

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

Volume III

June 6, 1973 to July 3, 1973

Index

KENNEBEC JOURNAL  
AUGUSTA, MAINE

Chick, Churchill, Cote, Curran, Donaghy, Dudley, Dyar, Fecteau, Finemore, Fraser, Garsoe, Gauthier, Good, Hamblen, Henley, Hoffses, Hunter, Jacques, Jalbert, Kelleher, Kelley, Keyte, Kilroy, Littlefield, Mahany, McCormick, McMahon, McNally, Morton, Parks, Pontbriand, Santoro, Shaw, Sheltra, Shute, Sproul, Strout, Trask, Trumbull, Webber.

ABSENT — Conley, Cressey, Deshaies, Dunn, Emery, D. F.; Evans, Farnham, Faucher, Herwick, Immonen, Kelley, R. P.; Lawry, O'Brien, Silverman, Theriault, Wood, M. E.

Yes, 80; No, 54; Absent, 16.

The SPEAKER: Eighty having voted in the affirmative and fifty-four in the negative, with sixteen being absent, the motion does prevail.

Sent up for concurrence.

Mr. Sproul of Augusta was granted unanimous consent to address the House.

Mr. SPROUL: Mr. Speaker and Ladies and Gentlemen of the House: While we have a minute waiting for the supplement to be handed out, I thought I would like to bring to your attention this joint order that was just passed here and the cost of financing of L. D. 1994, it strikes me in particular of interest since I raised the questions on these very points when we were considering 1994 and there didn't seem to be any problems. Not many people were interested, so it rather amazes me that in such a short number of days that it could be acknowledged that they did not know what the cost was going to be on the construction and transportation elements.

Supplement No. 5 was taken out of order by unanimous consent.

#### Non-Concurrent Matter

Resolution. Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to Limit the Matters which May be Considered in the Second Regular Session; to Provide for Single Member Districts in the House of Representatives; to Provide for Reduction of

the Number of Representatives and Reapportionment of the House of Representatives and the Senate in 1983; to Establish an Apportionment Commission to Plan for all Reapportionments of the House of Representatives and Senate; to Abolish the Executive Council and Reassign Certain Constitutional Powers to a Legislative Council and to Provide that Oaths and Subscriptions of Office of the Governor shall be Taken before the Chief Justice of the Supreme Judicial Court. (S. P. 673) (L. D. 2040) (H. "E" H-600) which failed of passage in the House on June 27.

Came from the Senate with the Resolution passed to be engrossed as amended by Senate Amendment "B" (S-272) and House Amendment "E" (H-600) in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves the House recede and concur.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: A parliamentary inquiry. What is this House Amendment "E" under H-600? How did it get on there?

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, poses a question through the Chair to anyone who may answer if he or she wishes.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: In response to the question posed by the gentleman from Lubec, Mr. Donaghy. House Amendment "E" under filing number H-600 is an amendment introduced by the gentleman from East Millinocket, Mr. Birt, that was adopted in this body under the hammer that dealt with the problems dealing with various issues. I am sure that the gentleman from Lubec was probably referring to Senate Amendment "B" which the other

body adopted. That amendment changes the 99 member House to 132. That basically is what we are talking about on the motion to recede and concur.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: In further explanation, if I may, what this does is this: This Senate Amendment "B" was presented by the other body knocking this down to 132 to duck the two-thirds that was presented and amended in here. So this allows this to come in here without the two-thirds, by just a bare majority. Now when it comes back in here for enactment, that is when we separate the men from the boys. That is when you need the magic number 92. That is the explanation, and I thought maybe the gentleman from Lubec, Mr. Donaghy, just didn't read the amendment, because I am sure if Mr. Donaghy would have read it, I am sure he would have read through that.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I would like to respond to that very briefly. It didn't seem sensible for the bill to come back here and be amended here while it was in the position in the other body to be amended and that is the proper time to do it.

I am sure that the gentleman from Lewiston would agree that if we were to amend the gasoline tax without the emergency, that is where it would be done also, if that is going to be done. I also would comment that the 132 was not a Senate idea but was a House idea on the part of a number of people who have expressed their feelings about the size of the House. I am sure that we ought to put the blame where the blame lies and not blame anyone else when they are not to blame.

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

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

House. I think the good gentleman is right, because I am sure that they couldn't have gotten two-thirds of this body to reduce the size itself. And again, the other body is now telling this body what to do by putting that amendment on. That is why they didn't put it on over here, because this body probably would have stood by its guns where it needed the two-thirds, so again, the upper chamber of the legislature sent it back to us in disguise.

The SPEAKER: The Chair recognizes the gentleman from Berwick, Mr. Stillings.

Mr. STILLINGS: Mr. Speaker and Ladies and Gentlemen of the House: First of all, I would simply like to suggest that this amendment does not make the package any more palatable to me, but I would like to inquire from any member who may have an answer. What would happen in the event this should receive passage if there were 66 Republicans and 66 Democrats? Who organizes the House of Representatives?

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Even numbers are nothing new. As you recall, we had the same situation in the Senate a few years ago when there were 32 members in the Senate. We have never had occasion in this state where we have ever had a split between 50-50 of two political parties, but I know that in other states where this has occurred, what has happened in some instances, for example, is that you have had in effect at times two speakers. You have had one speaker and half of the chairmen of one party and half of the chairmen on some committees of another party. This is not a problem.

I would remind you also that the U.S. Senate consists of 100 persons. They end up with ties from time to time, and most of the time the vice-president is absent, so he is not there to vote. He is out campaigning and or doing whatever he usually does; this is true not only of the present vice-president but the past vice-presidents

as well. I can well remember when vice-president Hubert Humphrey was around campaigning. He certainly wasn't present very often in the U.S. Senate and that is basically the same thing, so I am not worried about that size problem at all.

I suppose the same thing could happen when, and I don't know whether Androscoggin County has got an equal number of representation in terms of legislative delegation, but I am sure that at times we end up with the same effect there.

I think basically what you are hearing is opposition from the same people that are opposed to it anyway, and if we changed it all back to what it was before it wouldn't change one vote anyway. I think we might as well find out where we are.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: This amendment makes absolutely no difference to me. It is a ploy used by the other body only to distract us. It reduces the size of the House from 151 to 132 instead of 99, but it still leaves annual sessions, single member districts, and abolishes the council. They used it, as has been said before, to reject an amendment or to concur with a non-concurrent action requires only a majority. Then it would leave this body and must be engrossed, and that takes time so we would not see it again until tomorrow when it would need a two-thirds vote again.

Many have questioned the legislative council. Now many may know this, but I am sure the electorate never will. Article 4, Part 4, pertains to this legislative council and their duties. But on the same page, tucked in, is Article 5, Part 1, Section 2, which pertains to pardons. I was of the opinion that in reference to pardons the Governor was going to meet with the parole board and together they were going to handle these. However, after careful scrutiny I find out that this just eliminates the council and the Governor by himself will handle all pardons and paroles.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: When I spoke yesterday, I warned you that they would be throwing the bait at us. I hope that today we don't bite because we will get hooked. I am sure they will get the majority to pass this today with this amendment. I am also certain that tomorrow we will give the coup de grace.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am not going to dignify anybody's position here by wasting too much time answering but it does seem strange that the gas tax would come in here all of a sudden and then Androscoggin County would come in all of a sudden.

The gentleman was asked a question he did not answer. What would happen if we had 66 Democrats and 66 Republicans? Who organizes the House? The answer was, it happened in the Senate, 32 members. There were never 16 Democrats and 16 Republicans. As far as that goes, they quickly saw the error of their way, because they changed it to 33. So it couldn't happen now.

All I am doing, and after I read it I would like to have one of the Pages come up and get this paper to give it to my young friend in the corner for posterity. All I am doing is reading from my newspaper. "McLeod vows to prolong session for reform bill. Leadership feels that a few more days is not a concern when it comes to getting action on this historic, far-reaching and significant legislation." If this is not something that could be called a ploy, as the gentleman Bath states, I don't know what is.

I guarantee you one thing, you can rest assured of one thing, that if tomorrow this bauble comes back and it fails to get the two-thirds necessary vote and goes back in there, just rest assured that there will be another amendment put on, and so the ball game goes on until we get tired and we decide to go home.

Please, I wish the Page would give this to the gentleman from Eagle Lake, Mr. Martin.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I would like to respond to the question posed or not posed.

I want to thank the gentleman, I am sure that if you end up with 66-66 someone is going to be compromising. This perhaps is the time to do it, and that is the reason why you have it.

I would like to comment on the question posed by the gentleman from Bath, Mr. Ross. It is my understanding that the bill is pre-engrossed, we can act on it this afternoon, we won't have to wait until tomorrow morning.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I have a great deal of respect for every member of this House, and I have a great deal of respect for some of the people who have just spoken against this particular measure. However, today I have heard quite a few emphases on the other body. I think all of us have been around here long enough to know now how the political game can be played from one body to the other body and how amendments can be put on here and amendments put on there or taken off here and taken off there. I am sure a lot of you, especially the freshmen came in here and thought your bill was safe, only to find it was in the other body or suddenly was on the Appropriations Table and maybe now in trouble.

You have heard today about these emphases on the other body, and I would submit to you that these emphases are simply guises to take and try to say that we are not a co-equal branch of government and that we don't have the same prerogatives or powers to take and decide on issues as they do.

I think all of us know just exactly in the last days how things are handled to pass legislation such as this. This happens to be a proposal

that originated right out of this House, and it went over to the other body and we sat down in a joint leadership meeting to decide after conferring with many of you here on the floor as to exactly what you would like to have and the number in this package as far as the number of people in the body. It was a good consensus that people would like to have 132 and that is why the amendment is there.

I don't think I have to remind anybody that there is another half of this package that has got an emergency clause on it, and that there are a good many votes, and there are enough votes in the other body to put that amendment on that, to strip that emergency clause off the statute part of it to the point where we would be back here where just a simple majority would strip the council of every one of its statutory powers, except for the confirmation part of it.

We have talked about ties and who would organize the House. I guess you know when you square it off on an even status, that is where you separate the men from the boys. That is where you sit down and you start to come up and you do come out with a compromise or you come out with what I believe would be in the best interest.

Many states sit down and have even numbered Senates or Houses. The reason why the 132? Because we wanted to keep the Senate either on a three to one ratio or a four to one ratio with this body. The 132 does do just that; it puts us on a ratio of four to one.

The bill has been pre-engrossed, the bill can be run today. As far as the part of the Constitution pertaining to pardons, right, the Governor has been given the right to take and give pardon, but I think if you look in the statutory part of it, he offers the pardon after conferring with the advice and consent of the parole board.

Ladies and gentlemen, I believe that this particular amendment which is put on here is in the best interest of this particular package. I think that this package is a very fine package for the State

of Maine. It is a package which I believe is far-reaching, and I know that some people have been misquoted in the paper and some people have said that we might stay here for a long time to pass it. I believe a long time was spent here to pass the income tax. I am not putting this on the same level as the income tax. But we have a lot of legislation before us before we go out of here, and I would like to get out of here just as much as you would. I would like to get back to my business, I would like to get back to my family, but I came here, and I came here in January with the thought that I would stay here until every single bill has had its full say, its full vote, and its full chance, and that is exactly why if it takes some time to pass these or handle them, then I am committed to do it.

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

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: I would like to pose a question either to the gentleman from Lewiston or the gentleman from Standish. What do you intend to do with the 18 female members of the House when you separate the men from the boys?

The SPEAKER: The gentlewoman from Bath, Mrs. Goodwin, poses a question through the Chair to the gentleman from Standish who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. SIMPSON: Mr. Speaker and Members of the House: Well, we will see which way they go, with the men or with the boys, then we will make the decision.

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

Mr. DYAR: Mr. Speaker and Members of the House: I would like to be on record and have it entirely clear that I was not compromised into an amendment which would allow a 132 member House. Many of you, sitting here this afternoon have come to me and asked me if I was in concurrence with this thinking and I told you no.

I certainly hope that no one used my name to push this amendment. In my mind it is sort of ridiculous to go to 99 or 132 members and have it effective in 1983.

I found out through conversing with many people in the last two or three days that the impression that this reapportionment for a 99 member House would take effect in the 107th Legislature. Well, let me assure you the 107th, the 108th, the 109th, the 110th will be sitting here prior to a 99 man House or a 132 man House, and I am quite sure that these next four bodies will have the right to apportion the number of members they feel that they want.

Now it has been said here that we need an apportionment of three to one or four to one. It is quite apparent what has taken place on this floor in the last 24 hours. If we had an apportion of seven to one, we would still be behind.

Yesterday afternoon the gentleman from Lubec, Mr. Donaghy, made a statement on this floor and was challenged. For anyone who challenged the thoughts or the words of Mr. Donaghy yesterday afternoon, as to the political deals being made here and advantage being taken of on freshmen legislators, I would like to have them stand up and have them correct me here on the floor. I am ashamed that certain individuals in this body would take advantage of freshmen legislators and try to make offers to them that have no foundation whatsoever. I feel that I am no newcomer to the political process; I can take my lumps with anybody. But when my name, or what little value it can be used for, is attached to an amendment to reapportion this House to 132 members, I have no part or parcel whatsoever with this deal. I am still remaining firm with the change in the amendment to change the Governor's Council.

It has been brought up here that we may have a tie vote, 66 to 66 if we go to 132 members. I think the State of Tennessee had this same predicament, and they had an uneven body there, and the one independent controlled both parties. I certainly hope the 107th

Legislature of 69 or 70 independents does not control this body.

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

Mr. JALBERT: Mr. Speaker and Members of the House: First, my answer to the gentle lady from Bath, Mrs. Goodwin, I voted for the ERA, so that makes her even with me and me even with her. If she doesn't know how to take care of herself from there, that is her lookout.

The gentleman from Eagle Lake, Mr. Martin, said I am sure on the 66 tie there would be an area of compromise. I would like to ask him this further question. What area of compromise? 66 members of the House, the first fight would be, who gets this place? Usually the majority gets it. So now who gets this room? That would be the first rhubarb? Do we get it or do we wind up in 228? Or does the opposition get it, wind up in 228, or do we wind up in here?

Now secondly, what compromise? What Democrat will change his mind and vote to make it 67 to 65 and what Republican will vote to make it 67 to 65? There has got to be some humor somewhere, and I am sure that the gentleman from Eagle Lake, Mr. Martin, has some humor.

Now, for the gentleman from Standish, Mr. Simpson, I have read, I have heard, I have seen him on TV, not once but a half a dozen times, and he knows in the second part there is no such a thing as single member districts. And I have heard him time and again say, "No single member districts, no deal." Now how does he answer that one? How could he talk about the other picture when he has consistently and constantly stated in all the media, "No single member districts, no deal?"

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

Mr. ROSS: Mr. Speaker and Members of the House: I gather you have the entire bill there, but we are not now voting just on this amendment. The motion to recede and concur is on the whole package as amended, and we probably do not have a majority to do that.

However, I am a supreme optimist, probably too much so at times, so I would request we have this vote by the yeas and nays and that you vote against the motion to recede and concur, and that you vote as you plan to vote later and not facetiously just to try to fool the opposition.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: To show you that we are not probably completely lost in what we are doing, 33 state houses now have an even number. Most states seem to have no specific provisions in constitution, statutes or rules to resolve tie votes at time of House organization. Some provide the balloting shall continue until some person shall receive a majority of all the ballots as Speaker. Presumably this is done in those state not having any expressed provision as well. Some provide that compensation of legislators be terminated if they fail to provide in a certain number of days. There apparently doesn't seem to be any indicated way for a tie breaker, although it is indicated from this research that was done, if one person happens to be out for any time, the tie vote is automatically broken. But likewise, the same situation could prevail at 99. If you happen to have one person out sick you have got 98 and you could have a 49-49 position.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I guess over my years I have spent enough hours in time on some athletic courts or athletic fields, and I have also spent a lot of time debating issues and so forth, and you know I guess I am willing to take and take my chances and if I lose to a better man I lose to a better man. The tactics the other party uses never really bother me too much. I like to keep them above the table, but if they don't, they don't.

I know I have had people come, jokingly I guess and so forth, and maybe not jokingly, and ask if we



want to twist their arm or if we want to do this or if we want to do that. I know I have sat down and I have talked to some people and I have discussed the package with them, and I have discussed just exactly what is in the package, but I would like to tell you that I do resent very much when the opposition feels that they are the only ones that can muster the big guns or the only ones that can muster the stories or start this or start that and present their side of the story. I am willing to let them. I am willing to let the entire council come up on the floor out here and stand here and fight for what they think is right. That is fine, it's the council that is at stake right here. There is no doubt about it. They have been out here, they have been out here and they have had plenty to say and I am not saying it is all above board or all below board, but that is their prerogative. If the opposition wants to pick up their side of it, well let them pick it up.

As far as I am concerned, I am committed to the package, and if I go to the people in this House, I am going to the people and I am going to discuss the package and what is in it. And I resent very much — and I don't know whether the gentleman from Strong or anybody else or the gentleman from Lubec, Mr. Donaghy, who used to suggest certain things around here which border on criminal acts. If I am, maybe as a member of leadership, inferred to being part of that, I do resent it. I believe we both have our battle grounds and I think we have them drawn and we can go ahead and fight.

I am willing to fight and willing to walk out of here with the opposition afterwards and I would just as soon do it anytime and I don't think that I am going to lose any friends or am I going to make any enemies with those people who vote against us. But I do resent the fact that some people feel as though they can twist arms or they can do some things, but it makes a difference on which foot the shoe is on and I say that we have our shoes on the feet that we want them on and we should therefore leave that part of it out of it.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAUN: Mr. Speaker and Ladies and Gentlemen of the House: I am opposed to this package as many of you know. I like everyone in the Senate and I like everyone in the House. Through my teaching in life, I was taught one thing, speak well of those who do spitefully use you because some day you may want them to promise you a job.

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

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: I always find it difficult to follow the gentleman from Oakland, Mr. Brawn. The gentleman from Eagle Lake was quite concerned about some arm twisting and he wanted to know some specifics. I would ask him if he can recall his own conversations today with the gentleman from Dexter, Mr. Keyte? If in fact they are not afraid, if they are saying that they are not twisting arms, then why don't they put this bill off to one side, strip the Appropriations Table, show their good faith and then come back to this bill?

I saw a giant fall today. The vote hasn't been taken as yet, but it is my understanding that this man has fallen. He was a rough man. I grew to like this man, to respect him and admire him, a man who has said on the floor of this House many times that he could not be bought, he was not for sale, he was his own man and what have you. Today, he fell after just a small talk with a President of the Senate after he was assured of how his district would be taken care of. The State of Maine is a little smaller for his falling, but so is his home town of Skowhegan.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I resent and I refute the remarks of the gentleman from Waterville, Mr. Carey. If he is trying to imply that I suggested

to the gentleman from Dexter that I was going to use the Appropriations Table in order to get his vote, he is about as far out as I could ever possibly try to be. I don't think the gentleman ought to consider and ought to dare to suggest to anyone that I would dare to try to do anyone and have any harm imposed upon any member of this body.

I suspect that if I had appointed the gentleman to the Appropriations Committee, it wouldn't have been a problem at all.

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

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: I think the gentleman is very well aware of his conversation with Mr. Keyte and I know that he knows himself that it had absolutely nothing to do with the Appropriations Table, but rather revolves around pardons. And for him to infer that I am not happy with his package because I was not on the Appropriations Committee, this is probably the third time that he has mentioned this in the course of this session. I have served I hope, quite well on the committee that I finally did get.

Mr. Martin of Eagle Lake was granted permission to speak a third time.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Obviously the gentleman from Waterville was not present in my conversation with the gentleman from Dexter. If he had been, he would have been aware that the gentleman from Dexter was concerned about the fact that there was a pardon pending before the council. He was concerned that his vote could influence what the council would do. I told the gentleman that I thought that he was wrong, that the council would not use that against him and I also told him that under this package, if this passed, that the council wouldn't be around to object to it.

I am sure that the council, even though they have opposed this openly, would never consider using that to try to suggest to any

member of this House how they ought to vote. I did not under any circumstance suggest to the gentleman how he ought to vote. I did not suggest at all what he ought to do. The gentleman from Waterville is obviously attempting to try to use examples that did not occur to satisfy his own wishes.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: In reply to my good friend, Mr. Carey, he was not present at any time when I talked with the gentle lady from Portland, Mrs. Kilroy, or with the gentleman from Portland, Mr. O'Brien. Neither did I go down into the other chamber to speak to anyone about districting. The statement I made in the hall was that the 132 member House was a better situation to me in my area than 151 members, because what this would mean when the reapportionment comes, it would mean that they would not divide a town and slice a piece off.

I have had bills before this session and in my estimation they have been good bills, because they have been bills that deal with the individual and the protection of individuals and I speak of the bill having to do with tax liens. I didn't get too much support from that because the big guns came out and they did their job and I was shot down. I took my defeat. I have lost several bills this session. I can win them and I can lose them, but I have made no deal with anyone. I will vote the way I see fit. I have nothing against the 132 member district, I like the idea. I did not like the idea of the 99 because I think it would put too much burden on the people, but I think a legislator can handle 8,000 or 9,000 with no problem.

Mr. Carey was not there, and I would suggest to Mr. Carey that he get his facts straight the next time because otherwise I think he makes a very poor legislator and a very poor man for the City of Waterville.

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

Mr. LaCHARITE: Mr. Speaker and Ladies and Gentlemen of the House: I think it is really too bad that we are bringing the accusations forward here in this type of debate. I think really we are here elected by the people to serve the people and I think that by voting on this constitutional amendment, giving the people the right to vote, to decide by themselves if they want 132 representatives, 99 representatives or 151 representatives, I don't care what the number is, give the people the right. This is the question here today. This is a constitutional amendment; it goes to the people to give them the right.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I cannot go along with this 132. I will explain to you very simply with a very simple reason. In our southern district, beginning with the gentleman from Easton, Mr. Mahany, Mr. Walker and myself, we would have 88 miles. We are three districts now. Where there are three districts, there would be two and they would be 88 miles long and some 50 miles wide.

Ladies and gentlemen of this House, no one can do justice by the people in that large a district. So I will still stick to the 151.

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

Mr. DUDLEY: Mr. Speaker and Ladies and Gentlemen of the House: I don't have any fight left in me at this point in the game. I am a bit old and I didn't come here to really fight. I do have several reservations. I am very concerned with this document and I hope you don't vote to reconsider it. I also hope and I would ask you, please, for the sake of the people of the State of Maine, read the document which you are about to vote yes on, some of you people. I am sure if you have all read it, you would have other reservations the same as I have.

It is too big a document and I won't go through it page by page. I will just start on page one. Take ten acres of a person's land without the consent of the owner — two people, the Governor with the consent of the Attorney General. It used to be with the consent of the council which was seven people and generally there were some intelligent ones in the bunch. Go to page two, the two top paragraphs on page two. It is a several page document. I certainly don't have all the afternoon. I would like to have the time but you would say I was filibustering if I took the time to read this whole document and say what my objections were because they are that many.

On page 18, Section 63, I will tell you this — part of section 63 — the Governor under the contingency fund, the amount of \$800,000, nobody has to say anything about it, just the Governor. Page 19 under Section 1585, transfer all unexpended appropriations from one department to another. And this goes on and on without any strings, make pardons and many other things.

This is not the wrong bill, this is what this package will do. I know what I am talking about. I am talking about the package deal that is before you —

The SPEAKER: The Chair would inform the gentleman that we are discussing the constitutional amendment at this time and not statutory changes.

Mr. DUDLEY: I know you are but they are included in this and that is what I am talking about.

The SPEAKER: Would the gentleman confine his remarks to constitutional portions please.

Mr. DUDLEY: I will put it this way. I think you have felt the heat. I hope to see the light. I hope I have made you see the light, you have already felt the heat. See the light and vote not to reconsider.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: As I stated a few minutes ago, it has been my policy in life

to speak well of everyone. My town borders on a city that has a mayor. That mayor's character is under question. He is one of the swellest mayors that Waterville ever had.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: When this package first came out, they had it down to 99 members. That meant a reduction of 52 members. That meant that 52 people here would be absent when it comes to convene again. Now all of a sudden in a very short space of time, within a matter of a few hours, when they saw that they could not get what they wanted in the package, to make it more palatable, they brought the number up to 132. That means that there are still going to be 19 people missing from here who I believe should be here.

I really believe that we should maintain this House at 151.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: I think that we should try to keep a few facts straight. The comment has just been made that if we stayed at 99, there would be 52 people who wouldn't be here next session. I think if they would read the bill thoroughly, it would indicate that this apportionment would be done in 1983 for the incoming legislature of 1985. The same thing applies right now. This does not apply immediately. This takes effect in the apportionment that will be done in the following biennium in the 1980s. The constitutional provision we are considering right now calls for 151 members in the 107th Legislature.

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

Mr. COTTRELL: Mr. Speaker and Ladies and Gentlemen of the House: I see a great newspaper man who I have great respect for over here listening to all this argument and I am sure the legislature is not raising itself in his esteem.

I don't think the question of 1983 membership in this House is a very

major, pertinent thing. The whole thing is this idea of change. It is called reform. I went down the dictionary today and I looked up the meaning of the verb reform and the first meaning is, to get back to our original good state. I think it is very unintelligent at this time in our legislature, when we have a special session coming up to try through duress and force and all kinds of things to change the opinion.

This 107th isn't done yet. We have this special session and we have the whole fall, when it is cooler weather, and January, when it is colder weather, to come back and make an intelligent decision. This political game—if we ever did this in school or on the athletic field, we wouldn't be there very long. The simple game of politics is sometimes very very sickening to my heart.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those 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 Standish, Mr. Simpson, that the House recede and concur with the Senate on L. D. 2040. All in favor of receding and concurring will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ault, Baker, Berube, Birt, Bither, Briggs, Brown, Bustin, Carter, Chonko, Clark, Conley, Connolly, Cooney, Curtis, T. S. Jr.; Dam, Dow, Drigotas, Dunleavy, Farley, Fecteau, Ferris, Flynn, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Haskell, Hobbins, Huber, Jackson, Jacques, Knight, LaCharite, LaPointe, LeBlanc, Lewis, J.; Lynch, MacLeod, Mad-dox, Martin, Maxwell, McHenry, McKernan, McMahan, McNally, McTeague, Morin, V.; Morton, Mulhern, Murchison, Murray, Na-

jarian, Norris, Palmer, Perkins, Peterson, Pontbriand, Rolde, Sheltra, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Susi, Tierney, Trask, Tyndale, White, Whitzell, The Speaker.

**NAY**—Albert, Berry, G. W.; Berry, P. P.; Binnette, Boudreau, Bragdon, Brawn, Bunker, Cameron, Carey, Carrier, Chick, Churchill, Cote, Cottrell, Crommett, Curran, Davis, Deshaies, Donaghy, Dudley, Dunn, Dyar, Evans, Farington, Faucher, Finemore, Frasier, Hancock, Herrick, Hoffses, Hunter, Immonen, Jalbert, Kauffman, Kelleher, Kelley, Keyte, Kilroy, Lewis, E.; Littlefield, Mahany, McCormick, Merrill, Mills, Morin, L.; O'Brien, Parks, Pratt, Ricker, Rollins, Ross, Santoro, Shaw, Shute, Silverman, Sproul, Stillings, Strout, Talbot, Tanguay, Trumbull, Walker, Webber, Wheeler, Willard.

**ABSENT**—Cressey, Emery, D. F.; Farnham, Henley, Kelley, R. P.; Lawry, Theriault, Wood, M. E.  
Yes, 77; No, 66; Absent, 8.

The **SPEAKER**: Seventy-seven having voted in the affirmative and sixty-six in the negative, with eight being absent, the motion does prevail.

Senate Amendment "B" (S-272) was read by the Clerk and adopted in concurrence.

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

Supplement No. 6 was taken up out of order by unanimous consent.

#### **Non-Concurrent Matter Later Today Assigned**

An Act to Redistribute Certain Statutory Powers Now Vested in the Executive Council, to Abolish the Legislative Research Committee, to Create a Statutory Legislative Council, to Provide for Permanent Joint Standing Committees of the Legislature, and to Provide for an Annual Rather than a Biennial State Budget. (S. P. 661) (L. D. 2021) (Emergency) which failed enactment in the House on June 27.

Came from the Senate with that body insisting on their action whereby the Bill was enacted.

In the House:

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

Mr. **BIRT**: Mr. Speaker, I move this be tabled until later in today's session.

(Cries of yes and no)

The **SPEAKER**: The Chair will order a vote. All in favor of this matter being tabled until later in today's session pending further consideration will vote yes; those opposed will vote no.

A vote of the House was taken.

60 having voted in the affirmative and 72 having voted in the negative, the motion did not prevail.

Thereupon, the House voted to recede and concur.

The **SPEAKER**: The pending question is passage to be enacted. This being an emergency measure, it requires a two-thirds affirmative vote of the entire elected membership of the House. All those 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.

Thereupon, Mr. Martin of Eagle Lake requested a roll call vote.

The **SPEAKER**: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those 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 Calais, Mr. Silverman.

Mr. **SILVERMAN**: Mr. Speaker and Members of the House: I would just like to bring it to the attention of the House that if this bill is enacted, then there is a possibility that the single-member districts is being put out, that there would be no more bargaining power, and I hope you would all consider this when you vote and vote no on its enactment.

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

Mr. **MARTIN**: Mr. Speaker and Members of the House: I would