House voted to adhere.

House at Ease

Called to order by the Speaker.

The Chair laid before the House the following matter:

Bill "An Act Establishing a Consumer's Council" (H. P. 1447) L. D. 1823 which was tabled earlier in the day and later to today assigned, pending passage to be engrossed.

Mrs. Coffey of Topsham offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-683) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Scott.

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House: The original bill was L. D. 1761, "An Act Establishing a Consumer Council" which was sponsored by the gentle lady from Topsham, Mrs. Coffey. This bill was heard before my committee and given a good deal of consideration. We thought it was going a little too far, so we reported out in redraft 1823. Now Mrs. Coffey's amendment apparently, I haven't had much time to study this, but apparently it goes right back to the original bill pretty much. In view of this, I would move indefinite postponement.

The SPEAKER: The Chair recognizes the gentlewoman from Topsham, Mrs. Coffey.

Mrs. COFFEY: Mr. Speaker and Members of the House: I realize that the committee has been holding this bill for quite some time, but as far as giving it much consideration, I fail to see where they have because they have taken just about everything out of it. And now the purpose of the bill would just be to more or less educate the consumers.

I offered the amendment that would put the bill back to the original intent; namely providing the consumers of Maine with an effective spokesman of their in-

terest. L. D. 1823 in its present form doesn't do that. It creates a council which is essentially a shell with power to do little more than carry on exercises in consumer education through appropriate studies. Such a responsibility is important but it is only a small part of the total job that must be done. A truly effective consumers' council must also be able to represent the public's interest at hearings conducted by federal and state agencies on matters affecting the consumer. It must provide a forum for consumer grievances that can be heard and studied and then referred, if they are substantial, to the appropriate law enforcement agency.

With the Legislature on the verge of passing an unfair trade practices law, the function becomes particularly important. A meaningful consumer council must be able to question the consumer protection job which state agencies are doing which have responsibilities in this area. This should not be interpreted as a hostile power. It simply would be a reminder to those who are supposed to protect the consumers' interest that questions will be asked if they do not fulfill their responsibility.

Finally, an effective consumer council must be able to hold public hearings on problems that relate to its responsibility. Such hearings would provide the council with a sound basis for program recommendations to the executive and legislative branches of government. And they would focus public attention on important consumer issues.

The amendment which I am offering at this time will permit the consumers' council to do all the things I have described. The amendment simply returns the bill to a form that closely resembles the bill that I introduced. Unfortunately, that bill emerged from committee in a greatly weakened form.

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

Mr. BENSON: Mr. Speaker and Members of the House: In support of the gentleman's motion for in-

definite postponement I would call your attention to the bottom of the second page of the amendment and the top of the third page, and I will quote from that amendment. "Said council shall be provided with offices in the State House or elsewhere in the City of Augusta. It may call upon any department, board, commission or officer of the State or of any political subdivision of the State for such information as it may desire in the course of its duties."

I suggest to you that this is unusual and far-reaching power. It is power that I would not care to see turned over to a commission and as far as the commission is concerned I feel that the Attorney General's office is fully well able to do the job that we are calling for in the bill and I urge you to support the motion for indefinite postponement.

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

A vote of the House was taken.

76 having voted in the affirmative and 42 having voted in the negative, the motion did prevail.

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

The Chair laid before the House the following matter:

Bill "An Act Prohibiting Dumping of Out-of-State Waste Matter" (S. P. 645) (L. D. 1820) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Whereupon, Mr. Snow of Caribou offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-685) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Crosby.

Mr. CROSBY: Mr. Speaker, I would pose a question to anybody who would care to answer, just what does this amendment do?

The SPEAKER: The gentleman from Kennebunk, Mr. Crosby, poses a question through the Chair to any member who may answer, and the Chair recognizes the gentleman from Caribou, Mr. Snow.

Mr. SNOW: Mr. Speaker, I will attempt to answer the gentleman's question. The original bill brought about a situation on the New Hampshire-Maine border where we have I believe it is two existing industries. Their factories or plants are in New Hampshire and they have been dumping some waste from these factories into the State of Maine on land that they own. This waste material that they are dumping is not creating any problem and it does have the approval of the Water and Air Environmental Improvement Commission and these two or three factories were grandfathered under the bill. This amendment would put a time limit on the period that they would be able to continue to dump this waste.

Thereupon, House Amendment "B" was adopted.

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

Mr. STARBIRD: Mr. Speaker, the gentleman from Caribou may have intended what he said, but to me it doesn't read that way. I would request that this would be tabled for one legislative day, if someone would do it.

Whereupon, on motion of Mr. Hewes of Cape Elizabeth, tabled pending passage to be engrossed as amended and specially assigned for Monday, February 2.

On motion of Mrs. Payson of Falmouth,

Adjourned until Monday, February 2, at eleven o'clock in the morning.