

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 17, 1969 to July 2, 1969

Index

1st Special Session

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Saturday, February 7, 1970

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

Prayer by the Rev. Mr. John W. Meisner of Dover-Foxcroft.

The journal of yesterday was read and approved.

Orders

On motion of Mr. McNally of Ellsworth, it was

ORDERED, that Christopher Allen Lee of Albion be appointed to serve as Honorary Page for today.

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

Enactor

Tabled Later in the Day

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

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

Mr. Donaghy of Lubec requested a vote on passage to be enacted of the bill.

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

Mr. SHAW: Mr. Speaker. I would like to make a request of anybody in the House who can answer. At one time there was a Section A on this that allowed for four super secretaries. I was under the impression that the last time it went through the House this was taken off. Now I understand it is back on again and I would like like to know if it is on there or it isn't.

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

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: In answer to the question, if the bill is the same as what was before us last night, the Section A has been entirely removed from the bill and all that remains is B and C.

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

Mr. DONAGHY: Mr. Speaker, I am not thoroughly familiar with the proceedings in the other body, but I am quite sure the first order of business last night was to put that Section A back in.

Thereupon, on motion of Mr. Jalbert of Lewiston, tabled pending passage to be enacted and later today assigned.

**Passed to Be Enacted
Emergency Measure**

An Act to Correct Errors and Inconsistencies in the Public Laws (H. P. 1412) (L. D. 1779)

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. 95 voted in favor of same and 15 against.

Whereupon, Mr. Richardson of Cumberland 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 Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker and Members of the House: Without making reference to the bill itself or the contents, I merely would remind you this is an emergency enactor, it needs 101 votes, and we might spoil our lunch hour if this didn't go through here now. I hope that you will think very seriously about the consequences of defeating this bill at this point.

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

Mr. LEVESQUE: Mr. Speaker, may I pose a question through the Chair to the gentleman from Southwest Harbor, Mr. Benson?

The SPEAKER: The gentleman may pose his question.

Mr. LEVESQUE: Mr. Speaker, may I request at what lunch hour Mr. Benson was referring to? (Laughter)

The SPEAKER: The Chair would consider the question to be facetious and the pending question is the enactment of L. D. 1779. A roll call has been ordered. All in favor of this bill being enacted as an emergency measure will vote yes; those opposed will vote no.

ROLL CALL

YEA — Allen, Baker, Barnes, Bedard, Benson, Bernier, Birt, Boudreau, Bourgoin, Bragdon, Brown, Bunker, Burnham, Carey, Carrier, Carter, Casey, Chick, Clark, C. H.; Corson, Cottrell, Cox, Croteau, Cummings, Curran, Curtis, Cushing, Dam, Danton, Drigotas, Dyar, Erickson, Farnham, Faucher, Fecteau, Finemore, Fortier, M.; Foster, Fraser, Gauthier, Giroux, Good, Goodwin, Hall, Hardy, Haskell, Hawkens, Heselton, Hewes, Hunter, Jalbert, Johnston, Jutras, Kelleher, Kelley, K. F.; Kilroy, Laberge, Lawry, Lebel, Lee, Leibowitz, LePage, Levesque, Lewin, Lund, Marstaller, Martin, McKinnon, McNally, McTeague, Meisner, Mills, Morgan, Nadeau, Norris, Noyes, Ouellette, Payson, Porter, Pratt, Quimby, Rand, Richardson, H. L.; Ricker, Ross, Sahagian, Scott, C. F.; Shaw, Sheltra, Snow, Soulas, Starbird, Susi, Tanguay, Temple, Thompson, Tyndale, Vincent, Wheeler, White, Williams, Wood, The Speaker,

NAY — Clark, H. G.; Crosby, Donaghy, Hanson, Harriman, Henley, Immonen, Kelley, R. P.; Lewis, Lincoln, MacPhail, Marquis, Mosher, Page, Richardson, G. A.; Scott, G. W.; Trask.

ABSENT — Berman, Binnette, Brennan, Buckley, Chandler, Coffey, Cote, Couture, Crommett, D'Alfonso, Dennett, Dudley, Durgin, Emery, Eustis, Evans, Fortier, A. J.; Gilbert, Hichens, Huber, Jameson, Keyte, Millett, Mitchell, Moreshead, Rideout, Rocheleau, Santoro, Stillings, Waxman, Wight.

Yes, 103; No, 17; Absent, 31.

The SPEAKER: One hundred three having voted in the affirmative and seventeen in the negative, the Bill is passed to be enacted as

an emergency measure. It will be signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

The Chair laid before the House the following matter:

An Act to Promote Governmental Reorganization and Efficiency (S. P. 641) (L. D. 1812) which was tabled earlier in the day and later today assigned, pending passage to be enacted.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer the question asked a few moments ago by the gentleman from Chelsea, Mr. Shaw. Section A is on the bill. Section A is the one that was originally accepted here in the House, if my memory is correct. It went over to the Senate, it was deleted over there, and when the Senate backed up they backed up — at least from the gentleman from Chelsea, Mr. Shaw's point of view, a little too far, and they backed up right past their amendment and it took it out, and the bill is now in the form in which it came out of committee.

Many people read into this Section A, it is referred to as a super secretariat, a lot of sinister implications. I don't. But at any rate I would like to have us decide this issue and not hold this Legislature up for two or three more lunch periods, as Mr. Levesque refers to, in trying to decide it.

You will recall that the House originally sustained this by substantially in excess of 100 votes. Thank you.

The SPEAKER: The pending question is enactment of L. D. 1812. A vote has been requested. 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. 57 voted in the affirmative and 60 voted in the negative.

Whereupon, Mr. Marquis of Lewiston requested a roll call vote.

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 Freeport, Mr. Marstaller.

Mr. MARSTALLER: Mr. Speaker and Ladies and Gentlemen of the House: I am one of the committee members that signed the "ought to pass" report. However, when I signed this it was the understanding that there would be one amendment on Committee "A" that we subsequently passed here in this House.

Now if I understand what the gentleman from Cumberland, Mr. Richardson, said that it is substantially back to the way the report came out of committee, I think this is not the way that I wanted it. I am going to vote against this bill, and I hope you will join me.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I think what Mr. Marstaller has said is substantially correct. The amendment was offered but apparently it has been taken off. Again, however, I personally am not too concerned that the section that was referred to in the amendment is back in again. This is a good bill. And if you people here want to really do something towards saving money in State Government, and helping to stop and consolidate some of the vast proliferation of departments that are spewing out all over the place here, I urge you very strongly to vote for this bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: There are times when we see that we spend money and we look at it on an area of just possible waste or possible needless spending of money. In this particular instance here it could well be that if the committee — unfortunately the chairman of the Governmental

Operations Committee, the gentleman from Manchester, is not here.

Unfortunately facts have been proven to be that oftentimes when you are given the tools to do the job you can very well save a great deal, far, far more than you spend. I think that Section A and Section B and Section C were good amendments. They were supported by the vast majority of the Governmental Operations Committee, and I think they should hold, and I hope that you vote to enact the bill.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: We discussed yesterday a moratorium on coastal construction, and after eight years in this body I sometimes think that if we placed a moratorium on this Legislature for two years that it would save the people of the State of Maine untold millions of dollars. I would certainly hope that this bill was completely defeated.

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

Mr. JALBERT: Mr. Speaker and Members of the House: You know it isn't last night, and if ever I am going to be a little cantankerous it is going to be in the morning anyway. Anybody that would make a statement that I just heard, really and truly I would have words for it, but I sure am not going to put them into the record.

Now when we are going to go along with efficiency, in order to have efficiency we have got to have the tools to work from. You cannot expect the committee to meet once every two weeks, and on that Governmental Operations Committee are the leaders of both parties — I would exclude myself as a leader — but I am on the committee. But you can't expect the committee to follow up the suggestions that are made to them in order to save money.

Now just one instance that we have saved thousands and thousands of dollars so far, and that is just suggesting that we would look into the area of car travel. I mean somewhere along the line the tools must be given to continue

the work that can be done. And remarks as just made, I am truly astounded because I know that the gentleman from Stonington, Mr. Richardson, is a very intelligent man, and I want him to prove to me and continue to prove to me that he is.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I think the report that you have got before you is a report that was done by members of the Legislature in trying to improve the efficiency of our State Government. Now, it has been pointed out over the years that we have made studies, and we have made studies of the previous studies, in order to try to have an effective reorganization of our State Government.

Now if we are going to be sincere in our thought that we would like to have some changes in the operation of State Government, and if we are sincere in the thought that we can effectively reorganize different sections of the operation of State Government, then at least we have got to have a start. We have got to have a beginning somewhere, someplace, sometime. Or maybe it is the consensus of some members of this House that maybe the Associated Industries of Maine and the labor unions of Maine, as an order has been prepared with their expertise, are going to come back before the next session of the Legislature, and they will have a perfect plan. If I know the members of the Legislature like I think I know these members, that will never be the case. But at least this is a report of members of the Legislature that have been dedicated in the operation of State Government, and although the bill doesn't even look like what it started out to be, at least this would be a beginning to see how this can effectively be made.

Now the setup under the present document will be given to the 105th Legislature for its analysis. This is not a complete reorganization, this is only a report that the secretaries of the different areas are going to try to con-

solidate their operations, and the effectiveness of it will be reported to the 105th Legislature.

So there is another guideline that might come back at the 105th and say, "Well, we started out on one foot, now let's change and go into another one." But if we do nothing, if we do nothing, the sincerity of the Legislature in trying to promote reorganization is going to go exactly as to what some of the members would like to have it, down the drain. So I hope that you will support this bill, and at least have some kind of a beginning so that we can have some reorganization at least to see how it works out in these areas.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I am not usually cantankerous, or any more cantankerous in the morning than I am in the afternoon, and my room rent is paid until tonight. I have heard the State Government Committee referred to in many ways, some I have appreciated and some I have been flattered by, some I have agreed with at times that weren't quite so flattering. I happen to be one of the ones that signed the "ought not to pass" report when this came out of State Government because we had had a bill in the regular session. This bill that was submitted in the special session was nothing but a hodge podge. I don't recall of any bill that I have had anything to do with as far as either listening in on hearings or before my committee that had as many opponents and there was so much cutting out even to get in any kind of form that could be presented to this House.

I don't think that this is anything for a special session, I think it is very poorly set up, and I think right within our own organization, without any bills or resolves or Constitutional changes, we have a work flow chart that was presented a year ago last November to all the green legislators to show them how the State Government was supposed to operate. Certain parts of this govern-

ment comes under each of the three branches and most of these things that we are talking about in this bill, as a matter of fact, all of them, presently come under the executive. Over the period of years the Governor, at least through power of appointment, and in many cases in other matters, has the right to have his department heads and should have his department heads do the things that he feels need to be done.

Now I don't think that we here in the Legislature should be telling the Governor how many employees he should have in each department or who he should appoint in those departments. I simply think that we and all the taxpayers should expect good and efficient government in the Executive Department. And this bill is just a hodge podge. I hope you all vote it out.

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

Mrs. CUMMINGS: Mr. Speaker, I would like to pose a question through the Chair to ask if the amendment giving the Governor, that he had to appoint these secretaries with the approval of the Council, has that been removed or is that still in it?

The SPEAKER: The gentleman from Newport, Mrs. Cummings, poses a question through the Chair to anyone who may answer if they choose. The Chair recognizes the gentleman from Lubec, Mr. Donaghy, who may answer the question.

Mr. DONAGHY: Mr. Speaker and Members of the House: I cannot answer authoritatively, but if it went back to the original bill, as I understood from what was said here by one of the previous speakers, that would not be in there. It would not have the control that we had put in by amendment.

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

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: A little while ago we passed an order for the Legislative Research Committee to do this study over these same areas. Now I heard Mr. Stevens in Highway say that twenty per cent of the time his Plan-

ning Division was used for digging up answers and making reports for investigating committees. Now we are going to have two committees doing exactly the same thing, going to these sixteen departments asking for the same information, or different versions of it, and that is a complete duplication. And as long as this Section A is in that bill, I hope you will vote to get rid of it.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I really had no intention of saying anything, and I am sure no one is going to believe me, but I want to tell you why I am going to support this bill and I am going to do it as a member of the Appropriations Committee. When the gentleman from Lubec, Mr. Donaghy, tells us that opponents spoke against this bill, I don't doubt that because as you well know, the biggest opponents to governmental reorganization are state employees. They are concerned about their jobs. They are concerned about their position, they are concerned about their powers, they don't want anyone to take any of their powers away from them.

I would like to relate to you a little experience we had as members of the Appropriations Committee listening to the various budgets. And I am going to be specific because it is the most vivid in my mind and it is the one section which deals with the secretariat for cultural affairs which would have as its responsibility, but not limited to, the State Library, the State Museum, the Archivist, the Arts and Humanities Commission and the State Librarian.

When these people came before us and we heard their budgets before us, in the case of at least two departments it was extremely obvious that all they were interested in was building up their own empire, and one versus the other was interested not really in government, not really interested in us, not really interested in the people of Maine, but really interested in building up their employees, inter-

ested in building up their patronage, interested in building up their own little bailiwick. And it got to a point, it was so bad that at one point two members of two different departments were crying.

Now if this is the type of thing that we want to continue, then I guess we want to kill the bill. But if we want to solve that problem, if we want to solve this bickering that goes on between various divisions of basically the same type of government and the same approach which should be taken, then I think we have got to do something. And a secretariat that would do nothing else but sit on these people and tell them that they are going to agree to a figure and not come in with a budget that is going to be so out of line that it makes the Department of Health and Welfare look like a small department, then I say, let's kill the bill, but otherwise let us pass it.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: Very briefly, the vast number of people that came to oppose this bill in its original form, were, very briefly, interested very deeply in government reform as long as we didn't reform them. And that is just about the substance of what everybody that opposed it said. And as I said, I would be very brief. Thank you.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: As the gentleman from Lubec has pointed out, he was not in favor of the organization because of the number of people that were before his committee against this type of reorganization. I think I have pointed out to the members of this House before that what we in the Legislature are faced with is a tremendous amount of bureaucracy, and unless we are able to consolidate the efforts of our operation of State Government, we will not, as a legislative branch, be able to combat the bureaucracy that we have to deal with.

The reason why I feel that way is that we have got a system of government that when a Chief Executive comes into office he is faced with the administration of a previous governor, and in our system, a chief executive; and regardless of what party, when he leaves office, he leaves his department heads, his staff and his entire operation of State Government into a mixture of combinations of sometimes not too close to the governor or his sympathetic program that he would like to put before the legislative branch and for the people.

I look at it in this light, that should the President of the United States, in assuming his office, could not by any means come into office and put a cabinet together that was sympathetic to his thoughts, how effective could the President of the United States be in trying to pass laws that would represent his views? It would be absolutely impossible for the chief executive to fight the bureaucracy left by another president.

Now the Chief Executive of our state is faced with exactly the same thing. He comes into office, he is elected for four years, but in order for him to get somebody that is responsive to his line of thinking he has to deal with seven other political heads that may not be of the same thinking as he is. So the end result is what? A compromise in the operation of the chief executive's office and the different departments. So what have we got? We have got compromises in the department heads, we have got department heads that are purely and simply unsympathetic with the chief executive and in many instances are even unsympathetic with the legislative branch.

So unless we are able to reorganize these areas into a more effective type of operation we will never be able to reorganize the dynasties that have been created by the legislative branch in tying the hands of the legislature and the chief executive. And unless the legislature itself has the will to do something to change this, you will still be faced with the dynasties, the

bureaucracies that will be hounding you from the day you come in until the day you leave without knowing exactly how effective you have been.

So I hope the motion to at least keep this bill alive for an experimental basis, if you like, will at least have been a beginning.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I have listened with a great deal of interest to the remarks of the gentleman from Madawaska, Mr. Levesque, with regard to bureaucracy in State Government. I look upon this bill as simply creating bureaucracy upon bureaucracy and we are not going to save any money that way. I hope you will vote to kill the bill and do it now.

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

Mr. PORTER: Mr. Speaker and Members of the House: As some of my friends well know, I have spent a good deal of time and effort in the last three years thinking on this same problem. Let's take one specific example. The Department of Fish and Game, Sea and Shore, Forestry, Parks and Recreation, all have something in common; they are all concerned with our natural resources. I think there ought to be coordination between those departments and the others in the same fields such as Mining Bureau, Soil and Water, Department of Agriculture, and so on. There must be some coordination between those departments.

I have been trying to work out in my own mind what would coordinate this to the most extensive limit. The more I think of it, the more I come to the realization that in order to get coordination in these different departments it is necessary to put somebody over each of those departments.

Now if we are going to build a super secretariat and retain the commissioners of these other departments, we are not going to save money, it is going to be more expensive. That is, if we are going to have a secretary of Na-

tural Resources and still retain the Commissioner of Fish and Game, the Commissioner of Sea and Shore, the Commissioner of Forestry, the Director of Parks and Recreation at the same salaries, then how do we expect to save any money? I agree we must coordinate, but how? I am perfectly willing for the Governor to try to do it, but the 105th should look very carefully to see if there is a coordination with a director over all of these at a greater expense to the State Government.

Mr. Donaghy of Lubec was granted permission to speak a third time.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I simply arise to say that I heartily agree that we should have more efficiency in government. I am only trying to point out that this bill will only build in more bureaucracy. This is not a good bill. Please defeat it.

Mr. Jalbert of Lewiston was granted permission to speak a third time.

Mr. JALBERT: Mr. Speaker and Members of the House: The gentleman from Lincoln, Mr. Porter, has built up the best case for this bill that has been built up this morning, put his finger right on it. We can't get rid of the commissioners or the hierarchy until we have people helping to work with us to do it, and that is what this bill calls for.

Contrary to the gentleman from Lubec, Mr. Donaghy, this is a very fine bill. This is exactly the kind of legislation Mr. Donaghy, a good conservative gentleman, is looking for, and this bill should pass. This is a good bill.

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

Mr. PORTER: Mr. Speaker and Members of the House: As I understand the bill, the 105th must approve the suggestions made by the Governor to coordinate these departments. If he comes up with a good solution that will save money, then I think it is a good idea. I am simply asking the 105th Legislature to look very carefully to see if there is just a super

structure built over these articles at a greater cost.

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

Mr. BIRT: Mr. Speaker and Members of the House: As a general rule I don't get myself too deeply involved in discussions of this type, but I can't help but think that some of the people who are fighting more strongly for this are people who I have heard criticize the Super University. Now if we build a monstrosity there, and I am not sure just exactly what the eventual result of that would be, I can see some good points to it, that if they have some reservations of what we have developed there I think they should take a look and stop and think for a few minutes of what we might get into right in State Government.

The SPEAKER: The pending question is passage to be enacted. A roll call has been ordered. If you are in favor of this Bill, An Act to Promote Governmental Reorganization and Efficiency, Senate Paper 641, L. D. 1812, being passed to be enacted you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Allen, Bedard, Berman, Bernier, Boudreau, Bourgoin, Burnham, Carey, Carrier, Carter, Casey, Corson, Cottrell, Cox, Croteau, Curran, Dam, Danton, Drigotas, Faucher, Fecteau, Fortier, M.; Fraser, Gauthier, Giroux, Goodwin, Haskell, Hunter, Jalbert, Jutras, Kelleher, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Lund, Marquis, Martin, McKinnon, McTeague, Mills, Morgan, Nadeau, Norris, Ouellette, Quimby, Richardson, H. L.; Ricker, Ross, Santoro, Sheltra, Soulas, Starbird, Susi, Tanguay, Temple, Vincent, Wheeler.

NAY — Barnes, Benson, Birt, Bragdon, Brown, Bunker, Chick, Clark, C. H.; Clark, H. G.; Crosby, Cummings, Curtis, Cushing, Donaghy, Durgin, Dyar, Erickson, Farnham, Finemore, Foster, Good, Hall, Hanson, Hardy, Harriman, Hawkens, Henley, Heselton, Hewes, Immonen, Johnston, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, MacPhail, Marsteller, Mc-

Nally, Meisner, Morehead, Mosher, Noyes, Page, Payson, Porter, Pratt, Rand, Richardson, G. A.; Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Thompson, Trask, Tyndale, White, Williams, Wood, The Speaker.

ABSENT — Baker, Binnette, Brennan, Buckley, Chandler, Coffey, Cote, Couture, Crommett, D'Alfonso, Dennett, Dudley, Emery, Eustis, Evans, Fortier, A. J.; Gilbert, Hichens, Huber, Jameson, Keyte, Millett, Mitchell, Rideout, Rocheleau, Stillings, Waxman, Wight.

Yes, 61; No, 62; Absent, 28.

The SPEAKER: Sixty-one having voted in the affirmative and sixty-two in the negative, the Bill fails of enactment.

Sent to the Senate.

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

Non-Concurrent Matters

Joint Order relative to Department of Education — Legislative Research Committee study of State Principals' Association (S. P. 666) which was indefinitely postponed in the House in non-concurrence on February 6.

Came from the Senate with that body voting to insist on its former action whereby the Order was passed.

In the House:

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

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

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

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

Mr. NORRIS: Mr. Speaker, I move that we insist and ask for a Committee of Conference.

The SPEAKER: The Chair would advise the gentleman that to keep this Order alive, the proper motion is to recede and concur and the Chair will put it to vote.

Mr. NORRIS: I move that we recede and concur.

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves that the House recede from its former action and concur with the Senate in the passage of this Order.

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

Mr. JALBERT: Mr. Speaker and Members of the House: This order here would have the Department of Education, under the supervision of the Legislative Research Committee, make this study. The Legislative Research Committee has already taken up this matter. If it wants to it can take it up and study it itself. And now I will join my good friends who would want to stop bureaucracy government by telling you that this is it if you want it. I mean, this would just call for the people we don't need. I think the Legislative Research Committee is very well equipped, if they want to, to call whatever individuals they may without calling in a barrage of members of the Education Department. And this is where I want to stop with the other idea, the idea that this thing would create. And I move that we adhere, Mr. Speaker. I move we vote against receding and concurring so we can move to adhere.

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

A vote of the House was taken.

22 having voted in the affirmative and 85 having voted in the negative, the motion did not prevail.

Thereupon, the House voted to adhere.

Joint Order relative to Special Tax Committee Study of State Government Tax Structure (S. P. 667) which was indefinitely postponed in the House on February 6.

Came from the Senate with that body voting to insist on its former action whereby the Order was passed.

In the House:

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I be-

lieve that this is a good order. I believe the investigation is needed and I move that we recede from our former action and concur with the Senate.

The SPEAKER: The pending question is to recede and concur.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Last night we defeated this order and I would hope that we would do the same this morning, and I would like to tell you why.

I would like you to take a look at Senate Paper 667 which says that we are going to study taxes on wildlands which is fine; I think it is needed. You know my position on this and you know that I agree with it. But let me finish reading the order. "And shall include all taxes presently in force. Further, the committee should explore any other tax source potential or alternate tax plan." This means that this committee will study the income tax, the sales tax, the blueberry tax, the potato tax, the inheritance tax, go right down the line. Where do you stop? I don't know. If this would be for the wildlands tax I would be in complete agreement with it, but I would just like to remind the members of the House that with it goes a \$5,000 appropriation which I agree isn't much, but the last tax study that this State of Maine did which was worth anything at all cost the State of Maine some \$80,000. If we think that we can study the taxes of the state, all taxes of the state for \$5,000, then I maintain that we are grossly mistaken and in effect we are going to waste even this \$5,000.

Now I would point out again that if this were for the wildlands tax study I would be in complete agreement with it, but it is not. And so I would hope that you would defeat the motion to recede and concur and we could properly take care of this by adhering.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I can't agree with the gentleman from Eagle Lake. In the first place, I am sure the

gentleman from Eagle Lake knows that we don't have to start from the beginning on this. Professor Mawhinney at the University of Maine has three up-to-date pamphlets already out, and they are more than pamphlets, actually one of them is a good size book, on the problems of taxation in the State of Maine, not just on wildlands because everyone seems to want to put the screws to the paper companies for some reason or other, although we did a pretty good job on them with the corporate tax in the regular session.

But I think we should all be interested, as property owners, in the obsolescence of our property tax here in the State of Maine. We have just started on an income tax. Perhaps it should be studied how this is affecting and what effect it has on the other taxes that we already have. We know that the Maine Municipal Association wants to go over to a bloc grant type of thing and many of us think that this has merit. But I think all these things should be tied together and I think \$5,000 isn't very much to tie these thoughts together, and I think that this is a good order, not to just worry about who is paying what for blueberry taxes, or sardine taxes, or wildlands taxes, but let's look at the whole picture or let the next Legislature look at it. And I hope that you will go along with this order.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I do not agree with going along with all the tax reforms and checkups, but I do believe about the first thing we will get in the 105th, whoever is here, is going to be another wildlands tax. And I hope that we can get some kind of a system. If this is it, if it costs us \$5,000, well and good, where we can take and find out the exact percentages, we can find out what percentage of the wildlands is slash land, what percentage is just waste land, and value them in the proper evaluation and get their correct tax, whatever it should be. And I hope this order will pass so that we can do that same thing.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to Mr. Martin of Eagle Lake. When was the \$80,000 tax study he refers to made, how long ago?

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird, poses a question through the Chair to the gentleman from Eagle Lake, who may answer if he chooses, and the Chair recognizes that gentleman.

Mr. MARTIN: Mr. Speaker and Members of the House: There have been a number of reports, one the Sly Report was made in the early sixties and this was for some eighty odd thousand dollars. The last Legislature and the Legislature before it spent sixty or seventy-five thousand dollars on a property tax administration study which has gone not very far. The Bureau of Public Administration at the University of Maine, with the sanction of the 102nd Legislature, I can recall, and these are figures off the top of my head, spent with our approval some twenty-five or thirty thousand dollars. I can also recall the 102nd Legislature, or the 103rd, allocating a certain amount of money for the inheritance tax study, and we can go right down the line. And today we want to spend \$5,000 to do them all.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I think we can see from the answer that was given to my question that this joint order is again another one of those unnecessary studies of studies. Apparently we have, and I am not too good at addition, but I would assume from the figures quoted by Mr. Martin, that we have already in the last six or eight years, or thereabouts, spent something like in the nature of a quarter of a million dollars to study taxes, and apparently studying taxes is a pretty costly business. And if we keep on studying taxes, we will have to raise

another tax to study them, it will be costing us so much. So I think that the order actually, Mr. Speaker, is completely redundant and I urge you to vote against the move to recede and concur.

The SPEAKER: 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. 40 having voted in the affirmative and 75 having voted in the negative, the motion to recede and concur did not prevail.

Thereupon, the House voted to adhere.

The following paper from the Senate appearing on Supplement No. 3 was taken up.

The following Communication:

THE SENATE OF MAINE

Augusta

February 7, 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 rejected the Conference Committee Report on Bill, "An Act Establishing a Human Rights Commission" (H. P. 1439) (L. D. 1814)

Respectfully,

(Signed)

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and placed on file.

A message came from the Senate borne by Senator Hoffses of that body informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

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

Mr. Richardson of Stonington was granted unanimous consent to address the House.

Mr. RICHARDSON: Mr. Speaker and Members of the House: In yesterday's debate our esteemed Majority Floor Leader, Richardson the younger, made announcement that he was not seeking political office and Richardson the elder has also come to the same conclusion and did some time ago. So this House will not be graced with either Richardson this coming year. And I hope that all good luck and all success goes with the House. (Applause)

(Off Record Remarks)

Mr. Meisner of Dover-Foxcroft was granted unanimous consent to address the House.

Mr. MEISNER: Mr. Speaker and Members of the House: I don't know just what is going to happen to this Legislature in the future because I am just going to announce that I shall not return. I don't put myself in the same class with the honorable gentlemen who have said that they are not returning, but I just want to express in a few words my deep appreciation to you, Mr. Speaker, and to the Clerk and to every member of this House for the kindness that has been shown to me in the four sessions that I have been here, and especially in this last session. As you know, this has kind of been my off year and I have been very much handicapped this time. But during all the time that I have been here I have enjoyed being here. There have been some things, of course, that are irritating once in a while and some things that I didn't like happened and so on, but we expect all these things to come in a group of people who are a healthy group that must have differences of opinion and must express them in the way that they feel that they should.

So as I retire from my experiences here in this House, I shall remember them all the rest of my life and it probably won't be too long. I deeply appreciate all the kindness shown to me. Thank you. (Applause, Members rising)

Mr. Levesque of Madawaska was granted unanimous consent to address the House.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Now that you have heard that the Richardson name might not be on the roll of the roster of the House in the next session of the Legislature, it may very well be that on the roster will be missing the name of Levesque also.

The only message that I would like to convey to the members of this House, that it has been an esteemed pleasure for me to have worked, especially with the Democrats, but I also hold a special place in my heart for most of the Republican members of the House. So I regarded the high honor of being the majority floor leader for one session and the minority floor leader for two sessions, and I hope that I never at any time abused the power that you vested into the leadership. And this, the power of the leadership, on many occasions presents an opportunity for an abuse of that power and privilege that is vested into the leadership. If I have at times, to some of the individuals, seemed to have stretched that power of the leadership, then I ask forgiveness. Because it certainly was not intentional.

So to the members of this House, both Republicans and Democrats, it was an esteemed honor and privilege to have worked with you all the last ten years. And I hope whoever the leadership may be in the succeeding years of the legislative session that you will also respect the leadership as you have respected me in my beliefs. And I thank each and every one of you from the sincerity of my heart.

(Applause, members rising.)

(Off Record Remarks)

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

The following Order:

ORDERED, the House concurring, that a committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon His Excellency, the Governor, and inform him that both branches of the Legislature have acted on all matters

before them and are ready to receive any further communication he may be pleased to make. (S. P. 670)

Came from the Senate read and passed, with the following members appointed on its part:

Messrs. HOFFSES of Knox
REED of Sagadahoc
BARNES of Aroostook

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

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

Mrs. CUMMINGS of Newport
Mrs. WHITE of Guilford
Mrs. BAKER of Orrington
Mrs. PAYSON of Falmouth
Mrs. MORGAN

of South Portland
Mrs. GOODWIN of Bath
Mr. LEVESQUE

of Madawaska
Subsequently Mr. Levesque of Madawaska, for the Committee, reported that the Committee had delivered the message with which it was charged and His Excellency, Governor Kenneth M. Curtis, would address the House forthwith.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Among those unfortunately whose indications are that he would not return is a young man that I landed here with back in the early 1940's. I speak of the young gentleman from Biddeford, Mr. Nadeau.

Over the many years—and I can hark back to the many years as a brash young man—on many occasions it was my pleasure to have this fine gentleman show and display his friendship to me. And I would like to have the House make note of the phraseology that I am going to use now. To me, particularly because we were both Americans of Canadian extraction, which should once and for all eliminate that term that I abhor, and that we all do, Franco-American. And I know the good gentleman from Biddeford, Mr. Nadeau joins me in that philosophy.

In any event, I have seen this gentleman on so many occasions

go out of his way to me and to others to give us counsel, to tell us to take it easy. I can remember his doing it in an area of one of our elder statesmen in the party in the other branch.

Mr. Speaker, I think that it will be a distinct loss to me and I know to all of us when the fine gentleman and statesman from Biddeford, the young man, Mr. Nadeau, is no longer in the Hall of the House.

The SPEAKER: The Chair will acknowledge this for the members of the House that we will miss this gentleman deeply. He has earned the love and respect of every one of us. (Applause, members rising)

The Governor and Council then entered the Hall of the House amid applause, the members rising, and the Governor addressed the House as follows:

Mr. Speaker and Ladies and Gentlemen of the House: In the interest of saving time during this special session, I didn't address you when you convened. And in this same spirit it is not my wish to delay your closing.

But I do, however, most sincerely, personally and in behalf of all Maine people, want to thank you for your service. And barring any unforeseen emergencies, I believe that this will be the last session of the 104th Legislature. It is true that the complex society in which we live today has required you to spend more time in session, I think, than any other Legislature in our history.

But at the same time much has been accomplished by this 104th Legislature in many areas. You will undoubtedly, however, be best remembered for the historic conservation measures which you enacted.

Now I know that some of you plan to return to the 105th Legislature, and I know also that some of you do not. But regardless of the length of your service, and your future plans, you deserve the sincere appreciation of all Maine people for your willingness to participate in our great democratic process, and for your individual contributions to both the regular and the special session. Thank you, and the best of luck.

Thereupon, Governor Curtis and his Council retired from the Hall of the House, amid applause, the members rising.

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

Mr. MEISNER: Mr. Speaker and Members of the House: The special session of the 104th Legislature, having discharged the duties that it was supposed to discharge, I now move that it be adjourned without day.

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

The motion prevailed and the House adjourned without day at 11:36 A.M. Eastern Standard Time.