

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

**Volume III**

June 17, 1969 to July 2, 1969

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**1st Special Session**

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Friday, February 6, 1970

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

Prayer by the Rev. Mr. William Dunstan of Gardiner.

The journal of yesterday was read and approved.

The SPEAKER: In the interest of time is there any objection to taking up Reports of Committees and first reading of Bills and Resolves out of order? The Chair hears none.

**House Report of Committee Ought to Pass with Committee Amendment Tabled Later in the Day**

Mr. Berman from the Committee on Judiciary on Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (H. P. 1412) (L. D. 1779) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice. Committee Amendment "A", being L. D. 1846, was read by the Clerk and adopted. Under suspension of the rules the Bill was read the third time.

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

Mr. RICHARDSON: Mr. Speaker, before this bill is passed to be engrossed I would inquire of the House Chairman of the Judiciary Committee as to whether or not there are any substantive changes in the law as opposed to merely corrective changes, are there any substantive changes in the law proposed by the Omnibus Bill, and if there are I would appreciate his advising the members of the House as to what these changes might be.

This is sort of a biennial exchange of information between myself and the gentleman from Houlton, Mr. Berman. He shares I know my concern that we should not effect substantive changes in the law without public hearing and certainly without full knowledge on

the part of the House as to what it is doing.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, poses a question through the Chair to the gentleman from Houlton, Mr. Berman, who may answer if he chooses.

Mr. BERMAN: Mr. Speaker and Members of the House: I would be glad to answer the gentleman's question. As a matter of fact I called it to his attention before we went into session this morning and I am sorry to have to take up a few minutes of your time now to put it on the record.

As I understand it there is one substantive change, not in the committee amendment which is appearing today under L. D. 1846 I believe, but in the bill itself which I was asked to sponsor by the Director of Legislative Research.

Apparently during the regular session we passed a bill in the interest of health that would allow physicians to give youngsters treatment for — well what this morning I suppose I would call a social disease. At that time inadvertently we left out — or the Legislature left out including — we left out the inclusion of osteopathic physicians. So this time when the Omnibus Bill came in we included osteopathic physicians. If there are any other questions I would be glad to try to answer them.

The SPEAKER: The Chair understands that the gentleman from Cumberland, Mr. Richardson, moves that this be tabled until later in today's session pending passage to be engrossed.

**Papers from the Senate**

From the Senate: The following Communication:

THE SENATE OF MAINE  
AUGUSTA

February 5, 1970

Honorable Bertha W. Johnson  
Clerk of the House of Representatives

104th Legislature

Dear Madam Clerk:

The Senate today voted to Adhere to its action whereby it Indefinitely Postponed, Bill, "An Act to Appropriate Funds for

School Subsidies," (H. P. 1453) (L. D. 1831).

Respectfully,  
(Signed)

HARRY N. STARBRANCH  
Secretary of the Senate

In the House, the Communication was read and ordered placed on file.

#### Non-Concurrent Matter

An Act Appropriating Moneys to Carry out Duties of the Legislative Research Committee (H. P. 1316) (L. D. 1645) which was passed to be enacted in the House on January 14 and passed to be engrossed on January 9.

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

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

By unanimous consent, ordered sent forthwith.

#### Non-Concurrent Matter Tabled Later in the Day

Bill "An Act Providing for Moratorium on Construction of Certain Industries" (S. P. 661) (L. D. 1843) which was indefinitely postponed in non-concurrence in the House on February 5.

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

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

#### Non-Concurrent Matter

An Act Establishing a Human Rights Commission (H. P. 1439) (L. D. 1814) which was passed to be enacted in the House on February 4 and passed to be engrossed as amended by Senate Amendments "A" and "B" on February 2.

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

In the House:

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

Mr. MORESHEAD: Mr. Speaker, I would like to move that we insist and ask for a Committee of Conference and I would like to speak to my motion.

The SPEAKER: The gentleman from Augusta, Mr. Moreshead, moves that the House insist and ask for a Committee of Conference. The gentleman may proceed.

Mr. MORESHEAD: Mr. Speaker and Ladies and Gentlemen of the House: It appears now that this bill creating a Human Rights Commission will probably pass this Legislature and my reason for requesting today that we insist and ask for a Committee of Conference is that in hopes that a Committee of Conference could iron out some of the problems that exist in this bill even after it has been amended.

The Senate amendment itself shows you that there are problems and the Senate has attempted to correct some of these. I feel that there are still other problems that are of a very serious legal nature and if a Committee of Conference could get together, iron these out, perhaps this bill could be in a form that would be acceptable both to the opponents and to the proponents.

I would like to point out to you one thing that we have argued consistently about, and that is the appropriation. We have stated all along that this appropriation is in fact a sham, that this commission cannot operate on the amount of money that was in the original bill, and they have already upped this \$5,000. I certainly think that a Committee of Conference perhaps could reach the figure that is really going to be necessary to operate this commission and we wouldn't be operating with some figures that are nothing more than trying to put one over on the Legislature itself.

So my reason today for asking for the Committee of Conference is that we can get this bill in order so that the final draft will be one that will be acceptable and also be within the legal rights of the citizen of Maine.

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

Mr. McTEAGUE: Mr. Speaker, does a motion to recede and concur with the Senate take precedence?

The SPEAKER: The answer is in the affirmative.

Mr. McTEAGUE: I would so move, Mr. Speaker, and would like to speak to my motion.

The SPEAKER: The gentleman from Brunswick, Mr. McTeague, moves that the House recede from its former action and concur with the Senate; and the gentleman may proceed.

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: My very good friend, the gentleman from Augusta, Mr. Moreshead, has this morning become the sweet voice of reason. He stated that he feels that the Human Rights bill will pass this Legislature and he has great concern that it be a very good one. I have great concern for that too and I have great concern that we pass something; and I have great concern that we be honest and true to ourselves.

Those who stood on the floor of this House and for reasons which suited them, have directly and straightforwardly opposed this legislation and have voted against it, and have said they were against in in an outright way, at least you have to respect their openness. As we all know and as even I as a freshman have learned, there is many more than one way to kill a cat or a bill; and one of the finest ways is non-concurrence.

The major change put on recently in the Senate, Senate Amendment "C", was to entirely strip the commission of its authority under any circumstances to issue subpoenas. I personally would not prefer that change, but I am willing to go along with it because I want to get something on the books. I find it unusual that the opponents of what they claim was the great strength of this commission, somehow don't like this Senate amendment which weakens the bill — and it does weaken the bill; but at least it leaves us with something. If we go to a Committee of Conference, if you vote for a Committee of Conference, you are in reality voting to kill this

bill. I think most of us know that, I think we will know it when we vote.

This morning when I picked up the Kennebec Journal at the post office, in the upper left-hand corner there is a small headline, from Paris regarding the Vietnam situation — "Foe refuses to discuss new POW abuse evidence." As we all know the North Vietnamese will not even turn over to us the names of our aviators that have been lost over North Vietnam, some four or six hundred kept in confinement under harsh conditions, all Americans, different races, because we don't ask what their race is when we ask them to go there, nor their religion. We ask them one thing — are you an American?

I hope that each member of the House will vote in such a way on this bill, that if the folks in North Vietnam were to take any concern with the Maine Legislature, and were to take it over there and show it to our boys there, that we would not cause people already in a terrible position, who have fought for their country, to feel even worse. And I hope that no one says anything else in the hall of this House or in the other branch for the record, in honest debate or otherwise, that if again our friends in North Vietnam wanted to take it down and play it to our men, black and white, Gentile and Jew, Catholic and Protestant, over there, that it wouldn't hurt them.

We in America expect every man to do his duty as a citizen. There is no exemption because you own or don't own property, or black or white, to serve. There is no exemption in suffering. Among the Marines and the paratroopers, the Negroes have an outstanding record in Vietnam.

Mr. Speaker, we feel now with the watered down version, but it is something, it is of some substance, a Committee of Conference will be the end of this. We have been through Committees of Conference last time, there have been opportunities to amend before this stage in the House and Senate. There was an opportunity to amend — there were two amendments

placed on it in the Senate before it came back here in non-concurrence. We receded and concurred with them. They put another amendment on it. How long is this charade going to go on?

They have weakened the bill somewhat, but it is still as generally speaking an acceptable bill. It is a small step forward, a small step for decency, and I hope that each of you will find it in your heart to go along with it.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I rise first to suggest that the suggestion of insisting and joining in a Committee of Conference, made by the gentleman from Augusta, Mr. Moreshead, is a patently obvious attempt to kill the bill. Secondly, I would suggest to you that the gentleman from Machias, Mr. Kelley was hitting on all twelve cylinders the other day when he said let's not — as I understood him to say, let's not fool around with parliamentary shim-sham, let's go ahead and decide the issue once and for all and have it decided.

And thirdly I would request a roll call.

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

Mr. McNALLY: Mr. Speaker, I am somewhat confused. How does the Department of Education come into this for \$5,000? I wish somebody would answer that question.

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

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: In response to the question of the gentleman from Ellsworth, Mr. McNally, there is provision in the bill and there has been since the beginning, for the Department of Education to assist school districts in the towns with education in

Americanism and the adverse effects of discrimination on the grounds of race, religion and so on, on the development of full Americanism.

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

Mr. MORESHEAD: Mr. Speaker and Members of the House: I feel that I must rise to defend myself here. I do not believe that my intentions are to kill this bill today. I firmly believe that if we are going to have the bill let's have a bill that is in proper form, and there are certainly a number of things that are still wrong with this law as it is right now. If we are going to have the commission and the commission is going to have powers, let's be sure that these powers are not in conflict with the constitutional rights of the citizens of the State of Maine. So I feel that my motion for a Committee of Conference is done for that purpose and not for the purpose that the gentleman from Brunswick suggests.

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

Mr. JALBERT: Mr. Speaker, would I be in order to ask the gentleman from Augusta, Mr. Moreshead, to tell us what is wrong with the bill?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to the gentleman from Augusta, Mr. Moreshead, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. MORESHEAD: One thing that bothers me with the bill as it is now is how it affects private clubs in the State of Maine that are set up on a basis of nationality or religion and such. I firmly believe that there would be some serious problems with the bill in its present form. I also am very much troubled by the remedies that the bill sets forth, such as triple damages if you are found guilty, such as tying a person who owns property up if there is a complaint made against him, so that any of his other properties cannot be sold or rented during

the period of time that a complaint is pending in court.

I am also disturbed with the injunctive power which the bill has whereby an injunction can be placed against a businessman or a property owner to stop him from all activities while a complaint is pending in court. And these are the things that I feel very much jeopardize the rights of the citizens of the State of Maine and these are the things that I would like to see a Committee of Conference iron out; and I don't feel that these things are in any way affected by a sham or an attempt to kill the bill.

Mr. McTeague of Brunswick was granted permission to speak a third time.

Mr. McTEAGUE: Mr. Speaker and Members of the House: Throughout the very difficult course of this bill we have been plagued by false rumors about what's in it, so I will try to recall what the gentleman from Augusta, Mr. Moreshead, has just said and try to show that this is inaccurate.

Number one, the statement that this bill would affect memberships in clubs, clubs like an Irish-American club, or a Franco-American club, or an Italian club, or a Jewish club. This is not true. There is a specific exemption in the bill so if the Irish wanted an Irish bartender at their club they can have one, or if the French want a French bartender at their club they can have one. Some of my good friends from Lewiston have been kind enough to say to me that they do allow even Irish-Lithuanians in some of their fine clubs in the City of Lewiston and they particularly encourage them if they can speak French. Now I am disqualified because I can't; I don't know if they would take me at any rate, but at least they can say it is because I don't speak French.

But very seriously, there is nothing in this bill which would stop a club from saying — we're a Franco-American club, we want Franco-Americans, we want our barkeeps, we want the people that work there to be Francos. Fine! No problem! We specifically excluded that from the bill.

The second statement made is inaccurate. The statement is made that somehow under this bill you are guilty until you are proven innocent. That is false, plain false. There is an explicit statement in the bill that always as under our system you are presumed innocent and the burden of proof is on the person who alleges the discrimination, and this is right and as it should be.

Now the third statement is that somehow if you are involved in a charge, if you are a businessman and there is a charge of discrimination, that you can't carry on business, and your assets are all folded up and I guess you are padlocked and all these other things. This is false, completely and utterly false. These are red herrings dragged across the trail to try to make you vote against decent legislation and play upon your fears, and they are not true.

Again I find myself — and I guess this is bad psychology perhaps, answering all the allegations against the bill rather than speaking for the good parts of it. But these accusations that go about that one tells the other and so on, that we hear about padlocking businesses, are just grossly inaccurate and I can with only charity presume that they are made because of a lack of knowledge rather than an intent to mislead anyone on the contents of the bill.

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

Mr. GAUTHIER: Mr. Speaker, through the Chair I would like to ask Mr. McTeague a question or two. In Sanford we have the Lafayette Club, a Franco-American club, and over this clubhouse we have apartments. Would we be affected under this bill?

The SPEAKER: The gentleman from Sanford, Mr. Gauthier, poses a question to the gentleman from Brunswick, Mr. McTeague, who may answer if he chooses; and the Chair recognizes that gentleman.

Mr. McTEAGUE: Mr. Speaker, I think I understand the question, but only partially. I presume that the question which Mr. Gauthier

meant to go on and say that they have apartments over their club and they would like to have club members or perhaps club employees live in the apartments. Construing the question that way, I see nothing in the bill that would prohibit a club which has as a function of the club letting rooms to members and presumably single members, to continue to do so and to do so with their own members and not people who are not members of the club.

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

Mr. GAUTHIER: Mr. Speaker, I guess I wasn't understood. We have apartments that we rent, not to our employees but to someone else, anybody that wants to rent them, they are four or five-room apartments. We have several. This is the question I would like to have answered.

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

Mr. McTEAGUE: Mr. Speaker, I am not personally familiar with the Lafayette Club, but I understand that I think the question broadened to me now by Mr. Gauthier, that even though these apartments are owned by the club they are not connected with the club, and for example if Mr. Gauthier, although I don't belong to the club, might let me go in there or might let Mr. Moreshead or any other member connected with the club, then I guess if there were a black man that wanted to go in and he paid the rent and he was a good and decent tenant he couldn't keep him out just because he was black.

Because it sounds to me from what Mr. Gauthier has said, that even though the club owns these apartments that they don't use them for club members. It is rather surprising if that is the case by the way. My familiarity with clubs leads me to think that the general situation, that is if they do have a few rooms, they usually keep them for members or perhaps the manager of the club.

In the case of rooms kept for members, no one is trying to bust into the Lafayette Club or any other club, and this bill wouldn't help them. But if the Lafayette Club or any club, fraternal organization, owns an apartment house let's say, which they operate separate from the club and which they rent to members of the general public, I think it would be of interest to Mr. Gauthier to know that not only under this bill but under present law to discriminate on the basis of race or religion or ethnic origin in regard to such rentals is now a crime. It would also be prohibited by this bill.

I trust certainly that the gentleman is not suggesting that there is anything improper or criminal going on at this time.

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

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: I just came in to find out that there is a motion to recede and concur. I think that we have come to a point that either we decide one way or the other, and the last time that this came up in the House, trying to expedite some of these matters, I did not get up and talk about this although I have stated my stand before for a very different reason. I did not bother at the proper time to put all kinds of amendments.

But, this morning I did not intend to say anything and I really didn't want to. But I have been in the last couple of days misled and everything that has been done according to this bill, whatever it was whether I agreed with it or not, I accepted the result the last time. Maybe I wasn't too happy, but I accepted it. However, I always assumed that everything that is done should be done on top of the table and I can assure you that I am not going to blast anybody personally this morning, but I can assure you that there are many things that have been done under the table which I do not like, which I will not accept and which I will not forgive.

I will not state my former objections to the bill, my personal objections have not been taken care of,



and I realize that you don't have to take care of any personal objections. But for many reasons that have happened just in the last day or two here, for that reason alone, I will move against the motion to recede and concur.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All 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 Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Now that the House has been secured on the roll call, there can't be too many exits going out, I would just like to add a few words this morning. Those that have had an axe to grind, have made their wishes known, those that thought that there was something wrong with the bill have had ample opportunity to offer their amendments to be debated on the floor of the House, for their acceptance or rejection.

The hour now is zero hour and minds are getting a little frayed and tired, so it is my sincere belief this morning that we have passed this bill in prior sessions, of this special session, so now it comes before us in amended form because of an error, and the suggested changes that were offered this morning have not come forth before, and it is too late now to start thinking the possibility that this bill can be amended to please every single individual in the House.

You have indicated that we are in need of a commission, a Human Rights Commission to establish these wrongs that are done, if and when they are done, so I hope that the motion to recede and concur will prevail this morning so that we can have a Human Rights Commission to take care of these inequities.

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

Mr. BENSON: Mr. Speaker and Members of the House: You have all made up your minds I am sure by this time whether you feel that there will be good or the lack of it result from the enactment of this legislation.

I would just call your attention to the second page of the amendment coming to us from the Senate under filing number S-453. You are creating four positions, four people will be acting under this bill. You are spending \$41,200 in that category. Down below, as has already been mentioned, there is a request for \$5,000. I just wanted to call to your attention to the fact that the Department of Education says that they could not fulfill the requirements under this bill for \$5,000, they would have to have ten. But there is just not \$10,000 in the General Fund. There is only five and that is why five appears here. So apparently they will only be doing half the job as required by the bill.

I merely wanted to point these things out to you prior to your voting.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker and Members of the House: I would like to add to what Mr. Benson has said that these four people who are hired as strictly the office staff for this department, in the bill is the authority to hire all the investigators, lawyers, accountants and so forth and so on, under contract, so I am sure the general contract would run \$50 to \$100 a day. And when they run out of this 15,000, they will be going to the Council for more money to keep on investigating. Thank you.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I feel that this amount of money is needed and should be there if you are going to have any area of enforcing. If the Commission is established and they are

not given the funds to at least have a start in enforcing the provisions of this act, it would be just like the second floor of this building, you would provide for an officer to enforce all the laws of the State of Maine and then you would tie his hands and say, "Well we can't give you the money to provide for the law enforcement of the state." This is no different than what we have got established on the second floor of this building.

The SPEAKER: A roll call has been ordered. All in favor of receding and concurring will vote yes; those opposed will vote no.

#### ROLL CALL

YES — Bedard, Berman, Bernier, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carter, Chandler, Coffey, Corson, Cox, Crommett, Croteau, Cummings, Curran, Dam, Drigotas, Faucher, Fecteau, Fortier, M.; Gilbert, Giroux, Good, Goodwin, Haskell, Hichens, Hunter, Jalbert, Jameson, Jutras, Kelleher, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Lund, Marquis, Martaller, Martin, McKinnon, McTeague, Millett, Mitchell, Morgan, Nadeau, Norris, Payson, Richardson, H. L.; Rideout, Ross, Santoro, Soulas, Starbird, Stillings, Temple, Vincent, Wheeler, White, Wood.

NO — Allen, Baker, Barnes, Benson, Birt, Bragdon, Brown, Buckley, Bunker, Carrier, Casey, Chick, Clark, C. H.; Clark, H. G.; Cote, Cottrell, Crosby, Curtis, Cushing, Donaghy, Durgin, Dyar, Emery, Evans, Finemore, Foster, Gauthier, Hall, Hanson, Hardy, Harriman, Hawken, Henley, Heselton, Hewes, Huber, Immonen, Johnston, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, MacPhail, McNally, Meisner, Mills, Moreshead, Mosher, Noyes, Page, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Susi, Thompson, Trask, Tyndale, Wight, Williams.

ABSENT — Binnette Couture, D'Alfonso, Danton, Dennett, Dudley, Erickson, Eustis, Farnham, Fortier, A. J.; Fraser, Keyte, Ouellette, Ricker, Rocheleau, Sheltra, Tanguay, Waxman.

Yes, 64; No, 68; Absent, 18.

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

Thereupon, the motion to insist and ask for a Committee of Conference prevailed.

#### Non-Concurrent Matter

Bill "An Act on Tax Relief to the Elderly" (H. P. 1465) (L. D. 1839) on which the House adopted House Amendment "B" and indefinitely postponed the Bill on February 4.

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

In the House:

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

Mrs. GOODWIN: Mr. Speaker, I move that we recede.

The SPEAKER: The gentlewoman from Bath, Mrs. Goodwin, moves that the House recede from indefinite postponement.

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

Mr. HEWES: Mr. Speaker and Members of the House: I am opposed to the motion of the gentle lady from Bath that we recede and concur. This is a bill that we defeated after two roll call votes two afternoons or evenings ago. As I indicated then, as I feel very strongly, despite the very attractive title to this bill, it is a bill that discriminates against people under age 65, it discriminates against the workingman, it imposes a larger tax paying burden on the workingman that he had before or that he presently has. As the good gentleman from Pittsfield, Mr. Susi said yesterday, taxes should be distributed evenly.

It seems to me that this bill is going to disrupt local tax practices and procedures. As I understand it a great deal of red tape is involved, and I am going to give you an example which I think may bring this out to you.

Income is defined as the "federal adjusted gross income." If anyone has adjusted gross income of \$2,500 plus "capital gains excluded from adjusted gross income, alimony, support money, nontaxable strike benefits, cash public assistance and relief, but not including relief granted under this subchapter," plus "the gross amount of any pension or annuity," benefits payable under "Federal Social Security Act, state unemployment insurance laws, and veterans disability pensions, non-taxable interest received from the Federal Government or any of its instrumentalities, workman's compensation and the gross amount of 'loss of time' insurance." That person and if others in his household do not earn more than \$2,500 may make a claim, make a claim with the municipality.

And what are the benefits? Under subsection 671, item 2, he receives a claim limited to 60 per cent of the amount of taxes accrued or rent on the property he rents, accruing in the tax year — and the tax year isn't the calendar year, January 1 to December 31st, it is a twelve month period from April 1st to March 31st, as I read this. He receives a credit of 3 per cent of his income from \$300 to \$1,000, plus 5 per cent of his income from 1,000 to 1,500, plus 8 per cent of his income from 1,500 to \$2,000, plus 10 per cent of his income from \$2,000 to \$2,500 and 13 per cent of his income from \$2,500 up to \$3,000.

So if somebody does qualify for these benefits, these are the benefits to which he is entitled. He files his claim with the municipality where he lives and the claim must be filed within a year, and the municipality then makes a claim to the state. I believe the bill now is on 90 per cent of the taxes lost by reason of this, as exceeds 3 per cent of the towns or municipalities credits for veterans' purposes plus this purpose. They put their claims to the state, and whether the state pays them, as I understand the law at the present time, as I understand our appropriations at the present

time, there isn't one solitary dime allotted for this purpose. So the municipality, which is crying for more aid now, is going to be tagged with having to readjust the way it collects its taxes.

Now I feel we should stand by the very fine law that was sponsored by the gentleman from Sanford, Mr. Gauthier, last session, the regular session, went into effect October 1st, just about four months ago, and that freezes the real estate tax at the present amount for all people 65 or over, provided they have lived in their home for a period of, I think it is two years or three years.

Now that particular law hasn't yet had a chance to be applied because the new real estate tax year hasn't gone into effect yet. But in the next two, three, in a few years, this is going to give real relief to people on incomes that do not increase. And it seems to me it is a very fine bill and that we should try to utilize that bill before we change any system. Let's see if that works well. So I respectfully hope that you will vote against the lady's motion to recede so that we may eventually be able to vote to adhere and vote the same way the other body did last night on the motion that we made on the school subsidy bill when we hoped to have a Committee of Conference to possibly work out a difference as to five different formulas for paying school subsidies. What do they do? They voted to adhere, and we should do the same.

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

**Mrs. GOODWIN:** Mr. Speaker and Ladies and Gentlemen of the House: I was hoping I could get away with five words, "I move that we recede," but obviously it is not going to be possible. I moved that we recede and not recede and concur, as the gentleman from Cape Elizabeth, Mr. Hewes, said, because we have a complicated procedure we must go through if this bill is to be passed to be engrossed.

Senate Amendment "B" is a compromise between my original

legislation and the Taxation Committee bill. What the amendment does in effect is to take the financial burden away from the municipalities, but at the same time retains the provision that the towns will administer the relief. It is felt by many that the town officials would be in a better position to know who might need relief and to inform these people as to their rights to a tax rebate. The town would grant tax relief to the elderly householders and then be reimbursed one hundred per cent by the state.

Now House Amendment "B" is still on the legislation. It was presented by Mr. Susi. I have have talked this over with him. It provides that the state will reimburse the towns 90 per cent of the rebate granted, if such rebate plus veterans' exemptions exceeds 3 per cent of the total tax levied. These two amendments are in conflict. House Amendment "B" was supposed to have been indefinitely postponed, but in error it was not. Senate Amendment "A" repeals the law passed in the regular session which simply freezes property taxes at age 65, no matter how high they might be, provides no relief for those senior citizens who rent, requires that the town bear the cost of the exemption and places a tax lien on the recipients property.

Now Mr. Hewes was stating what income is included in this bill. To begin with the income has to be under \$3,000. He has misread number six. The only income which is not included in this is relief granted under this subchapter and it does not include gifts from the non-governmental sources or surplus foods or other relief sometimes supplied by a government agency.

I would like to give you some examples of how much relief people would get. If someone had an income of \$1,300 and was paying \$150 in property taxes, he would get back \$72. If he had an income of \$1,800 and paid \$175 in property taxes, he would get back \$66.60. If he had an income of \$2,200 and was paying \$200 in property taxes, he would get a \$60 reimbursement.

Now one of the arguments being used against this legislation is that since it does not have to be funded now, why should we obligate the next Legislature to pay for it. I believe this argument is fallacious. When we enact a program and do fund it, don't we still obligate the next Legislature to continue to pay — not only the original cost but also a built-in increase?

Also a question being asked is why bother now if relief won't be granted until 1971. Unless this legislation were passed as an emergency measure in the 105th Legislature requiring a two-thirds vote, it would not take effect until 1972, because the 1970 tax year will end on March 31, 1971. Thus our senior citizens will have to wait one more year for relief. They have already lost one year because of our failure to act in the regular session.

I am not going to launch into another long, emotional plea on behalf of our elderly; I am tired of being emotional. I will simply state the options as bluntly as I can. If you believe that our Maine senior citizens have earned the right to a fair adequate form of property tax relief and that they are entitled to live out their remaining years in comfort and dignity, then vote with me. If you do not feel they deserve our help, then vote against me.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: I agree with many of the statements that have been made but I think that one of the things that our senior citizens always did recommend and everyone that I always talked to, is sound reasonable financing. And this bill is improperly financed, it passes the entire burden on to the next Legislature. In the last two or three days I have spoken several times on that particular item and I will continue to speak on it as long as I am in this Legislature this session — that this is not a soundly financed bill, it passes the entire financial burden on the next Legislature and I don't believe we

have a right to do it. I would hope that the bill is not passed.

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

Mrs. GOODWIN: Mr. Speaker and Members of the House: If I might I would like to quote from Mr. Bragdon yesterday on the ADC question. He says, "I share the concern of the gentleman from East Millinocket, Mr. Birt, with regard to obligating future legislators in the manner that we are doing in this bill. However, this bill is something that has been before this Legislature in the regular session and previous legislatures. It is something that we have hoped for a number of sessions to initiate. I am going to forget my aversion to doing this thing on this occasion." If we did it for one, why can't we do it for the elderly?

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

Mr. BRAGDON: Mr. Speaker and Members of the House: If I understood the lady from Bath correctly in her original presentation — I am not going to comment on her latest reading from the record, you can all read that. If I understood her correctly, I thought that I agreed with her on many points; namely I thought she said that if we passed this bill in its present form, she didn't use these words, but I am going to say that we as a Legislature would be accused of losing our cotton-picking minds if we passed it in its present form. There are so many unknowns in this bill that it is ridiculous, it has reached the stage of the ridiculous. It has come to us in a different form every time.

There is no way of now presently establishing how much of the real estate in the State of Maine is in the hands of these elderly. That is one thing. It is not clear in this bill whether we are going to give double exemptions to elderly veterans. There are so many things in this bill that are unknown quantities. Do we want to put out a bill like this, with no knowledge whatever of the cost, put the administration, the interpretation of the needs in the hands of every selectman or town manager in every one

of the municipalities of our state and permit them to send a bill in to the state which we have not attempted in any way to determine the magnitude of?

It would be well known that the ownership of property or real estate property in many cases would be a matter of quite a lot of uncertainty, whether it was in the hands of elderly people or perhaps whether it was in the hands of some other members of the family. These are troublesome things for local officials to determine. Certainly I don't expect this would happen in the City of Portland, but I am darn sure it would happen in the Town of Perham. That if our selectmen honestly tried to come up with an exemption for one elderly person I am sure that they would certainly receive requests from many others who felt that maybe they were only a dime or a nickel below the guy that did get the exemption.

I can see so many problems in the interpretation of this bill as it now stands before us and again I agree with the gentleman from East Millinocket, Mr. Birt, that we should not come up with something that we have no idea whatever as to the cost. I don't think anybody, the Taxation Department or anybody, could make an honest evaluation of the cost of this bill. I want it clearly understood that I am not against some tax relief for the elderly, but certainly this is not it. I hope that you will vote down the motion of the lady from Bath, Mrs. Goodwin.

Mrs. Goodwin of Bath was granted permission to speak a third time.

Mrs. GOODWIN: Mr. Speaker and Members of the House: A tax rebate table will be prepared by the State Tax Assessor for all the municipalities, stating exactly what relief they may grant to a person depending on their income and depending on how much they pay in property taxes. So I doubt that there would be very much shilly-shallying around with it.

Also I would like to point that people keep saying that this is untried legislation, that this is badly put together legislation. This is model legislation of the Intergov-

ernmental Relations Commission, of which Senator Muskie and Vice President Agnew were members. It is the Wisconsin plan almost verbatim.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I have given some thought to this bill and to tax relief for the elderly and still have not come to the conclusion that this is the best method we can do it. Having served a number of years as an assessor, I find a fallacy in the bills that have been presented so far, particularly the one that was presented in the last session. Because we pass on the debt to the children. Now this may be all right in some respects, but in one particular case if a man should have five children and suddenly finds himself with a tax lien on his mother's house, or his father's house as the case may be, it would create quite a problem for him.

There are a number of things that are in favor of his bill. However, as to the overall cost this is one point that we seem to forget, that the cost has to fall somewhere; and this is the point of question. And I would ask you to seriously consider three or four points here. One point, where do we effect the cost? Do we have the state assume the full cost or should the municipality assume some? Should you pass it on to the discretion of the selectmen or the assessors who at the present place on the statute can give abatements in certain specific cases; and then try to retrieve the cost from the children later on.

And then the third thing you should consider is whether some tax expert should study this question through the Legislative Research Committee and come up with a proper solution.

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

Mr. SUSI: Mr. Speaker and Members of the House: I will attempt to clarify the issue. We have had a lot of debate. I have had more exposure to this even though perhaps

don't possess any greater understanding of it.

I think the basic question that we're facing is do we want tax relief for the elderly. Once you settle down I think the rest of the answers will come rather readily. Not that I declare myself an expert on this — certainly not, but those whom I respect advise me that if you want to get into tax relief for the elderly this Wisconsin plan, which has been used and tested and has been found to serve the purpose well, is probably the best way known to governmental circles now to accomplish this.

We have changed the Wisconsin plan only in this respect to my knowledge. That there is now a provision in this bill before you that the administration of the property tax relief would be mainly at the municipal level rather than at the state level. This is a feature of it as it is now. The state would furnish the forms and perhaps some guidance, but most of the administration of it would be at the local level.

So far as the cost is concerned, the only estimate that we have is a million and a half a year for the bill as it is drawn now. As it is now with the Senate amendments on it, the state would pay one hundred percent of it. It isn't tied in with the veterans' exemptions, it isn't tied in with 3% or anything the state would pay, reimburse the communities one hundred percent for whatever tax relief was granted to the elderly. There is no current appropriation under the bill as it is now.

There would be a financial obligation imposed on the 105th Legislature to finance this program if you were to enact it in this special session.

I think those are the basic facts and now I think that we have a clear-cut decision to be made here now.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: We already have one very expensive planner from the State of Wisconsin and I would submit that perhaps we don't want to buy

an expensive plan from the State of Wisconsin.

Mr. Kelleher of Bangor requested the yeas and nays.

The SPEAKER: The pending question is on the motion of the gentlewoman from Bath, Mrs. Goodwin, that the House recede from indefinite postponement on Bill "An Act on Tax Relief to the Elderly," House Paper 1465, L. D. 1839. A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote 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 gentlewoman from Bath, Mrs. Goodwin, that the House recede from indefinite postponement. If you are in favor of receding you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA—Bedard, Berman, Bernier, Bourgoin, Brennan, Burnham, Carey, Carrier, Carter, Casey, Chandler, Coffey, Corson, Cote, Cottrell, Couture, Cox, Crommett, Croteau, Cummings, Dam, Danton, Dennett, Drigotas, Emery, Evans, Faucher, Fecteau, Finemore, Fortier, M.; Fraser, Giroux, Goodwin, Harriman, Henley, Hunter, Jalbert, Jameson, Jutras, Kelleher, Kilroy, Laberge, Lawry, Lebel, LePage, Levesque, Lund, Marquis, Martin, McKinnon, McTeague, Meisner, Mills, Mitchell, Morgan, Nadeau, Norris, Ouellete, Rocheleau, Ross, Soulas, Starbird, Stillings, Susi, Temple, Tyndale, Vincent, White, Wood.

NAY — Allen, Baker, Barnes, Benson, Birt, Bragdon, Brown, Buckley, Bunker, Chick, Clark, C. H.; Clark, H. G.; Crosby, Curran, Curtis, Cushing, Donaghy, Durgin, Farnham, Foster, Gauthier, Gilbert, Good, Hall, Hanson, Hardy, Haskell, Heselton, Hewes, Hichens, Huber, Immonen, Johnston, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, MacPhail, Marstaller, McNally, Millett Mores-

head, Mosher, Noyes, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Sahagian, Scott, G. W.; Shaw, Snow, Thompson, Trask, Wight, Williams.

ABSENT — Binnette, Boudreau, D'Alfonso, Dudley, Dyar, Erickson, Eustis, Fortier, A. J.; Hawkens, Keyte, Leibowitz, Ricker, Santoro, Scott, C. F.; Sheltra, Tanguay, Waxman, Wheeler.

Yes, 69; No, 63; Absent, 18.

The SPEAKER: Sixty-nine having voted in the affirmative and sixty-three in the negative, the motion does prevail.

Senate Amendment "A" (S-450) was read by the Clerk and adopted in concurrence.

Senate Amendment "B" (S-435) was read by the Clerk and adopted in concurrence.

The House voted to recede from adoption of House Amendment "B" and the Amendment was indefinitely postponed in non-concurrence.

The SPEAKER: Is it now the pleasure of the House that this Bill be passed to be engrossed in non-concurrence?

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

Mr. BENSON: I now move that we indefinitely postpone this bill and all accompanying papers, and would speak briefly to the motion.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson, now moves that this Bill be indefinitely postponed. The gentleman may proceed.

Mr. BENSON: Mr. Speaker and Members of the House: It has been said several times this morning, and I want to reiterate it one more time, I think that it is unthinkable for us to pass a piece of legislation in this session which obligates the next session to an undeterminable amount of money. This has been done in the past, we are not setting a precedent; but because it has been done, it doesn't mean that it is right.

We can't do this in our personal lives. You couldn't take on an obligation today for next year in your own personal life, which you had no idea of how you were going to handle it. If we can't do it in our own personal life, then I

don't think we ought to do it on behalf of the State of Maine. I ask that you support the motion for indefinite postponement.

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

Mrs. GOODWIN: Mr. Speaker, I ask when the vote is taken that it be taken by the yeas and nays.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: As an individual, and not as the majority leader, I wish to support the motion to indefinitely postpone. And I do so not because I am unsympathetic with the aims of this bill, and not because I feel that every single item has to be plotted out financially so that we know where we are going. But in this case it seems to me that we are taking on an obligation of an undetermined amount, but one which will surely be of staggering proportions. And this is the reason why I hope that you will vote in favor of the indefinite postponement of this bill.

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

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: If the next Legislature should find that the cost is exorbitant, and that we can't pay for it, it can be repealed. But I repeat again, if we do not pass it now, and it isn't passed until the next Legislature, it will not take effect until 1972. One more year that they will have to suffer.

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

Mr. HEWES: Mr. Speaker and Members of the House: It seems to me that this is passing an improper burden on to the workingman. That people who want their children to be able to meet in this world today, and spend great deals of money to send their children to college are the ones that need the aid. It seems to me that when their college tuition rates have gone up to \$1,000, or \$2,000 or \$3,000, rising all the time, that those parents who are trying to fit their

children for the future of the 20th century and into the 21st century, need aid tremendously, and they should not have an extra burden imposed upon them.

I cannot vote for something which will impose a greater burden on the workingman who is already overly burdened, and on the parents of college-age children, and the young people coming along, young married couples with all the problems that they have. And I hope that this bill is defeated.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Just a few brief words this morning. I think that what the gentleman from Cape Elizabeth this morning is talking about is of a system whereby everybody is taken care of, including the single person of any age, from the cradle on up. And that particular place happens to be on the other side of the globe. And by some freak word that is used every now and then, Soviet Russia.

We don't want that system here. We only want to take care of some of the needs of the elderly that are unable to work to provide for their needs. So I hope that you will vote against the motion to indefinitely postpone this morning.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I merely rise to call attention to what I consider a fallacy in the recent remarks of the lady from Bath in regard to the next session could repeal this if it is not workable. Don't lose sight of the fact that if you enact this you have given the authority to the municipalities to go ahead and make their move before the next session of the Legislature would be able to repeal the bill. They have already incurred their costs. They would proceed under this.

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

Mr. FARNHAM: Mr. Speaker and Members of the House: This



is a bill that has more or less tortured my soul. I have paid the taxes on property of my father-in-law, and my mother for ten years. It costs me \$80 a week now to take care of my mother. But there is not going to be any charity in my house. If you will kill this bill, and if I am reelected, I will propose a bill in the next session of the Legislature that grants everyone over 65 a \$3,500 property tax exemption, rich and poor alike, so there is no reams and reams of paper and red tape.

You say, "How will this be financed?" You remember in the regular session we had the bloc grant principle before us. That can be revived, and by some means, whether it be changes in the income tax or the sales tax, we will have bloc grants going back to every town and city, that can more than offset the loss in the property tax. I hope you join with the gentleman from Southwest Harbor, and indefinitely postpone this bill.

Mrs. Goodwin of Bath was granted permission to address the House a third time.

Mrs. GOODWIN: Mr. Speaker and Members of the House: I would like to answer an argument, I believe by Mr. Bragdon, that the municipalities will start putting this into effect before the next Legislature. If this bill is passed no claim will be able to be even filed by an elderly citizen until after April 1, 1971.

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

Mr. DRIGOTAS: Mr. Speaker and Ladies and Gentlemen of the House: I am now breaking my word to my constituents. I had told them that perhaps if I didn't get up at all that the session would be shortened. But I can't help but tell you people how affected I was as a member of the Taxation Committee.

The meeting was originally scheduled for a hearing in room 124. It had to be adjourned to room 105. And even then there were elderly people that were in the hall outside, unable to get in to plead for their cause. There were people that certainly weren't as well dressed as we are here, as

well perhaps nourished as we are, and my heart went out to them. And how many of these people will be here next year to hear again the arguments against helping them? This is a question I ask of the people in this House.

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: I wonder how many of those people realize that we already have a law, we haven't yet given that law time to be worked out, and to serve the elderly. I think it is ridiculous to repeal a law that we put on during the regular session for something that is unknown as this is, and as expensive. To me that other law made a great deal of sense, the lien on the property, but relief for the elderly. I ask you to go along with the indefinite postponement of this bill.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All 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 Southwest Harbor, Mr. Benson, that this Bill "An Act on Tax Relief to the Elderly," House Paper 1465, L. D. 1839, be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA — Allen, Baker, Barnes, Benson, Birt, Bragdon, Brown, Buckley, Bunker, Chick, Clark, C. H.; Clark, H. G.; Crosby, Cummings, Curran, Curtis, Cushing, Dennett, Donaghy, Durgin, Farnham, Foster, Fraser, Gauthier, Gilbert, Good, Hall, Hanson, Hardy, Haskell, Heselton, Hewes, Hichens, Huber, Immonen, Johnston, Kelley, K. F.; Kelley, R. P.; Laberge, Lee, Lewin, Lewis, Lincoln, Lund, MacPhail, Marstaller, McNally, Meisner, Millett, More-

shead, Mosher, Noyes, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Sahagian, Scott, G. W.; Shaw, Snow, Thompson, Trask, Wight, Williams.

**NAY** — Bedard, Berman, Bernier, Bourgoin, Brennan, Burnham, Carey, Carrier, Carter, Casey, Chandler, Coffey, Corson, Cote, Cottrell, Couture, Cox, Crommett, Croteau, Dam, Danton, Drigotas, Faucher, Fecteau, Finemore, Fortier, M.; Giroux, Goodwin, Harriman, Henley, Hunter, Jalbert, Jameson, Jutras, Kelleher, Kilroy, Lawry, Lebel, LePage, Levesque, Marquis, Martin, McKinnon, McTeague, Mills, Mitchell, Morgan, Nadeau, Norris, Ouellette, Ross, Soulas, Starbird, Stillings, Susi, Tanguay, Temple, Tyndale, Vincent, White, Wood.

**ABSENT** — Binnette, Boudreau, D'Alfonso, Dudley, Dyar, Emery, Erickson, Eustis, Evans, Fortier, A. J.; Hawken, Keyte, Leibowitz, Ricker, Rocheleau, Santoro, Scott, C. F.; Sheltra, Waxman, Wheeler.

Yes, 69; No, 61; Absent, 20.

The **SPEAKER**: Sixty-nine having voted in the affirmative, and sixty-one having voted in the negative, the motion does prevail.

Thereupon, the House voted to adhere.

On the part of the House, the Speaker appointed the following Conferees on the disagreeing action of the two branches of the Legislature on Bill "An Act Establishing a Human Rights Commission," House Paper 1439, L. D. 1814:

Messrs. **McTEAGUE** of Brunswick  
**RICHARDSON**  
of Cumberland  
**MORESHEAD** of Augusta

#### Orders

On motion of Mr. Ouellette of South Portland, it was

Ordered, that Kathy Coffey of Topsham be appointed to serve as Honorary Page for today.

Mr. Donaghy of Lubec presented the following Joint Order and moved its passage:

**ORDERED**, the Senate concurring, that the Legislative Research Committee is directed to study the

coordination of public higher education established pursuant to the private and special laws of 1967, chapter 229, to determine if a cohesive structure of public higher education in the State of Maine has in fact been developed or overdeveloped and realized anticipated savings, increased efficiency and in general become a more effective educational system. Such study shall also include but not limited to an assessment of the aims and purposes of the law to determine whether it has been carried out in full recognition of the principle that each institution of higher education shall have a proper measure of control over its own operation; and be it further

**ORDERED**, that the Department of Education is directed to provide such professional and technical assistance as the committee deems necessary to carry out the purposes of this Order; and be it further

**ORDERED**, that the committee report its findings and recommendations, including any necessary legislation, at the next regular session. (H. P. 1473)

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

Mr. Lund of Augusta presented the following Joint Order and moved its passage:

**WHEREAS**, certain activities of the State involving state employees are covered by liability insurance while others are not; and

**WHEREAS**, experience indicates a substantial increase in the number and dollar amount of civil actions against state employees for official acts; and

**WHEREAS**, many of these employees become personally liable in civil actions even though acting in an official capacity in good faith and without liability insurance; and

**WHEREAS**, the provisions of existing law preclude a defense by the Attorney General of most state employees even though acting in such capacities; and

**WHEREAS**, a substantial amount of time, expense and inconvenience results in processing such actions

through the courts and the Legislature; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study existing procedure for settlement of liability claims against employees of the State to determine a more appropriate means of assuring that liability claims against such employees will be promptly and fairly settled and that individuals acting in good faith in official capacity shall not be held personally responsible for their acts or omissions. Such study shall also include, but not be limited to, an economic and effective way of resolving the present uneven liability insurance coverage; and be it further

ORDERED, that the Department of Insurance and the office of the Attorney General are directed to provide such technical advice and assistance as the committee deems necessary or desirable; and be it further

ORDERED, that there is appropriated to the Committee from the Legislative Appropriation the amount of \$5,000 to carry out the purposes of this Order; and be it further

ORDERED, that the committee report the results of its study to the 105th Legislature. (H. P. 1474)

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

**Passed to Be Enacted  
Emergency Measure**

An Act relating to Termination Statements under the Uniform Commercial Code (H. P. 1370) (L. D. 1719)

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 none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Bond Issue  
Failed of Enactment  
Tabled Later in the Day**

An Act to Authorize Bond Issue in the Amount of \$14,985,000 for

the Construction and Renovation of Higher Education Facilities at the University of Maine (S. P. 603) (L. D. 1778)

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

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: I have no intention of repeating all of the things that I tried to indicate to you yesterday, but I do want to indicate to you that the original amount of the bond issue as proposed by the University trustees to the Appropriations and Financial Affairs Committee was \$24,835,000. The bill in its present form calls for a capital construction bond issue of \$14,985,000, and as I indicated to you yesterday a number of items were taken out which I felt in good conscience should be taken out, and I am just delighted with the way the Appropriations Committee handled that aspect of it.

A number of the smaller items and a number of what are truly maintenance or paint and paper items are going to be paid for out of surplus under an amendment to be offered by the gentleman from Perham, Mr. Bragdon.

I want to indicate just one more thing to you if I may. I don't think any one of us can say — well, 12 million is the right figure or 14 million is the right figure or 24 million is the right figure. The only thing we can do as legislators is exercise our best judgment as to what is necessary.

Now Mr. Haskell I think has several times pointed out to you that this bond issue at this level is completely consistent with what we should be doing, having regard for national statistics. I hope that today we will pass the bond issue, and in doing so I urge you not to try to second guess or to try to figure out what the people of the State of Maine really feel about higher education. If they reject this then I think that it is very clear that we have got to reanalyze the whole concept of higher education in the state.

But let's give the people of this state an opportunity to make that judgment. Thank you.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: We have talked long; we have given many reasons for and against this bill, and I will be the first to agree that there probably are items that may be quite necessary within this bond issue. I also know, and taking the chance of a repetition of what has already been said many times, I also know that this is still twice what the people turned down — still twice.

Now if you want to really hurt the University of Maine you vote for this, because the people will surely turn it down again, surely turn it down again. And if the University is rebuffed twice in succession, how long will it be before we can turn out an issue that will really help them? A few weeks ago we were told that \$24 million was needed, those were all essential priority items. Now 10 million roughly has been knocked off it; so quite obviously they were knocked off, we hope, in the order of priority, and we have the absolute top items.

However, I believe that if these things are absolutely needed, that you will be hurting the University terribly if you vote for these things now and the people turn them down in June, because it will be a long time, a very long time before they can be put in. But if you vote against this bond issue now and we turn it down here in this Legislature, and if there are as many students being turned away as the good Chancellor has told us, if this is all true, then don't you think that by the next Legislature there will be enough popular demand for a bond issue of a size that can really help the University? If there is, then we can pass it here and the people will pass it on the outside.

I was against the concept of the greater University. The people I think at large were against it, and I think part of their resentment was reflected in the vote last fall. I think the people also are beginning to realize that bond issues

cost interest and at least for the start when this issue is issued, after the people approve it, if they do and if we pass it, we probably will have about 5%, 6%, 7, 8, 9 and even 10% interest — we don't know. I don't know.

We have already removed in some instances the limit on the interest required by law. 5% interest, what would that be? 700,000 perhaps, the first year anyway. I think it is on the unpaid balance. So I think that that money could probably be profitably used elsewhere. We wonder what the higher education, where we want to go with it. As the good gentleman from Cumberland has said, I think there are a lot of questions as to where we want to go with it. I think there are many of us that feel that quite possibly our vocational schools should rate a higher priority. I think there are many of us that feel that some of this money should be going into, shall I say, lower education, elementary and high schools. These are other questions.

The question here today is this issue. The questions are, if it is turned out will it pass? I don't believe so. If it does not pass, are we hurting or helping the University? I believe if it does not pass we are hurting the University and hurting it more, far more, than we realize today. I think that if we wait until the next session of the Legislature the people will be ready for a bond issue that will really help and I think then they will vote for it. I urge you today to please vote no on the final enactment.

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

Mr. RIDEOUT: Mr. Speaker and Ladies and Gentlemen of the House: If I sound biased on this University of Maine bond issue, it is only because I am. Where in the State of Maine do our children go, for instance for pulp and paper engineering? Not Colby, not Bates, not Bowdoin. Where do they go for engineering? Not Colby, not Bates, not Bowdoin. Where do they go for agricultural economics? Where do they go for graduate degrees? Not Colby, Bates, or Bowdoin. Yet we

are asking the University system in our state to create a Colby every single year. Now we can't do that without added expenditures.

It used to be fun to graduate from high school and look out onto the world. Now the pressures of getting into college are such that there is always this stigma over the graduate's head—can I get into college? I think it is our obligation in the State of Maine to make sure that there is room in our state university so that our graduates from high school can get into college.

Now I have got nothing against Colby, Bates and Bowdoin, but they are limited in just what they can do. They are not expanding at the rate that the state university must expand. How do you explain to one of these high school graduates when he gets his rejection slip from college? Because we didn't want to turn this out to the people for referendum, he cannot get into the state university.

Remember, ladies and gentlemen, that quality of the product is remembered long after the price is forgotten. I have no crystal ball to say that the people will or will not accept this bond issue, but I think that we are right in our priorities, I think we are right to put it out and let the people decide; and I would hope that you would vote to sustain this bond issue at the current level.

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

Mr. VINCENT: Mr. Speaker and Ladies and Gentlemen of the House: There has been a lot of discussion about the voters turning down the bonding issue of last year, and I think that this should be put in text. Last year the mood of the nation and the people of the State of Maine were pretty much anti-student, because of the student activities on both campus and on the war issue. This wasn't a problem that confronted the people or the students of the State of Maine. It was something that was viewed nightly on television, and the public just reacted in a negative approach wanting to strike out against this dissension. The students have been pretty calm

this past fall and in the spring, and the students of Maine are the ones that suffered most because of this.

We have successfully passed out a \$19 million bonding issue for highway construction, and if we don't pass out a University of Maine construction bonding issue, we may succeed in just having good, well paved roads for the youth of the State of Maine to leave by. I urge you to vote for this in its present size and form and send it out to the people. Thank you.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I don't believe the people up in Bangor, when they voted down this seven and a half million dollar bond issue last year, were against the students. But I do believe that they were against the spending. They turned it down by over 400 votes up there, and now we have got a bond issue of fifteen and a half million and they are going to turn it down again.

I live near the University of Maine, in fact the south campus is in my area. And my people, the people that I talk to, and I talk to a great cross section of them, they are sick and tired of this spending. I voted against the seven and a half million dollars at the polls in November and I am going to vote against it again in here this morning, and if I am defeated I am going to vote against it again at the polls. This is just too much money for me to take at this time.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: At least I am able to understand the argument much better of the gentleman from Bangor than I am the argument of the gentleman from Kingman Township, and I think this clarifies the issue. I am troubled, however, by the various different and conflicting arguments as seem to be put forth by the gentleman from Kingman Township, although I have no question about the sincerity of his position.

On the one hand he would suggest that if you are a friend of the university, vote against this, and I disagree with this point. On the other hand, the gentleman suggests that perhaps we should be putting more money into vocational education, or more money into primary education. And it seems to me that the gentleman from Kingman Township ought to decide whether he favors expanded opportunities for education at the university level or not.

I would remind you all of a fact that I shouldn't have to speak of perhaps, but we are not just talking about the Orono campus any longer. We are not just talking about the Portland campus, we are talking about the University that encompasses what used to also include the State Teachers' Colleges, so-called.

I would also remind you that at the last election when these bond issues were voted on, the University of Maine bond issue was the issue which was defeated by the smallest margin of all of the questions which were defeated. I would second the suggestion that we ought not at this point and at this time try to predict what the outcome of the election may be, and to say that we are really friends of the University and really know what is best for it; so vote no. I would rather say that the answer for us to decide here is whether we wish to give the people of the State of Maine the opportunity to vote to support continued expansion of educational opportunities for our young people graduating from high school. And on that basis, I would hope that the House would vote in favor of the pending motion.

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

Mr. BOURGOIN: Mr. Speaker and Members of the House: I find that this bonding issue is very conservative for the number of campuses that we have that are all inclusive now, and that it should be voted to pass. Thank you.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: To clarify one point in the presentation of the gentleman from Augusta, Mr. Lund, I believe in the expansion of our educational facilities as the need arises and the money to provide for that expansion exists, or if we feel that we can borrow. But I still must emphasize the point that if the people turn this down again, if the University is rebuffed twice in a row, where do we go from there? Where does the University go from there? I think they will be hurt terribly. And I don't think there is any conflict when I say that if you want to help, vote against it now. Because if they are hurt and hurt terribly, how long will it be again before the people will welcome another bond issue for them?

I urge you again, and I urge you very sincerely. I know that probably each and every one of you here today has already decided how you are going to vote, and I know that probably nothing I can say could change your mind. I am quite sure that each and every one of you are sincere in your convictions, as I am. But I would plead with you that you are making a definite mistake if you vote yes, and you are doing the right thing if you vote no.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: I think there surely must be a realization on all of our parts that the people in responsible positions at the University are well aware of the dangers that have been cited by Representative Starbird. However, the University is in a cruel position from the point of view of the time involved. They are involved here with capital construction which must be done if they are to accommodate the projected 1,400 additional students. You do not wave a wand and overnight create college capacity. It has to be anticipated.

I would point out that up to this point the University's student projections have been extremely well planned and have always material-

ized. I would suggest that this bond issue has been very responsibly studied by the Appropriations Committee. It does represent a compromise position between what the University considers as their overall needs and what the good judgment of the Appropriations Committee finally feels is an appropriate level of spending.

The legislative function, in my view, has been well exercised in the responsible consideration of this capital budget. I think that as legislators we have an additional responsibility beyond simply reflecting the opinions of our constituents. We have the additional responsibility of exercising good judgment after we have been exposed to a wider factual background. That is the process that has taken place here, and I think that responsibly we have to go along with the University position that they must continue to move ahead if they are to create the capacity that they know they are going to be faced with within the next biennium.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I am like several here. I have no crystal ball as to what the people may do outside when this bond issue comes out. But I know from reading the papers where that General Electric strike has been settled, where the railroads already now are in the process of either going to strike or not strike, that the longer that any project—and this is the argument that I will have to put up to anybody that asks me about doing work under any bond issue—that any project that is delayed any length of time, just as sure as the world is going to cost more the more you delay it.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I consider myself fairly close to the people in my community, serving them in a dual role currently, and I have been advised time and time again by these people that

this has to be defeated in Augusta. Now I don't share this thinking that they have, but they admit to me that they barely passed this in 1969 in Waterville, and that they would certainly kill it this time around so that the University of Maine would get zero rather than six million, seven million, ten million.

The people of Waterville that I have discussed this with have told me that they might buy \$10 million. Now if they might buy \$10 million, I will buy \$10 million here. And I am fully aware, Mr. Lund of Augusta, that the University of Maine in Augusta is being well used by the people of Waterville.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I would be remiss if I didn't get up again on this bond issue. I have had the name of opposing education, which is untrue. I don't know as there is anyone in the House that perhaps honors higher education any more than I do.

I would like to, one thing, take a slight issue with my friend from Ellsworth, Mr. McNally, on the building situation. I think that he and any other builders will recall something like a little over a year ago there was a big scare on the cost of lumber, so everybody bought lumber. I know of a person that bought plywood, plywood, plywood, and so it about doubled in price. The theory of buying now because the price is going to go up next year is one of the reasons why we are in the situation that we are in. That is creating an inflation on its own inflation because we are borrowing to buy to get under the price before it goes up. Be that as it may, that is another point.

On the bond issue, I wonder if anyone can answer a few questions? If we here as a body do not object to the cost of these expenses for our Super University, in the first place, everyone I guess knows I objected to the joining of a Super University, I still don't believe it is the answer, we get these bond issues and I stated the

other day, it seems to me excessive prices on construction.

What control do we have other than to refuse these bond issues in totality? We have no way of saying, well, you can't pay \$4 million for a building. We have no way of saying that you can't pay \$180,000 or \$185,000 for a parking area. All we can do is to refuse the bond issue. They say that that isn't the way to handle it; we handled other agencies that way.

I recall during about a year ago we were all having quite a hassle with our county budgets. I am aware of a county budget that insisted that they had to have so many hundred thousand dollars. I am aware that several of the things—in fact all of the things that they called for were absolutely necessary. New heating equipment to the tune of maybe \$150,000; parking lots to the tune of \$60,000; new construction, they just had to have it. Nevertheless this Legislature in its wisdom, the very delegations, did trim back those demands. We expect our counties to operate inside of what we authorize for them. We are the only criterion on the amount of those budgets.

A county, as we are all aware, is not a true political subdivision, because the voters have no say. We have to say. That is our only control over those budgets; they are on line budgets. We can say you can't have this or you can't have that. Now why can't we just as well use that in regards to universities? The people back home have said that that was too much money, they are spending too much money on our university. They expect them to operate; they don't expect them to shut down. They expect them to find policies whereby they will operate with less money. They expect them to construct and keep up with the times but they expect them to construct possibly with lower price materials and not so elaborate.

As I said the other day, I think the time has come when our universities, our educational institutions, at all levels, have got to find a way to turn out a lower priced plant. I don't care if our

plant is in conjunction with the price bracket of all the others in the country. The others are having problems all over just as we are. They are having educational taxpayers revolts all over the country on the cost of education.

And again I say that because our constituency in my case, one of the big things they have all told me, do not vote for that big university bond issue. Now how can I vote for it and go back home and say—"well, I was elected to represent you people but I didn't. I decided on my own." So I cannot support this bond issue anyway until it gets down at least as low as it was defeated last fall and I don't think I could even then.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: While there is nothing in this bond issue that directly affects my town of Skowhegan, because we don't have any higher educational facilities there, up until a few minutes ago I had spoken to quite a few members of the House and I had said that I was going to vote no on this bond issue. In my town, Skowhegan, this issue was defeated by 35 votes. Maybe by all rights I should vote no. But after sitting here listening to the arguments for and against this, and thinking it out, I don't feel that in good conscience, in good faith, that I could vote no. Because I have stood here on the floor of this House and asked you members to support subsidy programs for our secondary education.

Now if we are going to increase subsidy programs to our secondary education, and then say to these young men and women after they have graduated from high school, "Well, it is a good thing you have a graduation certificate, but there is no place in the University of Maine for you to go." Then I think we are turning our money into a rat hole, and I think we should at this time, if we do not feel we can support this bond issue, I think at the same time that no one should be feeling that they should stand here and ask for



an increase in subsidy for our secondary education.

And for that reason, and that reason alone, plus the fact that, as I said in my town only 35 people turned this down, by a margin of 35, and they did have a large bond issue, and I think this time it has been well explained, there has been a tremendous amount of work done on this to bring it into line. I am going to vote to support this bond issue.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: My very good friend, Mr. Rideout, has referred to increasing the university by the size of Colby, Bates or Bowdoin each year. One of the things that was intimated in the statement was that the School of Agriculture, the School of Engineering, and the various other specialized education units were not furnished at the other state institutions, or the other privately owned institutions in the state. And that the increase was necessitated by these specialized institutions.

I would remind you that the Agricultural School at the University of Maine has been dropping drastically in enrollment for quite a while. The School of Engineering has not been increasing either by enrollment or by applications as markedly as has some of the other areas. I would suggest to you that if the announcement which was made by the Chancellor's new assistant, Mr. Bufkin, in the paper advocating an open enrollment policy for the University of Maine is followed, that you are going to double the size of the university in one year in order to implement an open enrollment policy.

Frankly I would like to see a little money put into increasing the quality of the instructors before we add too much more construction. And I would also be interested to know this morning if a member of the Appropriations Committee could tell me how much additional staffing, maintenance people, and so forth, will be required by the new construction

which we are talking about? Thank you.

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

Mr. BENSON: Mr. Speaker and Members of the House: I would not presume to answer the question, I do not think that it can be answered by anyone, at least at the state level.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: This morning you have heard the remarks over and over again as to what the needs are for higher education in Maine for a few years to come. The initial amount of the bond issue, as you very well know, started out at \$24 million, as to what the university system felt that they should set as a priority. In this \$24 million they established a line of priorities starting from the top to the bottom to make sure that some of these things they know very well were not going to be acceptable, and could be deferred.

So the system of priority that the university has established, to the system of another set of priorities by BPI, to another system of legislative priorities which has been established now. And as the gentleman from Cumberland, Mr. Richardson, has pointed out, the paint and paper has been taken out as maintenance items, regular items that should be maintained every year out of this bond issue. Now that we have been able to establish these priorities as to what we think is a fair number for the University to assume for this year, I think we would be wise to take a positive attitude towards our university system rather than take the negative attitude that certain people in the university system took in regards to the election last year.

Now if most of you remember the attitude that was taken by some members of the university last year when the bond issue died was completely negative. In other words, showing TV pictures of a broken down boiler that should have been maintained, not a capital expenditure, but should have been main-

tained. Showing a small wooden cabin at a campus in Fort Kent, again a negative attitude. I think the attitude now of the University and its Trustees and the Chancellor is a positive attitude which we should adopt. If this attitude prevails then we are going to have a better priority system. And I think that this is one thing that the university people themselves have come to find out, maybe a little late, but they have got to establish these hard priorities in order to be able to sell it to the Legislature, and to the people.

Now the time table for these priorities has now been established, and we hope that they are not going to go again taking a negative attitude to try to explain to the people that they are poverty bound. But to express to the people the benefits that can be derived from higher education. And I hope that the members of this House today will support a positive attitude and support the bond issue so that again the people will have a chance to voice their opinion as to whether the university system will be negative or positive.

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

Mr. FARNHAM: Mr. Speaker and Ladies and Gentlemen of the House: I speak with the full knowledge that today this bond issue will pass this House. I wish I was as certain about how the vote would be this fall. Now we have heard a great deal about priorities. After I was elected, the Penobscot County delegation was asked to meet at the university. I believe it was December '68, we were given a list of priorities. We got down into the regular session, priorities had been juggled. We came into this session with a list of priorities, priorities have been juggled. And number one was the first to go.

We now have several items taken out of the total picture, but some of them are taken out of the left-hand pocket and have gone over to the right-hand pocket in that they are going to be financed out of surplus. Well I would rather see them financed that way.

The gentleman from Stonington, Mr. Richardson, mentioned an article that was in the Portland paper the other night about a music master or fiddler of some kind that we have hired to co-ordinate the activities of Gorham, the merger of Gorham and Portland. He only told you part of the story. This fiddler, by his own admission, was one of the instigators and leaders of riots. So he is worth \$20,000 a year to us.

Now I made another mistake. We had a Higher Education Committee make a very extensive study last year during '69, and we all had the report. Now I studied this report, because I am interested in higher education. I do approve of the idea of the Super University. Maybe we went a little too far too quickly, because apparently they are not able to absorb the whole thing at one time. But I read this report and I agreed with 80 percent of it. But when it was finally put before the Board of Trustees you might as well say it was thrown out the window.

The open admissions policy talked about by the gentleman in the paper the other night. Do you realize what he is saying? Do you realize that in our secondary education system we are almost compelled by law to give diplomas to boys and girls whose ability to absorb education ended in the third, fourth or fifth grade. But by law it is almost impossible to get them out of school. Now are we going to build dormitories to admit these people? I don't think you want to do that.

Now another thing that disturbed me was this. Last session we tried to correct an injustice in the tuition system at the university. The bill was vetoed. We had it back in at the special session, and it passed by a strong vote. It was vetoed again. But the veto was coming off the books at a price of half a million dollars; you voted it the other day. When you voted the half million dollars it was under the basis or the agreement that the governor's veto would come off the books. Quite a price to pay for justice.

I hope I haven't changed a single vote here today. I hope all

of you who are changing your vote to vote yes on this subject will continue to vote yes. It has rather been inferred from the phone calls that I have gotten — and it is going to take a bond issue to pay for the phone calls that have gone out on this subject in the last week — it has been inferred that I control a bloc of votes. Let the man stand in here who I have tried to influence, or asked to vote my way. I don't operate that way. I sit here, I hear something. I think it is something I am interested in, I should say something, and I say it. I don't ask permission from anyone or consent of anyone.

It is going to take another bond issue, I think, to sell this thing to the people. You have got to have a tremendous advertising program on radio, TV, and in the press. It is going to take a lot of money to put this over on the people. And I am convinced that if you had done a job and cut this down a little bit, it could be sold. Because there are items in here that are most essential to the University, absolutely essential. But I still object to larding it up with the non-essentials.

So again, I hope those of you who have been asked to switch stick by your guns, don't follow Farnham. He has never tried to influence you, and he is not asking you to vote now.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: I speak today not only for myself, but for the 1,251 citizens of Bangor who voted yes for the University of Maine bond issue. And I would also like to take this opportunity to thank all of you, because I know you are all going to vote for this issue, and I want to go further and state that my children thank you, my children's children thank you, and thank you.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I would like to pose a question

through the Chair to any member of the Appropriations Committee, or Mr. Rideout, Mr. Levesque, as to how the priorities rated in the bond issue are rated by BPI?

The SPEAKER: The gentleman from Stonington, Mr. Richardson, poses a question through the Chair to any member of the Appropriations Committee, who may answer if they choose. The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker and Members of the House: The ratings by BPI and by the university system, the trustees, are very, very close. There may be a slight degree of difference between several of the projects, but all in all they are very, very close.

Actually the issue here today is whether we will turn this bond issue back out to the people. I feel that there was resentment on the part of the people of the State of Maine, the voters, because of the number of bond issues that they had to face in the last election. I think that these people deserve the opportunity to vote on this issue once again, vote on it in the clear light of day. I think that they deserve the right, because it is so important to the young people of the State of Maine. This is the only issue before us. The people have the right to turn this down or to accept it. And I feel that they deserve that right. Thank you.

In accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a total was taken. 81 voted in favor of same and 55 against.

Thereupon, Mr. Rideout of Manchester requested a roll call vote.

The SPEAKER: The yeas and nays have been requested. In order 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 enactment of an Act to Authorize a Bond Issue in the Amount of \$14,985,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine. If you are in favor of this bond issue you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA — Allen, Baker, Benson, Bernier, Binnette, Birt, Boudreau, Bourgoin, B r a g d o n, Brennan, Brown, Buckley, Carrier, Casey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Coffey, Corson, Cottrell, Cox, Croteau, Curran, Dam, Danton, Donaghy, Drigotas, Erickson, F e c t e a u, Finemore, Fortier, M.; Fraser, Gilbert, Good, G o o d w i n, Harriman, Haskell, Hawkens, Hewes, Hunter, Jalbert, Johnston, Jutras, Kelley, R. P.; Kilroy, Lebel, Leibowitz, LePage, Lesvesque, Lewin, Lund, MacPhail, Marquis, Martin, McNally, Millett, Mills, Mitchell, Moreshead, Morgan, Mosher, Norris, Noyes, Payson, Quimby, Rideout, Ross, Sahagian, Santoro, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Stillings, Susi, Temple, Thompson, Tyndale, Vincent, Wheeler, White, Wood, The Speaker.

NAY — Barnes, Bedard, Ber- man, Bunker, Burnham, Carey, Carter, Cote, Couture, Crommett, Crosby, Cummings, Curtis, Cushing, Dudley, Durgin, Dyar, Evans, Farnham, Faucher, Foster, Gauthier, Giroux, Hall, Hanson, Henley, Heselton, Hichens, Huber, Immonen, Jameson, Kelleher, Kelley, K. F.; Laberge, Lawry, Lee, Lewis, Marsaller, McKinnon, Melsner, Nadeau, Ouellette, Page, Porter, Pratt, Rand, Richardson, G. A.; Richardson, H. L.; Ricker, Roche- leau, Starbird, T r a s k, Wight, Williams.

ABSENT — D'Alfonso, Dennett, Emery, Eustis, Fortier, A. J.; Hardy, Keyte, Lincoln, McTeague, Sheltra, Tanguay, Waxman.

Yes, 85; No, 54; Absent, 12.

The SPEAKER: Eighty-five hav- ing voted in the affirmative, and fifty-four having voted in the negative, eighty-five being less than two thirds, this Bill fails of passage to be enacted.

Mr. Richardson of Cumberland moved that the House reconsider its action whereby this Bill failed of enactment.

The SPEAKER: The Chair recognizes the gentleman from South- west Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker, I move this be tabled until later in today's session pending reconsid- eration.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Ben- son, moves that the reconsideration motion be tabled until later in to- day's session pending reconsidera- tion. Is this the pleasure of the House?

(Cries of "No")

The Chair will order a vote. All in favor of this reconsideration mo- tion being tabled will vote yes; those opposed will vote no.

A vote of the House was taken. 79 having voted in the affirmative and 50 having voted in the nega- tive, the motion to table did pre- vail.

#### Passed to Be Enacted Bond Issue

An Act to Authorize a Bond Issue in the Amount of \$3,825,000 for the Construction of New Facilities and Equipment at Northern, Southern, Eastern and Central Vocational- Technical Institutes and a Diag- nostic Facility for the Boys Train- ing Center (H. P. 1452) (L. D. 1829)

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

The SPEAKER: The Chair recognizes the gentleman from Lewist- on, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: This measure would ask for a bond issue, and would concern itself with a very badly need- ed dormitory at the Northern Maine Vocational School, it would add a construction at the Southern Maine Vocational School so that they can have more students, be able to take in more students; the same would go for the school at Eastern Maine, and at Central Maine Vocational School; and also it would create a Diagnostic facility for the Boy's Training Center.

As it stands presently, the pro- grams at Southern Maine, Eastern

Maine and Central Maine would be stymied without the passage of not only this program here this morning, the passage of this resolve this morning, but also the failure of this passing at the polls at the June primaries.

My primary motive for being up this morning is not only to urge you to vote yes on this program, but also to go home and work so that this program will have passage at the June primaries in referendum. Thank you, Mr. Speaker. I now move passage of this resolve.

In accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a total was taken. 121 voted in favor of same and 9 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

**Passed to Be Enacted**

An Act relating to Interest Earned on Investments of Special Revenue Funds (S. P. 654) (L. D. 1837)

An Act Giving Special Interim Legislative Investigating Committees Access to Certain Records (S. P. 662) (L. D. 1844)

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

By unanimous consent, ordered sent forthwith.

The following enactors appearing on Supplement No. 2 were taken up out of order.

**Passed to Be Enacted  
Emergency Measure**

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of same and 14 against, and accordingly the Bill was passed

to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act Appropriating Funds to Combat the Drug Abuse (H. P. 1365) (L. D. 1714)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Bond Issue**

An Act Repealing the Interest on Unissued Bonds for Water Pollution Abatement (S. P. 663) (L. D. 1845)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a total was taken. 107 voted in favor of same and 3 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 Repealing the Law Requiring Assessment of Municipalities in Aid to Dependent Children Grants (S. P. 576) (L. D. 1703)

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

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

Mr. BIRT: Mr. Speaker and Members of the House: As I pointed out yesterday, I feel this bill is inadequately financed. I would like to have the opportunity to vote against it, and I would ask for a vote.

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

Mr. BENSON: Mr. Speaker and Members of the House: Just so that there won't be any misunderstanding, there is a difference of opinion between the gentleman from East Millinocket, Mr. Birt, and I on adequate financing. The

bill is financed for the last six months of the biennium. In other words it will go into effect January 1st. You are funding it for a portion of the biennium. It is adequate funding to that extent.

Now you could fund it for one year, but we just don't have that kind of money. The effect on the next session of the Legislature would be no different whether you funded it for six months or whether you funded it for one year. I just wanted to clear that up.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: I don't want to start a little Donybrook here in the corner, but I would disagree with the gentleman from Southwest Harbor on the effect if it were funded for six months or a year. The difference would be a million and a quarter dollars that we wouldn't have to raise in this next year, or the revenue gap would be that much less. At the present time, with the passage of this bill as it is right now, it leaves a known revenue gap of \$3,750,000 for the next biennium.

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

Mr. JALBERT: Mr. Speaker, so that we can adequately straighten out the revenue gap, I would ask the gentleman from East Millinocket, Mr. Birt, where the million and a quarter would come from.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to the gentleman from East Millinocket, who may answer if he chooses.

All in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken.

99 having voted in the affirmative and 20 having voted in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

An Act to Promote Governmental Reorganization and Efficiency (S. P. 641) (L. D. 1812)

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

An Act Making Supplemental Appropriations and Deductions for the Fiscal Years Ending June 30, 1970 and June 30, 1971 (S. P. 658) (L. D. 1842)

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

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: I started on a little chore back four or five days ago, to point out that there are some areas of the bills that we are presently considering that have areas that I am not satisfied with the financing on. One thing that was taught to me a long while ago, and I have learned it through my own personal experience, that you do not spend money from surplus for reoccurring items.

Now this L.D. has in it one item for \$500,000 to provide funds for admission of additional students at the University of Maine. I have continually and a long time supported the University of Maine. I supported them this morning in this bond issue. But this money is to be taken from surplus. It is in my estimation, and the estimation of many of the people that I have ever talked with, not responsible financing. I realize that it is the only area that the money can be found is to be taken from surplus. But if we are going to dip into this type of thing, we are going in a direction we should not go, and I would ask for a vote on this bill.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: I am not going to belabor it, but I would also like to point out that the L. D. 1842 also contains the repeal of the tuition differential status of several camp-

uses of the state university. And for that reason I think that this is an acceptable method of getting these additional students funded at this point.

And I have a long letter from the Chancellor of the University which I am not going to bother to read, but very clearly we are going to generate substantial amount of tuition revenue by changes in the existing tuition differential.

The SPEAKER: All in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken.

85 having voted in the affirmative and 35 having voted in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

**Enactor  
Amended**

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

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

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

Mr. BRAGDON: Mr. Speaker and Members of the House: The tempo has been so fast here that I haven't had the time to look up some information on this as perhaps I would have liked to. But I have received a note here from the Clerk apparently on this item and the information that I have regarding changes I will state here comes from the Legislative Finance office and I assume it has approval.

Thereupon, on motion of the same gentleman, the House reconsidered its action of yesterday whereby it voted to recede and concur.

On further motion of the same gentleman, the House voted to recede from passage to be engrossed and on further motion of the same gentleman, the House voted to recede from the adoption of Committee Amendment "A".

Senate Amendment "A" to Committee Amendment "A" (S-444) was read by the Clerk and on further motion of the same gentleman was indefinitely postponed in non-concurrence.

Mr. Bragdon of Perham then offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-710) was read by the Clerk and adopted. Committee Amendment "A" as amended by House Amendment "A" thereto was adopted in non-concurrence.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith.

**Finally Passed**

Resolve to Appropriate Funds from the Unappropriated Surplus for the Construction of an International Ferry Terminal (H. P. 1310) (L. D. 1624)

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

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

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: When I arrived this morning I had every intention of voting for the International Ferry Terminal. I would have supported it at the \$400,000 figure. But since this morning the Legislature did not see fit to help the elderly, even at no cost in this biennium, I cannot in good conscience vote for any amount of money for a gambling ship.

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

Mr. JALBERT: Mr. Speaker and Members of the House: While I am on my feet I am going to remember that I consider myself a gentleman. And I will let it go at that. When I came here this morning I had every intention of voting for the elderly. I did vote for the elderly. Now I don't know what you are going to call this ship, what terminology is going to

be given to it, and I could care less. But I have been under the habit of making an agreement and I usually keep my word. And that might be a piece of advice wherever it may land.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I would call your attention that yesterday afternoon many of the small towns of the State of Maine, along with my eleven towns, lost money by the great efforts of the City of Portland and other large towns, in relation to the school bill. I don't think since they are getting over roughly \$300,000 as a result of their vote yesterday on there, I don't think that I in good conscience—and I don't think some of these other folks in good conscience—should spend any money for our so-called "sin ship" out of Portland.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: In regards to the remarks of Mr. Donaghy in reference to the City of Portland, what money they get or don't get, I think it is obvious to anyone who analyzes the school subsidy situation, particularly in reference to a city like Portland which has a substantial parochial school population, that they don't get a fair shake. I think that is very, very obvious.

Now in regards to this situation, they are building a terminal facility. This money doesn't go to the ferry, it is a terminal facility that can be used by other ships as well. It is something that may generate a rebirth of the waterfront in Portland.

And I am really, really disappointed this morning to see that people are going to vote against this measure for revenge. It really disappoints me. I urge you to vote against the motion to indefinitely postpone.

The SPEAKER: The Chair would advise the gentleman and the House that the pending question is the final passage of this Resolve.

Indefinite postponement is not before the House.

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

Mr. HICHENS: Mr. Speaker, I now make that motion, that we indefinitely postpone this bill and all its accompanying papers.

The SPEAKER: The gentleman from Eliot, Mr. Hichens, now moves the indefinite postponement of Item 9, L. D. 1624.

Mr. Levesque of Madawaska requested a roll call.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Members of the House: I rise to concur with the lady from Bath on this bill. I cannot in good conscience vote for this ferry terminal appropriation out of unappropriated surplus when we were told yesterday that we had no money when we needed it so badly for the small towns. I hope you will vote for indefinite postponement.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All those who desire 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 Mr. Hichens of Eliot for indefinite postponement of Item 9, L. D. 1624, Resolve to Appropriate Funds from the Unappropriated Surplus for the Construction of an International Ferry Terminal. If you are in favor of indefinitely postponing this Resolve you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA — Allen, Baker, Barnes, Bedard, Berman, Buckley, Bunker, Chandler, Chick, Clark, H. G.; Crommett, Cummings, Curtis, Cushing, Dam, Donaghy, Durgin, Dyar, Evans, Farnham, Faucher, Finemore, Gilbert, Good, Goodwin, Hall, Hanson, Harriman, Hawkens, Henley, Heselton, Hichens, Huber,



Immonen, Johnston, Kelley, K. F.; Laberge, Lawry, Lee, Lewin, Lewis, Lund, MacPhail, Marstaller, Meisner, Millett, Moreshed, Mosher, Page, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Sahagian, Scott, G. W.; Shaw, Snow, Stillings, Susi, Thompson, Trask, White, Wight, Wood.

NAY — Benson, Bernier, Binnette, Birt, Boudreau, Bourgoin, Bragdon, Brennan, Brown, Burnham, Carey, Carrier, Carter, Casey, Clark, C. H.; Coffey, Corson, Cote, Cottrell, Couture, Cox, Croteau, Curran, Danton, Dennett, Drigotas, Emery, Fecteau, Fraser, Gauthier, Giroux, Haskell, Hewes, Hunter, Jalbert, Jameson, Jutras, Kelley, R. P.; Kilroy, Lebel, Leibowitz, LePage, Levesque, Marquis, Martin, McNally, McTeague, Mills, Mitchell, Morgan, Nadeau, Norris, Noyes, Ouellette, Payson, Richardson, H. L.; Ricker, Rideout, Rocheleau, Ross, Scott, C. F.; Soulas, Starbird, Tanguay, Temple, Tyndale, Vincent, Wheeler.

ABSENT — Crosby, D'Alfonso, Dudley, Erickson, Eustis, Fortier, A. J.; Fortier, M.; Foster, Hardy, Kelleher, Keyte, Lincoln, McKinnon, Santoro, Sheltra, Waxman, Williams.

Yes, 65; No, 68; Absent, 17.

The SPEAKER: Sixty-five having voted in the affirmative, and sixty-eight having voted in the negative, the motion does not prevail.

Thereupon, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

The following papers appearing on Supplemental No. 1 were taken up out of order.

From the Senate: The following Order:

ORDERED, the House concurring, that the Director of Legislative Research is directed to have printed in pamphlet form and distributed to the members of the Legislature and the public, the Acts and resolves passed at the first special session of the 104th Legislature (S. P. 665)

Came from the Senate read and passed.

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

**Non-Concurrent Matter  
Assigned Later in the Day**

An Act to Pay for Fifty Percent of Health Insurance Plans for State Employees Beginning July 1, 1970 (H. P. 1306) (L. D. 1620) which was passed to be enacted in the House on January 20 and passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" on January 19.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. JALBERT: Mr. Speaker, I have an amendment, and I am waiting for some figures. I would ask someone to table this item until later on in the day, please.

On motion of Mr. Sahagian of Belgrade, tabled pending further consideration and later today assigned.

**Non-Concurrent Matter**

An Act to Extend Medical Assistance to the Medically Indigent (H. P. 1397) (L. D. 1753) which was passed to be enacted in the House on January 29 and passed to be engrossed on January 27.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mrs. GOODWIN: Mr. Speaker, I move we recede and concur, and would speak to my motion.

The SPEAKER: The gentlewoman from Bath, Mrs. Goodwin, moves that the House recede and concur. The gentlewoman may proceed.

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: This was my bill, and I hate to see it die. But if I can't get the million dollars from the Senate Appropriations Table there is no sense to fight it out. The hour is late and we all want to go home.

Thereupon, the House voted to recede and concur.

**Non-concurrent Matter**

An Act Establishing a Consumers' Council (H. P. 1447) (L. D. 1823) which was passed to be enacted in the House on February 3 and passed to be engrossed on January 30.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. SCOTT: Mr. Speaker and Ladies and Gentlemen of the House: The hour is late, we are all anxious for adjournment. We could insist and join a Committee of Conference on this measure. However, with the present mood at the other end of the corridor, I feel there would be nothing gained from it. Therefore, I would move that for peace and harmony that we move to recede and concur, and hope the next regular session has more success in this field than we have.

Whereupon the House voted to recede and concur.

Mrs. Coffey of Topsham was denied permission to address the House, there being objection.

The Chair laid before the House the following matter:

Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (H. P. 1412) (L. L. 1779) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

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

Mr. BENSON: Mr. Speaker, I know this sounds phony, but it is true. I have an amendment being prepared and it is not yet distributed. So I would ask that it be tabled for another few minutes, at least.

On motion of Mr. Richardson of Cumberland, tabled pending passage to be engrossed and later today assigned.

(Off Record Remarks)

On motion of Mr. Richardson of Cumberland,

Recessed until one o'clock in the afternoon.

**After Recess**

1:00 P. M.

The House was called to order by the Speaker.

**Order Out of Order**

Mr. Dennett of Kittery presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that each officer, board, commission or department of State Government shall make such studies as the Legislative Research Committee directs pursuant to Maine Revised Statutes Annotated, Title 3, section 163, subsections 9 and 10. (H. P. 1475)

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

The following Enactors appearing on Supplement No. 4 were then taken up.

**Passed to Be Enacted  
Emergency Measure**

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)

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, 101 voted in favor of same and 6 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure**

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being neces-

sary, a total was taken. 111 voted in favor of same and 8 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Passed to Be Enacted**

An Act relating to Jurisdiction of District Court in Divorce Actions (H. P. 1337) (L. D. 1666)

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.

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

The following matters tabled earlier and later today assigned, appearing on Supplemental No. 3, were taken up out of order.

The Chair laid before the House the following matter:

An Act to Authorize Bond Issue in the Amount of \$14,985,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine (S. P. 603) (L. D. 1778) which was tabled earlier in the day and later today assigned, pending the motion of Mr. Richardson of Cumberland to reconsider failure of passage to be enacted.

On motion of Mr. Richardson of Cumberland, tabled pending his motion to reconsider failure of passage to be enacted and later today assigned.

The Chair laid before the House the following matter:

An Act to Pay for Fifty Percent of Health Insurance Plans for State Employees Beginning July 1, 1970 (H. P. 1306) (L. D. 1620) which was tabled earlier in the day and later today assigned, pending further consideration.

On motion of Mr. Jalbert of Lewiston, the House voted to recede from passage to be enacted and on further motion of the same gentleman the House voted to recede from passage to be engrossed.

Senate Amendment "A" (S-370) was read by the Clerk and on motion of Mr. Jalbert of Lewiston

the Amendment was indefinitely postponed in non-concurrence.

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

House Amendment "A" (H-712) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. JALBERT: Mr. Speaker and Members of the House: This amendment would call for still one-half of the amount as originally asked, which would mean that the effective date of this granting the percentage of the health insurance plans for state employees would begin January 1, 1971 instead of July 1, 1970 for 11,000 well-deserving state employees. I would not present this amendment, Mr. Speaker, unless I knew that we were assured of the funds and unless I knew that funds were to be made available through the General Fund.

I have with me the amounts of monies that we would gain from the rentals of the vast departments to be paid to the General Fund, beginning with the Auditing Department and so on down the line and also which would not include the Fish and Game Department \$23,000 a year, and this would give us a total of \$220,105. This would take effect January 1, 1971, it would still leave us \$40,000 over the amount needed on this amendment, which is approximately \$180,000. The 200,000 will not necessarily be needed.

Therefore, Mr. Speaker, because the monies will be made available through this procedure in the General Fund, and because of the fact that I know we felt rather strongly about this position for the state employees, I now move the adoption of House Amendment "A".

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert, and advises the gentleman that Committee Amendment "A" is still on the bill.

Mr. JALBERT: Mr. Speaker, I know that I have made an error. Could I withdraw my motion for the presentation of House Amendment "A" please?

The SPEAKER: House Amendment "A".

Mr. JALBERT: Right.

The SPEAKER: You want to withdraw House Amendment "A"?

Mr. JALBERT: I would withdraw it so I can make a motion to —

The SPEAKER: The gentleman withdraws House Amendment "A".

Mr. JALBERT: Could I now make a motion to reconsider our action whereby we adopted Committee Amendment "A"?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that the House recede from the adoption of Committee Amendment "A". Is this the pleasure of the House?

Whereupon, Mr. Bragdon of Perham moved that the matter be tabled pending the motion of Mr. Jalbert of Lewiston to recede from adoption of Committee Amendment "A" and later today assigned.

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

Mr. JALBERT: Mr. Speaker, could I ask for a one minute recess?

The SPEAKER: The Chair would advise the gentleman that there is a motion on the floor to table.

Whereupon, the same gentleman requested a vote on the tabling motion.

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

A vote of the House was taken. 76 having voted in the affirmative and 41 having voted in the negative, the motion to table did prevail.

The Chair laid before the House the following matter:

Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (H. P. 1412) (L. D. 1779) which was tabled earlier in the day and later today assigned, pending passage to be engrossed.

Mr. Dam of Skowhegan offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-711) was read by the Clerk and adopted.

On motion of Mr. Kelley of Southport, the House reconsidered its action whereby the House adopted Committee Amendment "A".

The same gentleman offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-709) was read by the Clerk.

The SPEAKER: The pending question is the adoption of House Amendment "B" to Committee Amendment "A". The gentleman may proceed.

Mr. KELLEY: Mr. Speaker and Members of the House: The Legislature passed on January 29, 1970, and the Governor signed L. D. 1781 dealing with the dredging on state lands in any stream flowing into a great pond or in a great pond. L. D. 1781 says that you cannot dredge, build docks, et cetera on such state lands without a permit from the State Forestry Commissioner — this is sensible. But L. D. 1781 further redefines a great pond to include an artificially created pond over 30 acres. This was all right as long as it was limited to state lands.

Section 11-A of 1846 extends the power of the Forestry Commissioner to all lands, not just state lands. In other words, if a man wants to dredge, fill, build a dock for his canoe on a stream, totally on his own land which at some point flows into a great pond, because of this little amendment he would have to see the Forestry Commissioner.

This bill would also apply to man made ponds over 30 acres in size, or maybe a third of an acre soon the way certain interests want to take over property rights.

I believe that this is too much power to give the Forestry Commissioner. We may not always have as fine a man for Forestry Commissioner, and this would give the office too much power.

The errors and inconsistency bill is no place to have such legislation. It should have been given a decent public hearing, if the sponsors of this change want to let them get it honorably in the next regular session.

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

Mr. BERMAN: Mr. Speaker, Members of the House: I arise

this afternoon with some reluctance because it is apparent that the so-called omnibus bill is being opened up. Some days ago on this particular point I sought the advice of the State's Attorneys office, and one of the very estimable gentlemen down there wrote me somewhat to this effect. "You have asked for some legal authorities in support of the extension of the Forest Commissioner's authority over the great ponds to the tributary rivers or streams. And on the definition of great ponds to include ponds artificially formed or increased from natural size which have a surface area in excess of 30 acres which, of course, are all in private ownership.

It seems apparent that this legislation does not attempt to convert private lands to state ownership. To do so would require the process of eminent domain in the payment of compensation to the private owners of such land. Rather, it is the imposition of certain controls over private property in the nature of zoning; for example, the coastal wetlands act. Cases which support the validity of the laws include the following: York Harbor Village Corporation vs. Libby, 126 Me. 537."

I bring this to the attention of the House this afternoon. There may be other people who are more knowledgeable in the field of coastal wetlands than I am who may speak to you on the problem, and I do hope that you won't go along and adopt the proposed amendment by the estimable gentleman from Southport, Mr. Kelley.

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

Mr. LUND: Mr. Speaker and Members of the House: I move the indefinite postponement of the pending amendment and would speak to my motion.

The SPEAKER: The gentleman from Augusta, Mr. Lund, moves the indefinite postponement of House Amendment "B" to Committee Amendment "A" and the gentleman may proceed.

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I make this motion reluctantly knowing of the great interest of

the gentleman from Southport, Mr. Kelley, in the problems of conservation this state is facing. If you will look at your copy of Legislative Document 1781, and look on page 2 of that document, you will see that the Natural Resources Committee had before it a bill which they thought regulated not only certain activities on great ponds but also on any such body of water artificially formed or increased from natural size. So all that the Errors and Inconsistencies Bill does, it seeks to carry out what the Natural Resources Committee thought they were carrying out and we thought we were carrying out in enacting 1781. Therefore, this is a proper correction of an error which apparently occurred in the drafting of L. D. 1781.

I would like to just comment very briefly on the reason that it is important for us to be able to control certain activities on these flow ponds as well as the described activities on what we normally consider a great pond. We have a sudden interest in Maine in all kinds of land development, as you well know. We have interest in land development of the type which is described as the pink panther development on Ossipee flowage where a developer has acquired a substantial amount of land and seeks to lay out some 1,500 house lots on a portion of this land. Unless the Errors and Inconsistencies Bill is allowed to remain to stand, other property owners on such a flowed pond will be unable to have any way of preventing developments that could be extremely harmful to their ownership interest as well as the interest of down stream shoreland owners.

And you will note that in its present form in the Errors and Inconsistencies Bill, this regulation is only applied to those flowed ponds which are in multiple ownership. In other words, this doesn't pose a problem in the case of a flowed pond with only one owner. I therefore feel that if we are to be consistent with what we thought we were doing in L. D. 1781, we should vote for the indefinite postponement of the pending amendment.

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

Mr. HARDY: Mr. Speaker and Members of the House: I being a member of the Natural Resources Committee knew full well what I was doing when I signed that particular bill out "ought to pass." If you remember, last winter we had our inland wetlands control bill, and some of you may remember that I opposed this very vigorously. This bill which was practically the same thing, but only applied to state-owned lands, I had no objection to. But to bring something like this back into the Errors and Inconsistencies Bill when it is somewhat more than an error, now it is legislation by injection in the Omnibus Bill. I just don't believe it should happen this way.

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

Mr. EVANS: Mr. Speaker, Ladies and Gentlemen of the House: I doubt very much if this intent was supposed to be in the bill when we enacted it before. And this looks like a case of trying to expand with this law without proper hearing, proper consideration and the chance to vote on it. And I hope you vote against the motion of the gentleman from Augusta, Mr. Lund.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I interpreted the remarks of the gentleman from Augusta that this was a special interest bill relative to Representative Kelley. I propose that this is not only of interest to Representative Kelley, it is something that we all should consider if we ever have, or hope to have a cottage where we might have a driveway that we might want to build without consulting the Forest Commissioner, or if we want to drain a driveway, or if we want to build a dock in front of our cottage. This goes far too far without proper hearing and consideration. I move that we go along with Representative Kelley.

The SPEAKER: The Chair will order a vote. All in favor of the

motion to indefinitely postpone House Amendment "B" to Committee Amendment "A" will vote yes; those opposed will vote no.

A vote of the House was taken. 34 having voted in the affirmative and 82 having voted in the negative, the motion did not prevail.

Thereupon, House Amendment "B" to Committee Amendment "A" was adopted.

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

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

Mr. RIDEOUT: Mr. Speaker, is this bill debatable at this point? Is the amendment debatable?

The SPEAKER: Does the gentleman offer House Amendment "A" to Committee Amendment "A"?

Mr. RIDEOUT: No.

The SPEAKER: The gentleman may proceed.

Mr. RIDEOUT: Mr. Speaker, Ladies and Gentlemen of the House: Last night over in the unmentionable body they adhered to their position on the school subsidy bill. This morning I thought I was quite smart and found in the initial legislative document that this amendment refers to a section that said "notwithstanding any other provision of this title, the apportionment of the state aid, the school subsidy for this period beginning January 1, 1970, ending June 30, 1970, shall be half the apportionment computed for the first year of the biennium." Now this would put it back into Column 1. That was amended out in the amendment L. D. 1846. So I thought I was going to be clever and try to amend it back in.

If we had plenty of time, I would offer this amendment. And to those in this House that I have talked to that were going to support me on this, I ask your forgiveness. I am not turning chicken. If we had plenty of time I would love to do battle with those fellows down the hall, but I have been assured that it would be wasting time and I know that we all want to get out of here. I don't like to go down in defeat without flying some flag, so I just wanted to offer this explanation.

Mr. Richardson of Cumberland then offered House Amendment "C" to Committee Amendment "A" and moved its adoption.

House Amendment "C" (H-714) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. RICHARDSON: Mr. Speaker and Members of the House: In the process of printing the committee amendment, they committed a typographical goof, and this is simply to straighten it out so that the thing reads properly. It does not affect the substantive change in the law.

Thereupon, House Amendment "C" to Committee Amendment "A" was adopted. Committee Amendment "A" as amended by House Amendments "B" and "C" thereto was adopted. The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendments "B" and "C" thereto and House Amendment "B" and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act Providing for Moratorium on Construction of Certain Industries" (S. P. 661) (L. D. 1843) which was tabled earlier in the day and later today assigned, pending further consideration.

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

Mr. SNOW: Mr. Speaker, I move that we adhere to our former action.

The SPEAKER: The gentleman from Caribou, Mr. Snow, moves that the House adhere to its former action.

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

Mr. BENSON: Mr. Speaker, I have an amendment to offer.

The SPEAKER: The Chair understands that the gentleman from Southwest Harbor, Mr. Benson, moves that the House recede. Is this the pleasure of the House?

(Cries of "Yes" and "No").

The SPEAKER: The Chair will order a vote. All in favor of re-

ceding will vote yes; those opposed will vote no.

A vote of the House was taken.

43 having voted in the affirmative and 82 having voted in the negative, the motion did not prevail.

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

Mr. BENSON: Mr. Speaker and Members of the House: I haven't had an opportunity in the last few minutes to talk with the gentleman from Caribou, Mr. Snow, but I think his motion would kill the bill. As I said yesterday, I think that the Moratorium Bill is an important measure, I think it gives us pause to collect our thoughts to take the several actions that are necessary to straighten out the problem which is a very serious problem facing the coastal area of the State of Maine. I hope that you do not move at this time to adhere. I would like to see the Moratorium Bill enacted.

I had hoped to get an amendment on the bill which would have stipulated the period of moratorium to end March 31st. If that is not your wish, I ask you to go along with the bill in its present form, defeat the motion to adhere, and we will pass this piece of legislation on to glory along with the other conservation measures that have already been enacted and signed by the Governor. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I would heartily concur with our eminent assistant floor-leader. I would like to make this very brief, we have debated this to quite some extent, and read to you a portion of an article which appeared in today's Portland Press Herald on page 16, which will give you an idea just how far the oil industry will go unless we step in and complete our regulatory practices.

"Mr. McNamara is connected with the King syndicates, as you know, in an executive position, and stated before the Associated Fishing Industry last night in his

speech the results of seismic research work done for King last November off the Maine coast, have just come off the computer. All I can say is, if our title to leases off Maine is clarified, we would be delighted to pursue the search vigorously here on the basis of these first results", which I might say, ladies and gentleman, is a rebuff to this esteemed House of Legislature just exactly how far these gentlemen will go unless we stop them. And I sincerely hope that we will return an answer to him by passing the Moratorium Bill.

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

Mr. TEMPLE: Mr. Speaker and Ladies and Gentlemen of the House: Let's look back for a minute to when Owen Brewster was Governor of the State of Maine and he supported the sponsoring of the Development Commission of the State of Maine. Since this time, there have been efforts to make Maine a better state in which to live. During these years, millions of dollars have been spent by the Commission in an attempt to induce industry to come to the State of Maine. The prime reason for these efforts was to produce job opportunities for the youth of our state.

Maine is one of the slowest growing states in the Union. Our fine, talented youth are leaving in droves for fields where greater job opportunities are in abundance. The people, who I believe truly cared during these many years, tried to create an image in the minds of out-of-state industry that Maine was not just a place where Indians and wild animals race up and down the streets of our towns and cities.

The people who have cared for the last forty years, especially older people who I believe began to see a ray of hope that Maine at last was going to be accepted by the rest of the nation as a progressive state, not just the happy hunting ground for vacationers. The people who really care believe signs of industry providing jobs for Maine people so as they can support themselves and their fam-

ilies and we do now have proper control of these industries by the passage this week of two environmental bills, which I supported very strongly. Let's not let hysteria of the conservationist move us backward and put on a shelf the work of hundreds of dedicated people over the past years in the State of Maine.

Our country today is in a balancing act between those who do more harm than they do good, and those who do more good than harm; and they are doing the American people no good at all. I hope you will support Mr. Snow's motion. Thank you.

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

Mrs. BROWN: Mr. Speaker and Members of the House: I hope of course, as you can well imagine, that you do not vote for this motion to adhere. I believe this is a mistake to interpret this legislation as an attempt to discourage industry. This is not ruling out all industry, it is not even ruling out your petroleum refineries or your smelting industries. It is a further attempt to plan the future environment of our state for which so many of our Maine citizens are clamoring, and for which so many of you wholeheartedly supported the issues last week. It is a further attempt to have proper controls so that we can have a balance between industry and conservation.

This would give the 105th Legislature three months to pass legislation needed to properly regulate and to protect the surrounding environment, in the event a petroleum refinery or an oil smelting industry came to Maine. This is the companion piece to the two landmarked measures that you all enacted here on Wednesday. Regulations are very much needed to minimize the hazards surrounding such plans.

I would read to you from the site bill that you passed last week if you will give me a few minutes. Under L. D. 1834 it says, "The commission shall make recommendations to each Legislature with respect to the control, abatement and prevention of pollution of the air, waters, coastal flats and



other aspects of the natural environment within the State." We say that these recommendations as to the other aspects of the natural environment have not been ruled upon yet. There have been no regulations concerning this.

As we have been told, there is every possibility that the site location and the oil conveyancy measures will be challenged. From these challenges and when the Commission begins to administer the responsibilities, there will be in all probability a need for further legislation and regulations.

It is my understanding that if these bills go to litigation, the environment of the State of Maine will not be protected. It surely seems foolhardy in this light not to further try to protect our state by this moratorium for only this short space of time, some thirteen months. It is hard for me to understand the strong support indicated by all your noble votes on the two previous environmental bills, indicating a sincere desire by this body to provide the necessary protection for the Maine environment and now the difficulty you have in accepting this moratorium. This is safety and an insurance measure for only a brief time. The moratorium is a valid exercise of the police power of the State of Maine. I urge you not to support the motion to adhere.

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

Mr. BENSON: Mr. Speaker and Members of the House: I now move that we recede and concur and I would speak to my motion.

The SPEAKER: The Chair would advise the gentleman that having lost the motion to recede, recede and concur is not in order.

Mr. BENSON: Well, is it all right if I speak to the motion to adhere?

The SPEAKER: The gentleman may proceed.

Mr. BENSON: Mr. Speaker and Members of the House: For lack of a better motion, I guess we will have to go on that one. I just would remind you to hark back a few short months ago, when an

area very close to my beautiful Mt. Desert Island was threatened with an industrial park which was going to be inhabited by an aluminum smelting plant. That was a matter of great concern to my area because we are primarily a resort area. A great deal of our income is derived from the tourist business. If we do anything to drive the tourist business away, then we have to rely on the industries of fishing and boat building exclusively. I think it is well worth our consideration here today to effect a moratorium to give us time to catch up.

I think that we have been rushing pell-mell in this Legislature, and properly so, trying to keep track of the oil industry. Hopefully we have done the very best that we can, having enacted legislation in that area which is probably the best in the country. I don't think that we can just lay back on our oars now and ignore the rest of it. I think that we have one more step to take. That step is before us right now, the moratorium bill, a bill which will give the coastal areas of the state an opportunity to get braced, the regulatory agencies an opportunity to get braced and as far as I am concerned, we will have fallen short of our mark in this special session if we ignore this. I hope you defeat the motion to adhere.

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

Mr. HARDY: Mr. Speaker and Members of the House: It is my understanding that the legislation which we have passed would slow down the construction of an oil refinery very little. We all know the efforts that have been made down in Machiasport, and our Commission needs time to review the tankers and the oil industry.

I want to point out to you that only a few days ago, while we were so happy with ourselves in voting for the site control bill, the Bangor Daily News carried an article of the sixty thousand ton tanker which was adrift and sinking down in the Caribbean. This tanker was loaded with not the crude oil which we were all so

afraid would so completely spoil our shores, but a heating oil. This ship was destined to dock in Bucksport, Maine. If this engine room had blown up 72 hours later, we would have this sixty thousand ton tanker in the gulf of Maine, spewing the heating oil on our shores.

The next one, which is only a couple of days ago, is a smaller one. Neither one of them are great big ships, but they both are a mess. We had a six thousand ton tanker go down on the shore of Nova Scotia, only in yesterday's paper, with a strong easterly wind I suspect we will get some of that heating oil on the shore of Maine.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker and Members of the House: I think that the people of Maine are extremely interested in this legislation and I would like to ask for a roll call.

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

Mr. SUSI: Mr. Speaker and Members of the House: Apparently the question that is worrying us is whether or not we have adequate protection for our environment in the legislation that we have already passed and whether we do need this additional measure or not. Now in the last day or two I have heard second or third hand that Dr. Koons, who was presumably strongly committed to protecting our environment here in Maine, observed that he had in the site bill sufficient tools to control this problem until his staff was built up. Is there anyone who could confirm or deny this position as it was taken, as I understand it, by Dr. Koons?

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I can only add one more drop of hearsay evidence to that statement. It has been repeated many many times and I believe that it is true. I have received it only secondhand, and if Mr. Susi of Pittsfield got it thirdhand, then I suppose mine is one step better.

I want to make it absolutely clear that if I had my "drothers," as they say down on Mount Desert Island, if I had my "drothers" I would "drother" not have oil in Maine because it doesn't seem to me that the kind of Maine that I love and that I think most of you love is necessarily going to be enhanced significantly by trying to imitate Bayonne, New Jersey. The point that I am trying to get across with respect to the moratorium bill is, we have passed two very very strong bills. We cannot constitutionally prohibit carte blanche one industry. The only reason to have a moratorium is to have one which is defined and limited in scope and limited in time. Now I don't see how we can consistently pass a non-emergency moratorium — now just think about that for a moment.

As I understand this bill now, the emergency preamble has been taken off it. So we are saying, well it is not an emergency until 90 days after we adjourn, and then we want to tack a moratorium on until, under Mr. Benson's proposed amendment, March of 1971. I don't believe that there is any rational basis for our taking that action, particularly in view of the fact that the people in whom we have vested authority, responsibility and trust tell us that they don't need it for that purpose to implement the bill.

I would like to see a moratorium go through here prohibiting the oil industry, period. But we don't live in that world, this is not an Alice in Wonderland deal, unfortunately. And that is the reason why, as an individual, I am going to vote against the moratorium that is talking about in excess of a year, which is related to two industries, which doesn't cover what I view as an unconstitutional classification that refers to refineries but not terminals. And for this reason I don't think that we should fool around with this matter any further. I feel that we should adhere and I support the request for a roll call.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Just to make the record clear to everybody, a message from a member of the Commission of which Dr. Koons was on, and I will read it for the record for all to know. Professor Koons has said that a moratorium is unnecessary and that the Commission is already adequately prepared to exercise its site location responsibility. So if there should be any question in your minds as to what the opinion of Dr. Koons is, that the site location responsibility is well covered and Dr. Koons feels that there is no need for a moratorium on this document.

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

Mr. SNOW: Mr. Speaker and Members of the House: I would like to remind the House that as far as I am concerned, as a member of the Natural Resources Committee, the only reason that the Moratorium bill is being discussed today, that this wasn't done before, is that it was held for the sole purpose of finding out if the other two bills were going to meet your approval. Now they did meet your approval; they were signed into law yesterday. As far as I am concerned, with these things in back of us, there is no need whatsoever for this moratorium.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Payson.

Mrs. PAYSON: Mr. Speaker, Ladies and Gentlemen of the House: This bill is a measure entirely separate from the other two anti-pollution measures which we have been considering during this special session. Only two industries out of hundreds which might come to Maine are under consideration — only two. They are ore smelting and petroleum refining industries.

This bill gives Maine the minimum time to determine how to control — I add, control two industries which are knocking at our door. We want industry in Maine, but if we allow these two industries to come into Maine uncontrolled, the clean industries might very well reject coming to Maine. I submit to you, this bill

is a must along with the other two. I sincerely hope that you will vote no on Mr. Snow's motion to adhere. Thank you.

The SPEAKER: The pending question is on the motion of the gentleman from Caribou, Mr. Snow, that the House adhere to its former action on Bill "An Act Providing for Moratorium on Construction of Certain Industries," Senate Paper 661, L. D. 1843. A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All in favor of 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 Caribou, Mr. Snow, that the House adhere to its former action. If you are in favor of adhering you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA — Allen, Baker, Bedard, Berman, Bernier, Binnette, Birt, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carrier, Carter, Casey, Clark, H. G.; Coffey, Cote, Couture, Cox, Crommett, Croteau, Curran, Cushing, D'Alfonso, Dam, Danton, Donaghy, Drigotas, Dudley, Dyar, Emery, Erickson, Farnham, Faucher, Fecteau, Finemore, Fortier, M.; Fraser, Gauthier, Gilbert, Giroux, Goodwin, Harri-man, Heselton, Hewes, Huber, Hunter, Immonen, Jalbert, Johnston, Jutras, Kilroy, Laberge, Lawry, Lebel, Lee, Leibowitz, Levesque, Lewin, Lincoln, MacPhail, Marquis, Martin, McKinnon, McNally, McTeague, Mills, Mitchell, Moreshead, Morgan, Nadeau, Norris, Noyes, Ouellette, Page, Quimby, Richardson, H. L.; Ricker, Rideout, Rocheleau, Scott, G. W.; Shaw, Snow, Soulas, Starbird, Susi, Temple, Vincent, Wheeler, White, Williams.

NAY — Barnes, Benson, Bragdon, Brown, Buckley, Bunker, Chandler, Chick, Clark, C. H.; Crosby, Cummings, Curtis, Dennett, Durgin, Foster, Hall, Hardy, Haskell, Hawkens, Henley, Hich-

ens, Jameson, Kelleher, Kelley, K. F.; Kelley, R. P.; LePage, Lewis, Lund, Marsteller, Meisner, Millett, Mosher, Payson, Porter, Pratt, Rand, Richardson, G. A.; Ross, Sahagian, Scott, C. F.; Stillings, Thompson, Trask, Tyndale, Wood.

ABSENT — Corson, Cottrell, Eustis, Evans, Fortier, A. J.; Good, Hanson, Keyte, Santoro, Sheltra, Tanguay, Waxman, Wight.

Yes, 92; No, 45; Absent, 13.

The SPEAKER: Ninety-two having voted in the affirmative and forty-five in the negative, the motion to adhere does prevail.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

An Act to Authorize Bond Issue in the Amount of \$14,985,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine (S. P. 603) (L. D. 1778) which was tabled earlier in the day and later today assigned, pending the motion of Mr. Richardson of Cumberland to reconsider whereby it failed passage to be enacted.

On request of Mr. Richardson of Cumberland, made a Special Order of the Day assigned for 3:30 this afternoon.

The Chair laid before the House the following matter:

An Act to Pay for Fifty Percent of Health Insurance Plans for State Employees Beginning July 1, 1970 (H. P. 1306) (L. D. 1620) which was tabled earlier in the day and later today assigned pending the motion of Mr. Jalbert of Lewiston, that the House recede from the adoption of Committee Amendment "A."

Thereupon, the House receded from the adoption of Committee Amendment "A."

On motion of Mr. Jalbert of Lewiston, Committee Amendment "A" was indefinitely postponed.

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

Mr. JALBERT: Mr. Speaker, I now present House Amendment "A," and for the same reasons that I have stated before, that the

money is available out of the General Fund for what I consider a very worthy measure, I now move the adoption of House Amendment "A."

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, offers House Amendment "A" and moves its adoption.

House Amendment "A" (H-712) was read by the Clerk and adopted. The Bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith.

On motion of Mr. Richardson of Cumberland,

Recessed until three-twenty o'clock this afternoon.

#### After Recess

3:20 P.M.

The House was called to order by the Speaker.

#### Special Order of the Day

The Chair laid before the House the following matter:

An Act to Authorize Bond Issue in the Amount of \$14,985,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine (S. P. 603) (L. D. 1778) which was tabled earlier in the day pending the motion of Mr. Richardson of Cumberland to reconsider whereby it failed passage to be enacted and by unanimous consent made a special order of the day assigned for 3:30 this afternoon.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: In support of the motion to reconsider, I want you to know that my three terms in the Legislature, two of which I have spent down here on what Mr. Benson and I refer to as third base, I have learned that at this point and time, late on a Friday afternoon when we are talking about adjourning sine die, I am very much aware of the fact that there is nothing that I could say or do that would change one single vote, and yet I wouldn't have it any other way.

I realize full well that you have all reviewed this matter, that you have reasons which like some of which I consider good, others which I consider bad, but I suppose most of them are sincere, but I just simply cannot understand those of you who are using the argument against this bond issue which has now been reduced, at the urging of some of you, down to below \$15 million. I cannot understand the argument that says if you love the University, if you want to help the young people who can be helped, vote against this.

I just don't understand that logic, and of course I am biased. As a graduate of the University of Maine, who was given a diploma, as some people say as the result of an administrative oversight on the part of the administration, but who did go through on a loan program, one who has been closely connected with the University for many years, I just don't understand your logic, yet I know I can't change it.

This is the final major item of business before this Legislature. And it might be appropriate if I told you now, rather than during some recess while we are waiting for some inconsequential paper to shuttle back and forth, that while I am not going to seek reelection to the House and I am not going to seek election to the Maine State Senate, I am not leaving here in any sense of disappointment or bitterness about the decisions that we have made here together over a period spanning with some of you for three terms. It is a unique characteristic of this Legislature that you can be, as the gentleman from Raymond, Mr. Durgin, and I almost one thousand percent on the opposite side of the vote and still be friends.

I would like very much to see us today cast an affirmative vote in favor of the University of which I love, but if we don't, I can assure that there is no feeling of rancor or bitterness or anything else because I know very well that we will be back again, asking again for you as the elected representatives of the people of this state to cast a vote of confidence for the young people of Maine, not in order to support or buy some plush megalopolis

up in Orono, but simply to keep the University of Maine at least somewhat at pace with the development of other Yankee Conference Institutions and with institutions of higher learning of similar stature.

I ask for a roll call on the reconsideration, Mr. Speaker. I hope that you will vote yes and I hope that you will then vote to pass this bill to be enacted.

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

Mr. BOURGOIN: Mr. Speaker and Members of the House: I would like to present to this House the status of our family of fourteen and eight of us graduated from the then Madawaska Training School which is part of the University today. And I certainly hope that we can continue the colleges in the state.

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

Mr. BERNIER: Mr. Speaker and Members of the House: If you have noticed, I have been real quiet. I have found really nothing to interest me to the point where I wanted to speak in this special session. I believe I have found that interest in this bill. It seems just a little strange to me why you should hesitate to move to vote for a referendum. I understand you will say we have already sent it to referendum and the people have refused it. They have voted it down. But if you remember, there were so many items on that referendum at that particular election that I, myself, who knew what was coming up was confused. How do you suppose people coming up to vote at an election, probably coming in a hurry during their noon hour, or lunch hour, or whatever, they only have probably five or ten minutes to make up their minds and there they are faced with seventeen or nineteen items that they can't even read, never mind make any sense out of them.

I believe the people feel the same as you do, they feel very strongly about our school, about the University of Maine. I have personal reasons to feel strongly about them because some of my children went, some graduated, and I am more than grateful for what

it can do for us and for you and for the whole State of Maine. Please, do not let this thing down. Do not keep it away from the people. All we ask of you is that you give it back to the people to give them a chance to really study it this time and see what they really want to do, what they have in their hearts. That is all I ask of you. Thank you.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I just want to remind ourselves that I think we used very good judgment when we decided to vote to return to the people the highway bond issue. And I think we should use the same, if I have to use the word courage I will use it, but I think we should make the same decision in giving the people the opportunity on an educational bond issue by returning it. The chief objection that I see, that has been mentioned, is that we are taking a risk. I will agree to that assumption, but I would also point out that in everything we do we have to take calculated risks. And I think that we have studied this and we have trimmed it down, this particular bond issue, and I think we would not be making a mistake to take that calculated risk, if it is one, in this particular instance. And I hope you will very soberly consider this situation, highway bonds, education bonds.

The SPEAKER: The pending question is on the motion of the gentleman from Cumberland, Mr. Richardson, that the House reconsider its action of today whereby this Bill, An Act to Authorize Bond Issue in the Amount of \$14,985,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine, (S. P. 603) (L. D. 1778) failed of passage to be enacted. The yeas and nays have been requested. For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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 reconsideration. All in favor of reconsideration will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Allen, Baker, Benson, Bernier, Binnette, Birt, Boudreau, Bourgoin, B r a g d o n , Brennan, Brown, Buckley, Burnham, Carrier, Casey, Chandler, Chick, Clark, C. H.; Coffey, Cottrell, Cox, Croteau, Cummings, C u r r a n , D'Alfonso, Dam, Danton, Drigotas, Farnham, Fecteau, Finemore, Fortier, M.; Fraser, Gilbert, Giroux, Good, Goodwin, Hardy, Harriman, Haskell, Hawkens, Hewes, Hunter, Jalbert, Johnston, Jutras, Kelley, R. P.; Kilroy, Lawry, Lebel, LePage, Levesque, Lewin, Lund, MacPhail, Marquis, Martin, McNally, McTeague, Millett, Mills, Mitchell, Morgan, Mosher, Norris, Payson, Richardson, H. L.; Ricker, Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Stillings, Temple, Thompson, Tyndale, Vincent, Wheeler, White, Wood.

NAY — Barnes, Bedard, Berman, Bunker, Carey, Carter, Cote, Couture, Crommett, Crosby, Curtis, Dennett, Donaghy, Dudley, Durgin, Dyar, Emery, Evans, Faucher, Foster, Gauthier, Hall, Hanson, Henley, Heselton, Hichens, Jameson, Kelleher, Kelley, K. F.; Lamberge, Lee, Leibowitz, Lewis, Lincoln, McKinnon, Meisner, Ouellette, Page, P o r t e r , Pratt, Quimby, Rand, Richardson, G. A.; Rocheleau, Starbird, Tanguay, Trask, Wight, Williams.

ABSENT — Clark, H. G.; Corson, Cushing, Erickson, Eustis, Fortier, A. J.; Huber, Immonen, Keyte, Marstaller, Moreshead, Nadeau, Noyes, Santoro, Sheltra, Susi, Waxman.

Yes, 84; No, 49; Absent, 17.

The SPEAKER: Eighty-four having voted in the affirmative and forty-nine in the negative, the motion to reconsider does prevail. The pending question is passage to be enacted.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I have opposed this issue all through the debate. I think I can read the figures, eighty-five of the membership of this House are in favor of passing this bond issue, only fifty-four of us were opposed. On any normal bill those of us who oppose this would have been wiped out long ago. I voted for reconsideration, and now, at this stage of the game I am perfectly willing that we give it back to the people and let them make their decision, and I hope more of you join me.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I have stood fast in my opposition to this. The gentleman from Hodgdon, Mr. Williams, although a few days ago he was the only man in this House that voted no, voted no because he was concerned enough to vote his convictions, and I urge that every one of you here today do likewise, whether if be no or yes. This is not an ordinary issue; this is not an ordinary bill, this is a bond issue. And when we vote for bonds it is similar to voting ourselves and our children into a form of bondage because there will be interest on these bonds, and the interest alone on this fourteen million, nine hundred and some odd thousand will pay for quite a considerable amount of educational facilities in time to come.

I will not repeat the arguments pro and con because we have all heard them, but I urge you, as I am, to vote no on final enactment.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: A final plea to those that have pondered this question for a long time, and urge certainly all members of the Democrat party that are in their seats, and with all due respect to those that have made up their minds that it is relatively impossible for them to support this bond issue, I ask all

those that have some kind of an aspiration for the future of their youngsters if they can see in their conscience this afternoon to give a vote to support the bond issue so that the people of Maine will be afforded the opportunity to voice a public opinion as to whether the University of Maine is doing what it is intended to do for the people of the State of Maine. So I hope, and I am urging the Democrats that are here to help support this bond issue so that we can get the reaction of the people as to what our higher education facilities are doing.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I haven't got anybody in my relationship that is going to the University of Maine in any form whatsoever. But from down where I come from, in Washington County, we have a lot of young people going up to the University of Maine. Personally I don't know what the college looks like. I am perfectly willing to stand here telling these people here in the House that I will run for reelection for this House and I am perfectly willing to also say that I am going to vote for this bond issue. I believe the people can decide for themselves.

Mr. Benson of Southwest Harbor requested a roll call vote.

The SPEAKER: For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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 passage to be enacted. All in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Allen, Baker, Benson, Bernier, Binnette, Birt, Boudreau, Bourgoin, Bragdon, Brennan, Brown, Buckley, Burnham, Carrier, Casey, Chandler, Chick,

Clark, C. H.; Coffey, Cottrell, Cox, Crommett, Croteau, Cummings, Curran, D'Alfonso, Dam, Danton, Drigotas, Farnham, Fecteau, Finemore, Fortier, M.; Fraser, Gilbert, Giroux, Good, Goodwin, Hardy, Harriman, Haskell, Hawken, Hewes, Hunter, Jalbert, Johnston, Jutras, Kelley, K. F.; Kelley, R. P.; Kilroy, Lebel, Leibowitz, LePage, Levesque, Lewin, Lund, MacPhail, Marquis, Martin, McNally, McTeague, Meisner, Millett, Mills, Mitchell, Morgan, Mosher, Norris, Payson, Pratt, Richardson, H. L.; Ricker, Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Stillings, Susi, Tanguay, Temple, Thompson, Tynedale, Vincent, Wheeler, White, Wight, Wood, the Speaker.

NAY—Barnes, Bedard, Berman, Bunker, Carey, Carter, Cote, Couture, Crosby, Curtis, Dennett, Donaghy, Dudley, Durgin, Dyar, Emery, Evans, Faucher, Foster, Gauthier, Hall, Hanson, Henley, Heselton, Hichens, Immonen, Jameson, Kelleher, Laberge, Lawry, Lee, Lewis, Lincoln, McKinnon, Ouellette, Page, Porter, Quimby, Rand, Richardson, G. A.; Rocheleau, Starbird, Trask, Williams.

ABSENT—Clark, H. G.; Corson, Cushing, Erickson, Eustis, Fortier, A. J.; Huber, Keyte, Marstaller, Moreshead, Nadeau, Noyes, Santoro, Sheltra, Waxman.

Yes, 92; No, 44; Absent, 15.

The SPEAKER: Ninety-two having voted in the affirmative and forty-four in the negative, ninety-two being two thirds, the Bill is passed to be enacted, it will be signed by the Speaker and sent to the Senate.

Mrs. Coffey of Topsham was granted unanimous consent to address the House.

Mrs. COFFEY: Mr. Speaker and Members of the House: I am one of the youngest members of the House, therefore undergoing frequent constructive criticism and friendly advice by some of the more experienced members of this body. I try to be very conscientious and honest in my work. Sometimes I ask myself when we get home if I will ever truly understand the way some things are

done in this chamber. I find rather than being proud of our actions as a whole I am more often very disillusioned by them; perhaps that is because I am young and inexperienced.

We all try to say and convince ourselves and the people of Maine that we are working in their behalf, but when we go home and try to explain some of our actions to these people it is pretty hard at times to convince them that we did everything in their interest. Now here again I am pondering around in my mind the action taken by this body the other day, to set up a \$75,000 investigation of one man.

You had before you this morning a very important piece of legislation, one that every consumer in the state would have appreciated being passed. The price tag on this bill was \$27,000, \$27,000 to set up a consumer council that would investigate any complaint from the consumer about unfair trade practices. How do you as a conscientious body turn down a truly worthwhile bill for the protection of every consumer in the State of Maine and pass a \$75,000 order to investigate one man?

Now I might be very young and have an awful lot to learn, but somehow somewhere I know this is wrong. How can we go home and say we have truly been representatives of the people of Maine?

The following paper from the Senate appearing on Supplement 5 was taken up out of order.

#### Non-Concurrent Matter

Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (H. P. 1412) (L. D. 1779) which was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendments "B" and "C" thereto and House Amendment "B" in the House on February 6.

Came from the Senate with House Amendment "B" to Committee Amendment "A" indefinitely postponed and the Bill passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment



“C” thereto and House Amendment “B” in non-concurrence.

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

By unanimous consent, ordered sent forthwith.

The following paper from the Senate appearing on Supplement No. 6 was taken up out of order.

**Non-Concurrent Matter**

An Act to Promote Governmental Reorganization and Efficiency (S. P. 641) (L. D. 1812) which was passed to be enacted in the House earlier in the day and passed to be engrossed as amended by Conference Committee Amendment “A” in non-concurrence on February 5.

Came from the Senate with Conference Committee Amendment “A” indefinitely postponed and the Bill passed to be engrossed in non-concurrence.

In the House:

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

Mr. RIDEOUT: Mr. Speaker, I move that we recede and concur.

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

Mr. STARBIRD: Mr. Speaker, may I inquire if I am correct in saying that Part B and Part C are all that are left of this bill?

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird, makes an inquiry through the Chair, and the Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Right.

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

Mr. STARBIRD: Mr. Speaker, I therefore request, because I think this is a very important bill, I think the Conference Committee came out with an amendment which was not entirely in accord with my wishes; however, it was the best that probably could be done. I think that it is too bad for this body's wishes to be so summarily dismissed by the other body and I would ask that we vote against the motion to recede and

concur, and I hope you vote with me and I shall offer another motion.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen: If you defeat this motion to recede and concur and send this bill to a Conference Committee—I am not trying to be threatening or anything else, I am just telling you that as a matter of fact there won't be time, you won't get a bill back on insisting and joining in a Committee of Conference; and this fact being true, and I join the gentleman from Kingman Township, Mr. Starbird, in being I think extremely disappointed with the course that this legislation has taken. Nevertheless, I think we are much better to take what we can get and not go back to a Committee of Conference, which might result in there being nothing done.

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

Mr. RIDEOUT: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Starbird knows that nobody has lived with this bill as long and as closely as I have, and it is a disappointment to me to see this happen; but I have backed off once today from a Donnybrook with that other bunch and I think we ought to back off again just to save some time. I hope that you support my motion to recede and concur.

The SPEAKER: The Chair would caution the members to be careful in making castigating remarks about the upper body.

Is the House ready for the question? The Chair will order a vote. All in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken.

97 having voted in the affirmative and 18 having voted in the negative, the motion did prevail.

(Off Record Remarks)

On motion of Mr. Levesque of Madawaska,

Recessed until ten o'clock in the evening.

**After Recess  
10:00 P.M.**

The House was called to order by the Speaker.

The following papers from the Senate appearing on Supplement No. 9 were taken up out of order.

From the Senate: The following Order:

ORDERED, the House concurring, that the State Department of Education is directed to study, under the supervision of the Legislative Research Committee, the aims, purposes and general activities of the State Principals' Association; and be it further

ORDERED, that the State Department of Education is directed to report, subject to the approval of the Legislative Research Committee, its findings and recommendations to the 105th Legislature (S. P. 666)

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. DUDLEY: Mr. Speaker, I move that this order be indefinitely postponed, and I think there will be some others we should indefinitely postpone just to show them that we are still awake in this body.

Whereupon, Mr. Dam of Skowhegan requested a vote.

The SPEAKER: The gentleman from Enfield, Mr. Dudley, moves that this Order be indefinitely postponed. A vote has been requested. All in favor of indefinite postponement will vote yes; those opposed will vote no.

47 having voted in the affirmative and 40 having voted in the negative, the Order was indefinitely postponed in non-concurrence and sent up for concurrence.

**THE SENATE OF MAINE  
AUGUSTA**

February 6, 1970

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

Dear Madam Clerk:

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act Establishing a Human Rights Commission" (H. P. 1439) (L. D. 1814)

Senators:

TANOUS of Penobscot  
VIOLETTE of Aroostook  
CONLEY of Cumberland  
Respectfully,

(Signed)

HARRY N. STARBRANCH  
Secretary of the Senate

The Communication was read and ordered placed on file.

The following matter appearing on Supplement No. 8 was next taken up.

**Conference Committee Report**

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

Bill "An Act Establishing a Human Rights Commission" (H. P. 1439) (L. D. 1814) reporting that the House recede from passage to be enacted and from passage to be engrossed as amended by Senate Amendments "A" and "B"; recede from adoption of Senate Amendments "A" and "B" and indefinitely postpone same; adopt Conference Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "A"; that the Senate recede and concur with the House.

(Signed)

McTEAGUE of Brunswick  
RICHARDSON

of Cumberland  
— Committee on part of House.

TANOUS of Penobscot  
VIOLETTE of Aroostook  
CONLEY of Cumberland

— Committee on part of Senate.

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

Report was read.

Mr. MORESHEAD: Mr. Speaker, I move that we reject the Conference Committee Report.

Whereupon, Mr. Lawry of Fairfield moved that the item be

tabled until later in the day's session.

Mr. Moreshead of Augusta requested a vote on the tabling motion.

Whereupon, Mr. Dam of Skowhegan requested a roll call vote.

The SPEAKER: 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 Fairfield, Mr. Lawry, that this matter be tabled until later in today's session pending the motion of Mr. Moreshead of Augusta to reject the Committee Report. All in favor of tabling this matter will vote yes; those opposed will vote no. The Chair opens the vote.

**ROLL CALL**

YEA — Bedard, Binnette, Bourgoin, Coffey, Corson, Curran, Dam, Fortier, M.; Fraser, Giroux, Good, Goodwin, Haskell, Hewes, Jutras, Laberge, Lawry, LePage, Martin, McTeague, Meisner, Mitchell, Ouellette, Soulas, Starbird, Vincent, Wheeler.

NAY — Allen, Baker, Barnes, Benson, Bernier, Birt, Boudreau, Bragdon, Brown, Burnham, Carey, Carrier, Carter, Casey, Chick, Clark, C. H.; Clark, H. G.; Cox, Crommett, Crosby, Cummings, Curtis, D'Alfonso, Danton, Donaghy, Drigotas, Dudley, Durgin, Dyar, Erickson, Farnham, Faucher, Fecteau, Finemore, Foster, Gauthier, Hall, Hardy, Hawken, Henley, Immonen, Jalbert, Johnston, Kelleher, Kelley, R. P.; Kilroy, Lebel, Lee, Leibowitz, Levesque, Lewin, Lincoln, MacPhail, Marquis, Marstaller, McKinnon, McNally, Mills, Moreshead, Morgan, Mosher, Nadeau, Noyes, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Rocheleau, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Sheltra, Snow, Susi, Temple, Thompson,

Trask, Tyndale, White, Wight, Williams, Wood.

ABSENT — Berman, Brennan, Buckley, Bunker, Chandler, Cote, Cottrell, Couture, Croteau, Cushing, Dennett, Emery, Eustis, Evans, Fortier, A. J.; Gilbert, Hanson, Harriman, Heselton, Hichens, Huber, Hunter, Jameson, Kelley, K. F.; Keyte, Lewis, Lund, Millett, Norris, Ricker, Santoro, Stillings, Tanguay, Waxman.

Yes, 27; No, 89; Absent, 34.

The SPEAKER: Twenty-seven having voted in the affirmative and eighty-nine in the negative, the motion to table does not prevail. The pending motion is the rejection of the Report.

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

Mr. McTEAGUE: Is a motion in order for the acceptance of the Report or would that be redundant.

The SPEAKER: The Chair will advise the gentleman that the motion of priority is to reject.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: I rise to oppose the gentleman's motion. We have been all through this bill so many times that anything that I could say would be redundant. The Conference Committee has met, they have in their wisdom improved the bill to their satisfaction. I think that it would be irresponsible for us to reject their recommendations and I urge you to vote against the motion of the gentleman to reject the Conference Report.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: The Committee of Conference reported, out of the six members five supported passage of the bill as amended by Conference Committee Amendment "A", which is before us under filing number H-715. I would like to take a few moments to explain the contents of that Conference Committee Report and I hope to tell you why five of the six members of the Conference Com-

mittee felt that with the Committee Amendment that the Bill would be a good bill and a workable one.

One of the primary purposes of the Conference Committee Amendment "A" was to consolidate the previous amendments which have been placed on the bill. Those amendments in the main weaken the bill, although not so drastically as to destroy it. Some of the specific areas in the Conference Committee Amendment are these.

Because of the question raised regarding this situation on housing accommodations owned by fraternal organizations, we have explicitly made it very clear that these would be excluded from the coverage of the act. So that for example the Lafayette Club which has been mentioned or any club would not be under the control of the act in regard to either their employees or in regard to the housing they may rent or sell.

Another area that we have changed is that the Commission loses its subpoena power; no one would ever have to come before the Commission. Anyone who came before the Commission would do so in a voluntary way. The Commission also has no authority to issue an order of any kind.

Another change was we eliminated the educational program which resulted in the elimination of \$5,000 from the budget requested at the end of the bill and we completely struck out the provisions that provided for attorneys' fees and triple damages. The reason I for one felt willing to go along with this is that the aim of this is not to take these cases to court, although that is available as a last resort. Our hope, and based on the experience of other states, and I think it is a realistic hope, is that well over ninety percent of the cases would be handled and settled informally.

Now I recognize that the hour is late and that we have heard much debate and perhaps even pontification on this issue and I have perhaps participated in at least my share or more than it, so I appreciate the courtesy of the hearing in this House. This bill had its origin in the Governor's Task Force Report on Human Rights

and it has been a bipartisan bill all the way along. The sponsor in the regular session of the bill was Senator Mills. The gentleman from Cumberland, Mr. Richardson, has been a hard, effective and dedicated worker on behalf of this bill and the concepts of human rights that it represents.

The State Government Committee in this special session, composed of five members of each of our political parties, voted unanimously in Committee for the passage of this bill. The recent Conference Committee that we have just been through and we have the results before us, five of the six members, representing both political parties, voted to support this bill in the form now before you.

It is obvious I think both from the talk on the floor and the work, and from my personal conversations with many of them, that there are members of the majority party who have seriously and in a dedicated fashion worked for the support of this bill and because they believe in the concepts behind it. To them goes not only my thanks, my sincere appreciation, but more importantly that of the many people that would be helped by this type of legislation.

However, I think candor requires a statement regarding in effect what seems to have taken place of late concerning this bill. My inspection of the roll call we held in the House this morning on the bill, when the motion was to recede and concur with the Senate — and if you will excuse me keep us out of the difficulty we are in regarding non-concurrence, regarding coming back at late hours, regarding being one of the last bills on the legislative docket, when the vote was held this morning of those voting my figures show that approximately ninety percent of the Democrats for the bill and approximately ten percent of the Democrats were against the bill. On the other hand, the Republican Party showed seventy-five percent in opposition to this bill and only twenty-five percent for it.

I can truly say that I am very proud to be a member of the party of Franklin Roosevelt, Jack Kennedy and Edmund Muskie, and I

know that all of these men have been among the earliest supporters of human rights and civil rights legislation in their respective areas, going back almost a generation. But aside from being a Democrat and as an American and an amateur history buff, I regret that the position on the issue of human rights in this Legislature of the majority, perhaps seventy-five percent of the members of the Republican Party has not been what I at least would hope for from the party whose first president was Abraham Lincoln.

Perhaps my statements are naive, they are not politically motivated. To the small extent that it was within my power to do so, I have done everything to keep this measure bipartisan and I know that those members of the Republican Party that are dedicated to this have tried to do the same. I know that they have tried to work within their party to help in this regard. But the blunt fact is that ninety percent of the Democrats were for this and seventy-five percent of the Republicans opposed it, and the equally blunt fact is with such figures and considering the composition of our Legislature if such figures continue it will not be possible to pass any significant legislation in this field.

We seek not an issue for a campaign, we seek rather passage of a moderate, responsible, reasonable piece of legislation which has been compromised, and which the advocates have shown a willingness to compromise. We seek to redress wrongs through conciliation, in a limited and realistic way. We seek to avoid the punitive sanction of the criminal law which is now involved in anti-discrimination legislation in our state.

Although very few parties can ever be a hundred percent, I guess, on any particular issue, particularly one of the emotional voltage of this one, I am proud that my party, the Democratic party has supported this to the level of approximately 90 percent. I would very seriously urge and implore the members of the Republican party who have a great and admirable tradition, not ending with Abraham Lincoln by any means. The great

senator from Illinois, Senator Dirksen, was one of the crucial men in getting federal legislation through, because although a conservative he recognized an issue with merit and one whose time had come. And I implore the members of the Republican party to follow this example and please do not treat this in a partisan fashion.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: In 1965 as a concerned Republican I co-sponsored the original Fair Housing Act which later received passage. I have spoken in favor of this bill all during this entire special session. I still support the concept of the bill, and I urge that you vote against the motion to reject the report.

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

Mr. MORESHEAD: Mr. Speaker and Ladies and Gentlemen of the House: I regret the attempt that is being made by Mr. McTeague to label this as a partisan matter. I personally do not feel that it should be a partisan matter, and I do not feel that it is a partisan matter.

What we are confronted with this evening is indeed a very bad piece of legislation, and I think it should not be considered partisan one bit. It should be considered on the merits of the bill itself.

Now the Committee of Conference met on the bill, which the supporters of the bill said was all right. I have argued against this bill, and once the Committee of Conference got through there was a three page amendment, not compromising, but clearing up the problems of the bill. My problem this evening is that it has not gone far enough.

I state to you that there are more problems, and this bill is not a bill that should be placed upon the shoulders of the citizens of the State of Maine. I submit to you this evening that at this late hour this bill still consists of very serious problems, both legal and constitutionally, and we should let this bill be defeated this evening. And

we would not, by defeating it be in any way prejudicing any minority groups. We must consider what is best for the citizens and not place the burden of such unfair legislation upon their shoulders. So I therefore urge you to reject the committee report, so that this bill can be defeated at this time.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would suggest that the trouble with the young man from Augusta, who is a nice young man, Mr. Moreshead, tonight is that somehow he just won't accept the majority. He will not accept the decision of two members of his party, three members of our party, and five members of his profession. That is the trouble with the young man from Augusta today.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise to disagree with the gentleman from Augusta, Mr. Moreshead. I think this is a good piece of legislation. I think it is a piece that has been needed for many, many years, and I would hope that we could see final passage of this.

I see nothing wrong in this bill. I see no area in this bill that would affect or hurt the people of the State of Maine. I think the people of the State of Maine have been discriminated against, and while the opponents of this bill tend to try to pull the wool over the people's eyes and mislead us with false statements, this is not the way the bill reads, and I would ask each member of this House to support this bill.

Mr. Noyes of Limestone requested a roll call vote.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I have consistently voted against this measure. There were three items in it that I objected to. The rest I didn't have any thinking on it at all. The attorney's fees, subpoena power, and triple damages have been eliminated

from the bill and I now can vote in favor of it.

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

Mrs. COFFEY: Mr. Speaker and Members of the House: I really hate to prolong this debate, but I feel that there is something that should be said. Maine has always discriminated against the Frenchmen. This can be proven. You have your areas such as Brunswick, the area that I live in, during World War II these people moved into this town and formed a community of their own. It is your Frenchmen that work in the shoe shops. And I feel that this alone, seeing where there are so many of you in the House, and how hard some of you have had to struggle for recognition with some of us, that you should vote for this bill.

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

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: In view of the late hour and of the statements made in reference to this bill, I think it would be in the interest of the people of Maine if tonight we abstained from voting on this issue, and many other issues, and come back here Monday morning with a clear, level head, and vote some legislation that is worthwhile for the people of Maine.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: At this point my mind is clear, and made up. And I am sure at this point that I don't want to create another commission in the State of Maine. I am also sure I don't want to sit here another four hours and wait for this to be engrossed. And I am not going to take the time to tell you all the things that I can see wrong with the bill, because they are many and numerous and I don't want to take that much time. I think the quickest way, and the most sensible way, and the most prudent way, and it would save the taxpayers the most money, would be that we not ac-

cept this report. And I urge you not to accept it.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: In attempt at a very short answer to the gentleman from Augusta, Mr. Moreshead, the three-page amendment, the Committee Amendment "A" before you, is not filled with things that we didn't know about in the bill. Most — over two pages of the three-page amendment, if you look at it, are Senate Amendments "A," "B," and "C" which were on the bill before. So if you are going to oppose it, do so on the realistic grounds, but not on some concocted notion of the number of pages added to it. These are three Senate Amendments that were on before, that I think basically are non-controversial.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: This may be a long day and a long night. I would not want to prolong it any more than I would have to. But for the gentleman from Augusta, Mr. Moreshead, to tell the members of this House that there are certain sections of the bill that are not acceptable, the only way that I read the comments made from that same gentleman would be that the only way that it would be acceptable to him would be no bill at all. And the only way that it would be acceptable to the same gentleman is that the bill would be completely dead forever and ever.

Now if this is the type of attitude that the gentleman and some of the other members of the House feel about legislative matters before us, we may very well be here for more than a day and a night. Because let me assure you, ladies and gentlemen, and this is not a threat, this may end up to be very factual, that there is another measure to come before us that will need 101 votes. So if the attitude of the gentleman from Augusta, Mr. Moreshead, is that if he wants this bill dead, then he

will have to kill another one before this one dies. And I am not shooting from the hip.

So that I feel that because somebody has indicated in the legislative record that some Frenchmen might have been discriminated, I don't feel that I have. But there may have been extenuating circumstances for that reason. I have no control over my nationality, and I have no control over any other nationality. But if some members of the House are going to use these kinds of tactics for their own self-interest, I fail to see where the State of Maine is going to come out of the hole that it has been dug in for the last one hundred years.

So I hope the members of this House, at this hour, will reject the motion made by the gentleman from Augusta, Mr. Moreshead, in rejecting the Conference Committee Report that we may be able to accept the Conference Committee which is a fair compromise and that we may go on with the rest of the legislative matters before this House.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All 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 Augusta, Mr. Moreshead, that the House reject the Conference Committee Report. If you are in favor of rejecting the Report you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA—Allen, Baker Barnes, Benson, Birt, Bragdon, Brown, Carrier, Chick, Clark, C. H.; Clark, H. G.; Crosby, Curtis, Donaghy, Dudley, Durgin, Dyar, Erickson, Finemore, Foster, Fraser, Gauthier, Giroux, Hall, Hardy, Hawken, Henley, Heselton, Immonen, Johnston, Kelleher, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lin-

coln, MacPhail, McNally, Meisner, Moreshead, Mosher, Noyes, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Rocheleau, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Susi, Thompson, Trask, Tyndale, Wight, Williams, Wood.

NAY—Bedard, Bernier, Binnette, Boudreau, Bourgoin, Burnham, Carey, Carter, Casey, Coffey, Corson, Cottrell, Crommett, Cummings, Curran, D'Alfonso, Dam, Danton, Drigotas, Faucher, Fecteau, Fortier, M.; Good, Goodwin, Haskell, Hewes, Jalbert, Jutras, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Marquis, Marsteller, Martin, McKinnon, McTeague, Mills, Mitchell, Morgan, Nadeau, Ouellette, Richardson, H. L.; Rideout, Ross, Soulas, Starbird, Temple, Vincent, Wheeler, White.

ABSENT — Berman, Brennan, Buckley, Bunker, Chandler, Cote, Couture, Cox, Croteau, Cushing, Dennett, Emery, Eustis, Evans, Farnham, Fortier, A. J.; Gilbert, Hanson, Harrian, Hichens, Huber, Hunter, Jameson, Keyte, Lewis, Lund, Millett, Norris, Ricker, Santoro, Sheltra, Stillings, Tanguay, Waxman.

Yes, 62; No, 54; Absent, 34.

The SPEAKER: Sixty-two having voted in the affirmative, and fifty-four having voted in the negative, the motion does prevail.

The following papers from the Senate appearing on Supplement No. 7 were taken up out of order.

From the Senate: The following Communication (S. P. 669):

STATE OF MAINE  
SENATE CHAMBER  
AUGUSTA, MAINE

February 6, 1970

To: The President of the Senate and the Speaker of the House of Representatives.

Re: Committee Report, Joint Committee on study of Preservation of Building at the University of Maine, Portland.

Your committee pursuant to joint order, S. P. 423, studied the advisability and feasibility of preserving the former barn structure on the University of Maine, Portland campus.

Your committee found that said barn was a product of the architectural skill of Alexander Parris, architect of Boston's Faneuil Hall, was some 165 years old and believed by prominent architects and historical preservation groups eminently qualified for preservation either on its original site or by movement to a new location.

At the urging of your committee and interested citizen groups, an application was filed with the National Park Services for inclusion in the National Register of Historic Places. By virtue of this request made through the State Park and Recreation Department, Advisory Committee on Historic Sites, ultimate success was achieved in securing the recognition by the National Park Service which this edifice so obviously deserved.

Your committee urged that the Board of Trustees of the University of Maine forego any drastic action relative to this building pending the consideration of the National Park Service. A meeting of a subcommittee of the Board of Trustees was held, in which this delay was requested by the committee and many interested citizens and groups. Nonetheless, the Board of Trustees desired that said building should be demolished and so notified your committee.

Your committee persisted in its request for a delay, pointing to the fact that citizens were interested in moving the building and the fact that your committee had earlier in the summer had a prominent building mover survey the possibility of moving and was advised that this could be done with relative ease without injury to any other structures. Such a moving coupled with an indication as to the original site would meet the goals of those interested in preserving our rapidly diminishing Historical Architectural Heritage. Said building was included in the National Register of Historical Places on August 13, 1969.

Nevertheless, said building was demolished on August 29, 1969 and the remains have now been properly covered with a layer of earth and grass.



(Signed)

Ronald L. Kellam  
Richard N. Berry  
G. A. Richardson  
Percy G. Porter  
Gerard P. Conley

Came from the Senate read and placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

#### Non-Concurrent Matters

Joint Order relative to Legislative Research Committee study the coordination of public higher education (H. P. 1473) which was passed in the House on February 6.

Came from the Senate indefinitely postponed in non-concurrence.

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

Joint Order relative to Legislative Research Committee study of Recreation and Camping Business (H. P. 1463) which was passed in the House on February 3.

Came from the Senate indefinitely postponed in non-concurrence.

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

Joint Order relative to Legislative Research Committee study existing procedure for settlement of liability claims against employees of the State (H. P. 1474) which was passed in the House on February 6.

Came from the Senate indefinitely postponed in non-concurrence.

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

From the Senate: The following Order:

ORDERED, the House concurring, that the State Housing Authority created pursuant to chapter 470 of the public laws of 1969, is directed to study, under the supervision of the Legislative Research Committee, municipal building codes and subdivision regulations of this State to determine whether such codes and regulations impede the construction of low income housing; and be it further

ORDERED, that the State Housing Authority is directed, subject to the approval of the Legislative Research Committee, to submit a report of its findings and recommendations to the 105th Legislature (S. P. 664)

Came from the Senate read and passed.

In the House: The Order was read and passed in concurrence.

The following Enactors appearing on Supplement No. 10 were taken up out of order.

#### Passed to Be Enacted

An Act to Pay for Fifty Percent of Health Insurance Plans for State Employees (H. P. 1306) (L. D. 1620)

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

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

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

Mr. MORESHEAD: Mr. Speaker, I move that L. D. 1814 be reconsidered, and I hope you will vote against my motion.

The SPEAKER: The gentleman from Augusta, Mr. Moreshead, moves that House Paper 1439, L. D. 1814, An Act Establishing a Human Rights Commission, be reconsidered.

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

Mr. LEVESQUE: Mr. Speaker, I move that this lie upon the table pending reconsideration.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, moves that L. D. 1814 be tabled pending the motion to reconsider.

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

Mr. JALBERT: Mr. Speaker, I would ask how the gentleman who made the reconsideration motion voted.

The SPEAKER: The Chair would advise the gentleman that he voted on the prevailing side.

Mr. Moreshead of Augusta requested a vote on the tabling motion.

The SPEAKER: A tabling motion is in order. All in favor of this matter being tabled until later in today's session pending reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative, and 57 having voted in the negative, the motion to table did not prevail.

The SPEAKER: The pending question now is reconsideration. The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: I feel very strongly that legislation as important as this legislation is to the people of this state is being dealt a black eye by being considered at this hour and in this environment. Nevertheless, it is here, and it is not the forum that I chose to debate the bill in, but it is here and we have to discuss it.

As a member of the Conference Committee to which the gentleman from Augusta, Mr. Moreshead, was appointed, but didn't feel it was of enough significance to bother attending, the bill was backed up very substantially and a number of, I feel, essential items were taken out of the bill in an attempt to reduce some of your fears. The fears that I say are prompted by, in some cases, a very ill-concealed sense of suspicion and hostility toward minority groups.

The bill in its present form is really nothing more nor less than the creation of a group of people whose responsibility it will be to those who feel aggrieved to give them a forum within which to have their problems and their gripes with the society in which they live aired somewhere other than in a criminal proceeding against an alleged violator.

I am amazed, simply amazed, to hear the gentleman from Augusta, Mr. Moreshead, stand up and say that the bill still has problems, when he didn't bother to at-

tend the Conference Committee Report. I am amazed to have it suggested here that engrossment is going to hold it up. The bill has been pre-engrossed.

Now if it is the judgment of the majority of this House not to reconsider, I will accept that judgment, hoping that those of you who vote against reconsideration have a good deal more valid purpose for doing than has been exhibited by the principal opponent of this bill, the gentleman from Augusta, Mr. Moreshead. I would hope that in this, as in every other piece of legislation which we cover, you will bring to bear intelligence, good faith, and honest judgment. And I feel that if you do that you will reconsider the action which you took a few moments ago, which in my judgment was based on misunderstanding, and a resort to the same scare tactics that have been used in the past to defeat this bill.

I ask you in all sincerity to favor reconsideration, to reconsider the rejection of the Conference Committee Report, and to then pass this bill to be enacted. Thank you.

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

Mr. JUTRAS: Mr. Speaker and Members of the House: Once again I reiterate my plea. This is a very important bill for all the people of the State of Maine. And this is no time, with all the absentees in this House here tonight, to try and enact a bill when you do not have adequate representation. And for that reason I still reiterate that we postpone action until Monday, the next legislative day, to act intelligently and forcibly for the people of Maine in all these measures.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I don't like the attack that was made on Mr. Moreshead here tonight. I was here in the regular session, and I followed this young gentleman, and we needed him in Sanford on some other work, and if there is a gentleman that has been honest and fair in his deliberations and his actions that he has taken on his committee, Mr. Moreshead was one of

them that is very honest. He is not of my party, but he is an honest man, and I feel that the attack on him tonight is not right. So I would like to get up and defend him because he has been very fair to everyone in this House.

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

Mr. JALBERT: Mr. Speaker, I move this House adjourn until 10:00 o'clock tomorrow morning.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that the House adjourn until 10:00 o'clock tomorrow morning.

Mr. Richardson of Cumberland requested a vote on the motion for adjournment.

A vote of the House was taken, 34 having voted in the affirmative, and 74 having voted in the negative, the motion to adjourn did not prevail.

The SPEAKER: The pending question is the motion to reconsider whereby this Conference Committee Report was rejected.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I don't think that anyone in this House can say that I am completely unbiased or unprejudiced in this matter. But I was, like the gentleman from Sanford, a bit astonished by the attack on a member of this House who has in good faith and in honest conscience opposed this bill. I might add that as a sergeant-at-arms in the 103rd Legislature, and as a member of the 104th Legislature, I have noted that the Majority Leader is continually amazed. There is a word which has been beaten to death. He was always amazed if someone opposes certain legislation. I can only assume that this is a matter of phraseology; that he isn't really amazed. Because actually this bill is, to say the least controversial.

For instance today the sponsor, Mr. McTeague, this morning carried us all through the war in Vietnam. The other day he brought his grandmother and mine from Ireland. And tonight he has continued that ploy, that appeal to your emotions. But the question is really quite simple as I see it.

Do the people of the State of Maine deserve this type of legislation? Do they? I ask you, honestly and fairly, do they deserve this? And as I said the other day, the people of the State of Maine have suffered much from this Legislature. We have presented them with the biggest budget in history. We have saddled them with a state income tax, and now as a final irony we are going to give them this little gem here.

And the good lady from Topsham, Representative Coffey, said that Maine people had always discriminated against the Franco-Americans. Considering the fact that at least one third of the members of this House are Franco-Americans, that statement seems ridiculous. I would also remind her that the Junior Senator from the State of Maine, Muskie, is a Polish-American. Certainly he wasn't discriminated against. Neither was Representative Kyros discriminated against. So when we talk about scare tactics I think we should get things straight, just who is using scare tactics.

Now in the present climate of opinion here this evening it is quite evident that we can't arrive at a sane decision on the matter. And so as prudent legislators there is only one course open to us. We follow the lead, or rather the suggestion of the good gentleman from Augusta. It isn't often in this House that the Majority Leader uses his not inconsiderable efforts to push through a bill, particular a bill as suspect as this.

For my part I have unbounded faith in the people of the State of Maine. If the good Speaker would permit me a bit of latitude, I would like to point this up by a story of a down-East minister some fifty years ago, I remember him well. He christened our young, he married our young people and he buried our dead. One day he was driving — he always had a high-spirited horse. And on this particular Sunday afternoon as he was driving on his way to church the horse bolted and ran. And the good pastor gave him his head; which means he hung onto the reins and hoped for the best. And some of the people who were stand-

ing in the churchyard saw this cloud of dust rapidly approaching up the road. Some of the men understood immediately what had happened, and a few of them jumped out into the road and stopped the runaway. The horse's flanks were heaving, his sides were covered with foam, but the good minister was the calmest of all because he was singing that grand old hymn "Where He Leads Me I Will Follow."

And now tonight, ladies and gentlemen, I wish that you had, each and every one of you, the same faith in the people of the State of Maine that that good gentleman had. I urge you please support the motion of the gentleman from Augusta, Mr. Moreshead. Thank you.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: Until an hour ago it was a privilege for me to serve in this House. And I still consider it a privilege. However, when I look up and I see the Stars and Stripes in front of me, I think it is only necessary, and it is going to take me about two and a half hours to tell you, and describe to you human rights.

And I am going to read this, and I hope you are going to stay awake, because I am going to be here for about two and a half hours.

"Introduction. To be an Indian in the State of Maine means: If you are on a reservation, you live in substandard housing, with inadequate sanitary facilities.

Your children are likely to receive such a poor elementary education that they will be almost certain to drop out of high school—

The SPEAKER: For what purpose does the gentleman rise?

Mr. JALBERT: A point of order.

The SPEAKER: The gentleman from Lewiston rises on a point of order, and the gentleman will state his point of order.

Mr. JALBERT: Has the rule been suspended beyond nine o'clock so we could do business in this body?

The SPEAKER: The Chair would advise the gentleman that it has been suspended beyond the hour of nine o'clock.

Mr. SOULAS: May I proceed, Mr. Speaker?

The SPEAKER: The gentleman may proceed.

Mr. SOULAS: "Your children are likely to receive such a poor elementary education that they will be almost certain to drop out of high school; but, no matter how bright they are, they are likely to be 'counselled' away from a college education;

White men can commit crimes of violence against you and your family with almost complete impunity, while you are likely to be arrested for the slightest infraction of the law, and prosecuted to the hilt;" — —

The SPEAKER: The Chair would advise the gentleman that he is impeding legislative process and is out of order, and the Chair so rules.

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

Mr. CAREY: Mr. Speaker, I would ask if there is a quorum present.

The SPEAKER: The answer is in the affirmative, a quorum is present. And the pending question is on the motion of the gentleman from Augusta, Mr. Moreshead, that the House reconsider its action whereby it rejected Conference Committee Report.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: There seems to be a realm that is somewhat not new in nature, but seems to repeat itself every now and then. And a gentleman or a member of this House a few moments ago has indicated that the gentleman from Augusta, Mr. Moreshead, had been an honest gentleman, he had been a fair gentleman, yet we find out by the same tactics that have been used before that is now back with us again, that in all this gentleman's fairness and honesty, he fails even to show himself before a committee that he was appointed by the Speaker of this House to serve on,

to see if there is some areas of disagreement that he wishes to present before the committee for honest and fair discussion as to what would be suitable to him.

The indication has been before, in my remarks, that nothing was fair to him unless it was all his way. If this could be acceptable or if this could be done, it might have well been done. But when a member of this House even feels that in his honesty and fairness does not even show the integrity of even presenting his views before a committee that he was selected and appointed by the highest member of this House, the Speaker, to serve on a committee, I don't think that is too much fairness or honesty on the part of a member.

Yet by the same token, would turn around and try to defeat a legislation that is for other people in the State of Maine. It might not serve his own individual purpose, but we think it might serve some of the people of Maine. And to the gentleman from Machias, Mr. Kelley, who points out that the remarks made by the gentle lady from Topsham, Mrs. Coffey, was ridiculous, I would like to refer to Mr. Kelley a little bit of the history of Maine. And I think the gentleman is honest enough in his belief, that if he looks back in the history of Maine that he would find out that the statement made by the gentle lady from Topsham, Mrs. Coffey, not too many years ago was so very right.

By his denial you can show that some people are not being too honest or fair to themselves. And Mr. Speaker and ladies and gentlemen of the House, when the motion to reconsider is before the House, I ask that it be taken by the yeas and nays.

Mr. Sahagian of Belgrade moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question it must have the consent of one third of the members present. All in favor of entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken.

A sufficient number having voted, the motion for the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now. All in favor say yes; those opposed say no.

A viva voce vote being taken, the main question was ordered.

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

Mr. JALBERT: Mr. Speaker, is not the main question being put debatable for five minutes, and no more?

The SPEAKER: The Chair would advise the gentleman that it is, but they voted to put the main question now. And that is the main question, and the question is reconsideration.

A roll call has been requested. For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All those in favor of 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 Augusta, Mr. Moreshead, that the House reconsider its action whereby it rejected the Conference Committee Report.

If you are in favor of reconsidering this you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YES — Bedard, Bernier, Binnette, Boudreau, Bourgoin, Burnham, Carey, Carter, Casey, Coffey, Corson, Cottrell, Cox, Crommett, Cummings, C u r r a n, D'Alfonso, Dam, Danton, Drigotas, Faucher, Fecteau, Fortier, M.; Foster, Fraser, Giroux, Good, Goodwin, Haskell, Hewes, Jalbert, Jutras, Kelleher, Kilroy, Laberge, Lawry, Lebel, L e i b o w i t z, LePage, Levesque, Marquis, Marstaller, Martin, McKinnon, M c T e a g u e, Mills, Mitchell, Morgan, Nadeau, Ouellette, Richardson, H. L.; Rideout, Ross, Soulas, Starbird,

Temple, Vincent, Wheeler, White, Wood.

NO — Allen, Baker, Barnes, Benson, Bragdon, Brown, Carrier, Chick, Clark, C. H.; Clark, H. G.; Crosby, Curtis, Donaghy, Dudley, Durgin, Dyar, Erickson, Finemore, Gauthier, Hall, Hardy, Hawkens, Henley, Heselton, I m m o n e n , Johnston, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lincoln, MacPhail, McNally, M e i s n e r , Moreshead, Mosher, Noyes, Page, Payson, Porter, Pratt, Quimby, R a n d , Richardson, G. A.; Rocheleau, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Susi, Thompson, Trask, Tyndale, Wight, Williams.

ABSENT — Berman, Birt, Brennan, Buckley, Bunker, Chandler, Cote, Couture, Croteau, Cushing, Dennett, Emery, Eustis, Evans, Farnham, Fortier, A. J.; Gilbert, Hanson, Harriman, Hichins, Huber, Hunter, Jameson, Keyte, Lewis, Lund, Millett, Norris, Ricker, Santoro, Sheltra, Stillings, Tanguay, Waxman.

Yes, 60; No, 56; Absent, 34.

The SPEAKER: Sixty having voted in the affirmative, and fifty-six having voted in the negative, the motion to reconsider does prevail.

The pending question is the motion of the gentleman from Augusta, Mr. Moreshead, that the House reject the Conference Committee Report.

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

Mr. BENSON: Mr. Speaker, I request a vote on the motion.

Mr. McTeague of Brunswick requested a roll call vote.

The SPEAKER: For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. If you are in favor of a roll call vote you will vote yes; if you are opposed you 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 Augusta, Mr. Moreshead, that the House reject

the Conference Committee Report. If you are in favor of rejecting the Report you will vote yes; if you are opposed you will vote no.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: I would urge the members of the House to vote no on the pending motion.

The SPEAKER: If you are in favor of the rejection you will vote yes; if you are opposed you will vote no.

### ROLL CALL

YES — Allen, Baker, Barnes, Benson, Birt, Bragdon, Brown, Carrier, Chick, Clark, C. H.; Clark, H. G.; Crosby, Croteau, Curtis, Donaghy, Dudley, Durgin, Dyar, Erickson, Finemore, F o s t e r , Gauthier, Hall, Hardy, Hawkens, Henley, Heselton, I m m o n e n , Johnston, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lincoln, MacPhail, McNally, M e i s n e r , Moreshead, Mosher, Noyes, Page, Payson, Porter, Pratt, Quimby, R a n d , Richardson, G. A.; Rocheleau, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Susi, Thompson, Trask, Tyndale, Wight, Williams.

NO — Bedard, Bernier, Binnette, Boudreau, Bourgoin, Burnham, Carey, Carter, Casey, Coffey, Corson, Cottrell, Cox, Crommett, Cummings, C u r r a n , D'Alfonso, Dam, Danton, Drigotas, Faucher, Fecteau, Fortier, M.: Fraser, Giroux, Good, Goodwin, Haskell, Hewes, Jalbert, Juras, Kelleher, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, L e v e s q u e , Marquis, Marstaller, M a r t i n , McKinnon, McTeague, Mills, Mitchell, Morgan, N a d e a u , Ouellette, Richardson, H. L.; Rideout, Ross, Soulas, Starbird, Temple, Vincent, Wheeler, White, Wood, The Speaker.

ABSENT — Berman, Brennan, Buckley, Bunker, Chandler, Cote, Couture, Cushing, Dennett, Emery, Eustis, Evans, Farnham, Fortier, A. J.; Gilbert, Hanson, Harriman, Hichens, Huber, Hunter, Jameson, Keyte, Lewis, Lund, M i l l e t t , Norris, Ricker, Santoro, Sheltra, Stillings, Tanguay, Waxman.

Yes, 59; No, 60; Absent, 32.

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

The Report was accepted. The House voted to recede from passage to be enacted and from passage to be engrossed as amended by Senate Amendments "A" and "B". The House receded from adoption of Senate Amendments "A" and "B" and indefinitely postponed same.

Conference Committee Amendment "A" (H-715) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Conference Committee Amendment "A" in non-concurrence and sent up for concurrence.

The following paper from the Senate appearing on Supplement No. 11 was taken up out of order.

From the Senate: The following Order:

ORDERED, the House concurring, that the President of the Senate and the Speaker of the House appoint a Special Tax Committee from the membership of the Senate and House.

The committee shall be composed of 7 members, 3 Senate members and 4 House members; of the 7 members the President of the Senate and the Speaker of the House shall serve as members and joint chairmen of the Special Tax Committee and shall appoint the remaining 5 members from among their membership as designated by this Order. The committee shall organize and meet on call of the Joint Chairmen and all members serve without compensation, but shall receive their actual expenses which shall be paid from the Legislative Appropriation.

The purpose of the committee shall be to study and evaluate the present feasibility of our State Government tax structure, including but not limited to taxes on wildlands, and shall include all taxes presently in force, further the committee shall explore any other tax source potential or

alternate tax plan; and be it further

ORDERED, that the committee is authorized to employ such professional assistance and clerical assistance as they deem necessary and reasonable and the expense for same shall be paid from the Legislative Appropriation; and be it further

ORDERED, that the duration of the committee shall be from the date of formation and until the 105th Legislature shall convene in January of 1971; and be it further

ORDERED, that the Special Tax Committee shall complete its study and evaluation of the present State Government tax structure and alternate tax plan or sources prior to the convening of the 105th Legislature and shall submit a detailed comprehensive report of its findings and recommendations to the people, the Governor and the 105th Legislature in January of 1971. Such report shall also contain recommendations for legislation believed necessary to correct any irregularities in the existing state tax source or structure; and be it further

ORDERED, that there is allocated from the Legislative Appropriation to the committee the sum of \$5,000 to carry out the purposes of this Order. (S. P. 667).

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

Mr. MARTIN: Mr. Speaker, I move that this order be indefinitely postponed.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves that this Order be indefinitely postponed. Is the House ready for the question? All in favor say yes; those opposed no.

A viva voce vote being doubted by the Chair, a vote of the House was taken.

64 having voted in the affirmative and 42 having voted in the negative, the Order was indefinitely postponed in non-concurrence and sent up for concurrence.

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

Mr. RICHARDSON: Mr. Speaker, I move that the House adjourn until 9:30 tomorrow morning.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, moves that the House adjourn until 9:30 tomorrow morning.

(Cries of "No")

The Chair will order a vote. All in favor of adjourning until 9:30 tomorrow morning will vote yes; those opposed will vote no.

A vote of the House was taken.

63 having voted in the affirmative and 41 having voted in the negative, the motion to adjourn did prevail.