

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Sixth

Legislature

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

toro, Sheltra, Silverman, Smith, S.; Soulas, Stillings.

Yes, 79; No, 55; Absent, 15.

The SPEAKER: Seventy-nine having voted in the affirmative and fifty-five having voted in the negative, with fifteen being absent, the motion does prevail.

The pending question is passage to be enacted. This being an emergency measure a two-thirds vote of all the members elected to the House is necessary. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

115 having voted in the affirmative and 14 in the negative, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Papers from the Senate

From the Senate: The following Joint Order: (S. P. 590)

WHEREAS, approximately 275 petitions containing approximately 45,000 signatures have been filed pursuant to Article IV, Section 18 of the Constitution of Maine Public Power Authority; and

WHEREAS, it has been alleged that State Government employees at taxpayers' expense assisted in the circulation of the petitions; and

WHEREAS, the Chairman of the Judiciary Committee has reported to the President of the Senate and Speaker of the House that a cursory review of some of the petitions reveals that there are a vast number of signatures with similar handwriting contained therein; and

WHEREAS, there are other alleged irregularities in the circulation, preparation and verification of said petitions; and

WHEREAS, the Legislature of Maine has a duty to determine if said petitions have been validly initiated; and

WHEREAS, the Legislature has a further continuing duty to insure that the initiative provisions of the Constitution have not been abused; and

WHEREAS, the Judiciary Committee, because of its inadequate staffing and because of its many other duties is incapable of filling its duty of investigating thoroughly the petitions; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee of the 106th Legislature on Judiciary is authorized to hire such counsel, investigators and clerical assistance as said committee deems necessary to investigate the validity and all circumstances surrounding the circulation of said petitions. In the conduct of this investigation the committee is hereby authorized to delegate to said staff the right to conduct deposition and issue subpoenas and do whatever else is reasonably necessary to make a complete and full report to the committee and to the Legislature in regard to said petitions; and be it further

ORDERED, that the Attorney General's office and all of the state departments, including but not limited to the Department of Public Safety, is hereby ordered to cooperate with the committee and perform whatever services are requested by the committee and its staff; and be it further

ORDERED, that there is hereby appropriated to said committee from the Legislative Account the sum of \$5,000 to fulfill the purposes of this Order.

Came from the Senate read and passed.

In the House, the Order was read.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Wheeler.

Mrs. WHEELER: Mr. Speaker and Ladies and Gentlemen of the House: I have been a member of this legislature for five terms, two of which, I served on the Judiciary Committee. In the past we have always worked together as a committee. No single person, chairman or anybody else, made decisions for the entire committee. Yet today, we have before us an order which supposedly represents the thinking of the Judiciary Committee. That simply is not true. Neither myself nor any other member of my party was consulted. As a matter of fact, to my knowledge, no member of the other party of the Judiciary Committee, except for the chairman, was part of this decision.

I would like to point out that only a few of the 13 members of

the committee expressed any reservations about the petitions. We have been given subpoena power and money to use for investigations and we have not used it. And I question why do we need greater power and more money.

I now move that this joint order be indefinitely postponed. When the vote is taken, I move it be taken by the yeas and nays.

The SPEAKER: The gentleman from Portland, Mrs. Wheeler, moves indefinite postponement of the joint order.

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

Mr. GAUTHIER: Mr. Speaker and Ladies and Gentlemen of the House: I would like to ask a few questions of our chairman, Mrs. Baker, of Judiciary Committee. Was this order ever presented to us before Judiciary Committee to be voted upon?

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

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

Mr. GAUTHIER: Mr. Speaker and Ladies and Gentlemen of the House: I see that I did not get an answer to my question. I would like to state here and now that when this bill was discussed before Judiciary Committee, the majority of the committee voted that this bill be sent out to the people to vote upon as referendum. We looked at petitions, we spent two evenings looking these petitions over. We saw that there were a few discrepancies. But after the Central Maine Power Company had come in and xeroxed about half of them, half of the petitions that they xeroxed, they found I think it was 500 wrong signings of these petitions.

These had been verified by the towns clerks in every town of these petitions and also they were looked over and sent to our committee in good condition and in order by the Secretary of State's office. When we took the vote on it, the majority of the committee voted that this be sent out to the people

as a referendum because we felt that after only a few discrepancies of 500, that there were enough petitions, extra petitions that would take care of the rest of them, if they were as the first 500 that were xeroxed showed that they were, about 500 names. We had over, I think it was two or three thousand extra petitions on these and, in fact, this was done and also recommended by the attorney for the Central Maine Power Company, Mr. Marden, who represented them. He suggested that this be sent out to the people without being looked into the petitions.

The committee felt at the time it was brought up, that in the past you had a few discrepancies. Even when we put the big box out for a vote, petitions went out in all the supermarkets and small stores. They did the same thing that was done for this power bill. We felt and we recommend that in the future — this was the vote of the committee — that in the future, they name a committee — not name a committee but it was a suggestion that these weren't that bad but that as far as the ones that we had seen, they were in perfect order, there were few discrepancies, as I mentioned before.

The vote of the committee was to send those out to referendum, not to put an order out. We have never voted on this. I think this is back door doings and I am not in favor of it.

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

Mr. PERKINS: Mr. Speaker and Ladies and Gentlemen of the House: Just a few short words. I was one of those that has been mentioned that was opposed to putting these petitions out with approval without it being stated emphatically that we of the Judiciary Committee had not done our duty in examining them. We had checked some 25 or 30 petitions out of 250 and of those 25 or 30 petitions, there were numerous questions of similarity in signatures. In fact, on one there was five. I could almost swear to give my right arm away that

they were signed by the same person.

In addition to that, we had had several other irregularities mentioned to us. And regardless of our individual feelings as to the merits of the proposal itself, we on the committee had an obligation to determine whether or not we would say those were valid signatures or valid petitions. Frankly, I, in toying with my conscience I could not do that.

It was suggested that many petitions have come before this body in previous sessions which the questions such as I raised were not posed. I indicated that I was not here those previous sessions and therefore, perhaps had I been, I might not be here now because I would have posed those same questions.

I agree that the amount of time we have spent is not enough. There is a little bit of money to do further checking on it. However, the length of time that is involved in getting these petitions checked fairly accurately as we of this committee are obligated to do will require a length of time that only money and additional staff will help shorten in that period.

So again, I sincerely ask each and every one of you to check and examine your own conscience as to whether or not, regardless of how we individually feel about public power because we happen to believe in it or against it, that we do or do not want the Judiciary Committee to function as it is obligated by law to do.

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

Mr. GAUTHIER: Mr. Speaker, I would like to pose two questions to the gentleman, Mr. Perkins, who just spoke. When the vote was taken by the committee to send this out, wasn't it the vote of the Judiciary Committee unanimously, and I say 75 percent of the vote when taken, was it not to send it out to referendum? And number one, have we ever voted in committee on this order?

The SPEAKER: The gentleman from Sanford, Mr. Gauthier, poses a question through the Chair to

anyone who may answer if he or she wishes.

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

Mrs. BAKER: Mr. Speaker, in reply to the gentle lady from Portland, Mrs. Wheeler, and the gentleman from Sanford, Mr. Gauthier, I would like to say that this order did not come from the Judiciary Committee. This order came from the Senate where it was voted and approved. It bears no endorsement of the entire Judiciary Committee. Anyone can put in an order, any member of this House may put in an order. The Judiciary Committee did not put this order in.

In regard to the vote in the Judiciary Committee on the petitions, we voted unanimously to approve with reservations — with reservations — every member of the Judiciary Committee was polled and agreed to that vote. When that was recorded, it was found by the chairman of the committee that the legislature would not accept such a report with reservations, that it was our duty, if we had reservations, to follow through and do our work completely. And I think if any one of you were faced with this duty, where you have been sworn to do your duty as you see it, according to your conscience, then you would do exactly as we have done.

We have not okayed 100 percent the petitions. Nevertheless, the legislature has been assured that this matter will go to referendum and I repeat it here. We intend that it shall go to referendum, but we are asking for these funds to further study the petitions.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, I would like to pose a question to Mrs. Baker, also. This order calls for subpoena power. What committee except Judiciary, if this order didn't come out of Judiciary, has subpoena power?

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

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

Mr. CARRIER: Mr. Speaker and Members of the House: First I will answer the question of Mr. Farley in this way: This is one of the objections that I have on the order. I don't believe that anybody should be subpoenaed. If they are, the way things are today, they can have them up there and if they don't want to or they don't wish to, and they probably won't, they will not tell the truth, so I think it is just a surge in futility to bring them up there in the first place.

I wish to say this morning as a member of the Judiciary Committee that I am not out here to cast anything on any members of the committee. I think every member of the committee did his job, regardless of whatever party, regardless of his standing in the committee, and regardless of where the order comes from, it is here today.

I think the issue today is the order that faces us. I think it is an unnecessary order. I think it is a ridiculous one. I think it is a phony one and I don't think it should be here at all. It just causes dissension among the parties, among the members of different parties. It casts a shadow of doubt upon the ability of the Judiciary Committee that indeed and in fact tries to do a good job.

As far as the values of the petitions and all that stuff and the numbers that might have been questioned and all that, I wish to say again to you members of the House that all the members of the Judiciary Committee unanimously supported it to let the petitions go to referendum on condition. The first condition was, I believe, that an opinion was to be drawn up and presented and be studied by the members of the committee before it ever came to the House as to an opinion that there might have been inequities, there might be a few undigestable signatures or something like that, and this we all agreed to. We have never seen such an opinion out here and apparently we won't at this stage and this particular thing is here.

Another thing which was also digested in committee, in order that we don't get involved in this kind of thing again without some very strict and definite guidelines, I suggested to them that we would also come out, if they didn't then I would come out with some kind of order or resolution sending the question of initiated referendum and the procedures to check after the vote of what we are going to accept and whether it is the Judiciary Committee that does it or any other committee, to have some guidelines to go by. I think this is what we miss, not only the Judiciary Committee misses, but everybody is out if you don't have guidelines to work by. I think under the circumstances, the best was done and I think that actually this order probably is a personal order more than anything else. And if it is a personal order, well I think whoever puts it in has the right to do so, but I think we also have the right to act on it.

Now I will say this, that the Judiciary Committee probably by law — and I would like to see that particular law that was mentioned that we are to do certain things. Whatever it is, if the law is there — and I don't doubt that there is some kind of guidelines or something — that it is not clear, and it should be clear either for our benefit or for the benefit of any other committee.

In good conscience — apparently conscience is the thing today — in good conscience I voted to send the petitions to the people. I voted the same thing on the ones on the income tax. I voted the same thing on the one on the big box. Now I am not going to question when they come up with this kind of petition whether we are going to check thirty or forty thousand petitions. I think that it is very clear that such a number of petitions, if somebody wants to check it when they can do it on their own or they can do it through some other procedure of the legislature.

I totally support the motion for the indefinite postponement of this order, not on the cost but on the

principle upon which it was presented.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning probably for other reasons and with other reservations on this. I am against public power more than any other man in this House. I think it is as phony a thing as has ever been before the House, actually public power. I also think this order is as phony as anything you could have. Five thousand dollars of the taxpayers' money I think is utterly ridiculous, What is accomplished by it? Nothing. And it is obvious that even the Judiciary Committee is dissatisfied with it.

We are not going to get out of here tomorrow. Someone said time. Don't worry about time. We are going to be here until July. I have been here 20 years and I am telling you. I don't care what the leadership tells you; I am telling you you are going to be here until the first of July. I am going to be nearer right than they are, so you have got plenty of time. You don't have to hurry. You have got plenty of time to look over these things.

Five thousand dollars is involved here. This is what bugs me. Five thousand dollars to me is a lot of taxpayers' money to throw away. I can think of a lot of things that \$5,000 can be better spent for.

I am against all these surveys. All these books they pile on your desks from researching, studies and so forth, what ever becomes of them? Nothing. Nothing will become of this, just something to talk about. But \$5,000 will be lost. And we are taking \$5,000 from the people. I don't care how you take it, if you go in the front door, the back door or the side door, you are still picking their pockets. And I am against picking the public's pockets. Even when it is necessary I regret we have to pick their pockets. And this is n't necessary. This is a b s o l u t e l y ridiculous — \$5,000 to throw away.

I stand here to make it clear now that I have confidence in the people of the State of Maine. They won't vote for public power; they are intelligent people. They can see around them what government is doing in business. They only have to look at the Highway Department, the Welfare Department or any other department in state government, the Postal Department or any other department. They can see what is going on around them. The public can't run anything and the public knows it. They commence to think we can't even run the legislature, and bills like this convinces them that we can't. We can't do our job.

This Judiciary Committee is charged with looking after these signatures, and in my opinion, they have got until about the first of July to do it. This is plenty of time to check these signatures. They have an attorney on that committee, a clerk on the committee. I am certain the Chairman of this committee could do this on his own. But of course he doesn't have the time. But there are many other members on the committee.

So I am one of those people in this House this morning that is 100 percent against public power and I am quite sure the people I represent, when they know the facts and how phony it is, they will be against it too. I am not afraid of them voting because I have got great confidence in the people of the State of Maine. They are intelligent today and they are getting more intelligent every day, enough so that people like this House is not going to fool them anymore, spending their money, \$5,000 a lick. They are getting wise to you people throwing their money away.

I am going to be on record as not being for throwing \$5,000 away and I am not going to be for public power either. And I am not going to be for any of these other bills that come in here to throw \$5,000 away or \$5 away. So I hope you will consider the taxpayer and whose pocket you are picking. They are some of the people that you represent. They are some of the

kind people who voted for you when you came down here that had confidence in you, that thought you had intelligence enough not to vote for such legislation as this. They thought you were intelligent or they wouldn't have sent you here. In the course of events, they wouldn't expect you to spend \$5,000 for a wild goose chase.

Mr. Gauthier of Sanford was granted permission to speak a third time.

Mr. GAUTHIER: Mr. Speaker and Members of the House: I agree that the question today here is not public or private power, it is what happened on the Judiciary Committee, what has happened on these signatures when the clerks in every town checked these with the nomination papers and the voting lists that they have. They were verified by these town clerks. They were verified, they were checked over by the Secretary of State downstairs and they were verified by them that they were in order.

I agree that there were some discrepancies and members on our committee who were here a few years ago mentioned the fact that other bills that came in had a few discrepancies as far as signatures were concerned. And the committee never mentioned sending out an order of this kind. What the committee mentioned was, and the chairman himself mentioned, that what we should do is to ask for guidelines in the future on all other bills or other petitions that would come in before the legislature.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: It isn't very often on the 18th of April that you see snow flying around. But this order, as far as I am concerned, is a blizzard. It is a real snow job. Like my good friend from Enfield, there is nobody in the House probably more than he and I that hate public power. But I don't like this order either.

We hired a lot of staff here a few weeks ago. We have got Mr. Doyle downstairs and he has got

some very capable people. We have even got the Attorney General's office, and they have got some very capable people down there. Now if the Judiciary Committee has got any hangups on these petitions, and probably rightfully so they have, let the committee do it. Let them take some of these bright lights that we have downstairs in the Attorney General's office — they are very intelligent people — and let them work with the committee. We don't have to waste \$5,000 on this, and that is all it is is a waste. I think what Mr. Dudley says is right. We have these continual studies and who reads them? Who even pays attention to them? I guess Miss Edith Hary down in the Law Library, she has got two or three rooms full of reports that we have approved over the many years, long before I ever came here. No one needs this and they don't need this \$5,000.

I looked around this morning and looked for people that are on the Judiciary Committee, Mrs. Baker, Mrs. Wheeler and our esteemed brothers of the law; they are very intelligent, they can do this. They certainly don't need this order this morning. It is a waste of money; it is a waste of our time here. I think Mr. Dudley is correct. We are going to be here until July. And the way we are going, we probably will be here until August.

Someone mentioned to me yesterday, wanted to wish me a Merry Christmas, because they thought after yesterday's debate we would probably be here until Christmas. But I am sure we are not going to be out of here before the first of July. The committee has got plenty of time. I don't believe they are that overworked. I know they have got a lot of bills there, but they seem to handle them quite correctly. They pass them out very quickly. I am disturbed that this order came in.

I know that Mrs. Baker stated that anybody has got a right to send an order to the legislature and they certainly do. But I don't know, somebody told me that it originated in the other body and the chairman of their committee

originated it. I am surprised really to hear the remarks this morning from various members of the Judiciary Committee that they weren't consulted in this. The newspapers report that it came from leadership. Now, I don't believe it came from leadership. It seems to me if any order is typed like this and it was pertaining to a bill before a committee I was on, I would want it to come from my committee, not from any individuals that want to be stars or raise these questions. I think that the legislature is a group. We go with the committee system that they should work themselves and not necessarily take an order like this.

This is a waste of money. I hope that you support Mrs. Wheeler's motion to indefinitely postpone it.

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

Mr. DAM: Mr. Speaker and Members of the House: I too, like my other two Democratic friends, Mr. Dudley and Mr. Kelleher, want to go on record as being against public power. The people back in my community know quite well how I feel on this. I do not favor public power, but I do not favor this order either, because if we are so concerned in this one issue about whether the signatures are valid or not, why weren't we concerned when the referendum came in, initiated bill for the repeal of the income tax or for getting rid of the big box.

All of a sudden here I read this order and it says, "Whereas the Legislature of Maine has a duty to determine if said petitions have been validly initiated; and

"Whereas the Legislature has a further continuing duty to insure that initiative provisions of the Constitution have not been abused."

Well if this is the case, why is it we have become so concerned, some people have become so concerned because this has got the public power attached to it and they weren't concerned the last two times? Has this become a party issue? Is it one side against the other? Well, I don't think that this order is going to help to defeat

public power. This may just say to the people of the State of Maine that we do need it because there is funny doings going on by everyone.

I would hope today that we could defeat this order, and I am sure that even the people here that are against public power have nothing to fear because the people in this state will not vote for it when they learn the true facts. But this is not giving them the true facts when we bring something like this in. This is a lot of hogwash; that is all it is. And all we are doing is clouding the issue and letting the people of the State of Maine think that something funny is going on when I do not really think that anything funny is going on in this legislature or in the state.

I think today the greatest thing we can show the people in the State of Maine is that we want them to have a chance to vote, that we do trust their intelligence and we are not going to throw \$5,000 down a rat hole and we should defeat this order.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. LeBlanc.

Mr. LeBLANC: Mr. Speaker, Ladies and Gentlemen of the House: I support what Mr. Kelleher and Mr. Dudley have said before. I have a letter here from one of my constituents. The letter was addressed to me and it was sent to the Honorable Wakine G. Tanous, Senator, Maine Legislature, State House, Augusta, Maine, dated April 16, 1973.

"Dear Senator Tanous: As one follows the news of what is happening in the 106th session of legislature, it is rather difficult to comprehend the actions and motives of our esteemed lawmakers.

"The case to which I am referring is the way in which your Judiciary Committee is mauling the petitions for a referendum on the issue of public power.

"Doesn't it appear that the most influential Republican members of the legislature are taking a stand that would defeat a referendum on

the issue of public electrical power?

"Do not the voters when they go to the polls, vote for whomever they sincerely believe will legislate for the best interest of the majority of the people?"

"Do you ever think of how the voters and consumers will feel and react when it strongly appears that the legislators are most concerned with the wishes and benefits of the huge power companies?"

"What about the consumers of electricity who it is apparent will be forced to pay higher and higher rates for electrical energy that they all must use?"

"I have been a registered Republican for many years, but lately like many other Republican voters, I am seriously thinking of switching my support to the Democratic party — that would take only a few minutes.

"What does it avail the average voter who helps to elect a senator or representative who is going to legislate on behalf of the rich minority?"

"It would seem that it's time to stop dillydallying and move along with legislation for the benefit of the great majority of the people. Yours truly, James W. Grenier, 390 Main St., Van Buren, Maine"

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Needless to say, when we talk about leadership having something to do with this order, that I nor any other member of my party in leadership were consulted, and for that matter, I hear rumors to the effect that some other members were not consulted either.

We have before us, it seems to me, an order which is stronger than what the Congress of the United States would pass. It seems to be an order which perhaps the Congress of the United States would love to have right now.

I want you to take a look and keep in mind a couple of things. One out of every ten persons who voted for Governor signed this petition. I don't think it is

important whether or not we happen to be for or against public power today. This issue is whether or not we believe the people ought to have a right to vote.

I have attended all three hearings held by the Judiciary Committee on initiated legislation: the income tax, the big box and public power. I would just like for a moment to relate to you the experiences I had before that committee dealing with the big box. There were a number of people present at the hearing on the initiated petition dealing with the big box who said they had proof. Nothing was done. Then we get to this particular petition and I was present at the hearing when Robert Marden, being the only opponent speaking in behalf of Central Maine Power, indicated that there might be discrepancies.

The Judiciary Committee was given \$800 and the right to subpoena witnesses by this legislature not long ago. Just take a look at the order and you will find that this time it isn't enough that the Judiciary Committee is going to have subpoena power, but the staff members will have subpoena power. Where in your born life have you heard that someone is going to delegate the power to subpoena to a staff person that isn't even yet hired, that we don't know exists, that we don't know who it is going to be? I trust people. But sometimes I don't trust the actions of some individuals.

Read that very carefully after the word "Ordered" on page one of your House Calendar and note it carefully. I understand that a majority and vast majority of the members of the committee indicated that they were satisfied with the petitions. Probably I agree. But keep in mind what has transpired on the two previous petitions. The chairman of the committee indicated that there are sufficient signatures.

What are we afraid of? Why should we or should we not take a look at these petitions? The thing that bothers me the most is the possibility that we are dragging out individuals to oppose this thing, that we intimidate people who in

their best interest thought they were signing a petition which they thought they wanted to be voting on if the legislature didn't pass it; much the same way, I suppose, even though reluctantly I was against it at the time, the big box petition turned out to be.

The creation of this investigation is, as far as I am concerned, a creation of one member of one committee after pressure had been brought to bear upon him. Let's not fool ourselves. If what we want to do is discredit the members who signed the petition or the members who circulated it or the individuals who started it, let's admit it and let's go to it. But in that process, let's not intimidate citizens of this state. Whether right or wrong, they want to have a voice and they want to vote and we ought to give it to them.

We have been told, but no one has given it to me in black and white, that regardless of what happens, assuming that all of the signatures are fraudulent, that the Republican Leadership is going to agree to send it out to the people anyway. Does that make any sense? You see it and then you don't. Is that the way we are going to tell people that we believe in them? We don't believe your signatures were valid? The reasons why you said they were there was wrong? But that is all right. We will put it out on a little bill that we have got hanging around and then you can vote on it.

I don't think that any issue, whether it is this one or any other, is worth the price of threatening people, whether it is according to rumors last night, bills being threatened if sponsors didn't vote for passage of this thing. I don't believe that fear ought to enter into our decision. The problems, as far as I am concerned, of this state are too huge for us to get ourselves involved in something like this.

My only concern is that in the final analysis the people of this state will have a voice and that we do not intimidate them in the process to a point where they say, is that what our government in Augusta is doing to us? Because

whenever and if ever we do that, we will have done something which we will never forget.

I repeat again, take a look at that order. You are hiring staff, if this order goes through, that will have subpoena power. Some unknown faceless individual who hasn't yet been hired will call someone up on the phone and say, you will be here at 10 o'clock because I represent the chairman or the Judiciary Committee. And they will have to appear. They will have to face this individual. Does that make any sense? If you agree with me, I would hope that you would vote for indefinite postponement of this order.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker and Ladies and Gentlemen of the House: I seldom speak until I get angry. And unfortunately, I heard something mentioned by the very first speaker that disturbs me and the longer I sit in my chair, the angrier I get. I hope what I heard I heard wrong. I believe the gentleman said that the Central Maine Power Company was allowed to take these reports and make xerox copies of them for their own personal use. Now, thinking back to previous petitions that were presented to the Secretary of State's office and first presented to this Judiciary Committee, these petitions normally, at least procedure-wise in days gone past, have been impounded by the Secretary of State, placed under lock and key, and even those people appearing before that committee who were there to testify that their names were fraudulently placed on those petitions were not allowed to take or to examine or to cross their names out.

Now, I hope I am wrong but will someone please correct me. Was the Central Maine Power Company allowed to present themselves before this committee with authorization from who I do not know and xerox these petitions for their own personal use?

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

Mr. DUNLEAVY: Mr. Speaker and Ladies and Gentlemen of the House: In response to the gentleman from Portland's question, as I understand it, as I recall the testimony at the hearing from the representative for the Central Maine Power Company, he testified that they had, in fact, xeroxed a great number of the petitions prior to the hearing thereon. No authority was given to anybody by the Judiciary Committee or any of its members to xerox any of these petitions. However, the representative from Central Maine Power did have an opportunity by xeroxing prior to the matter coming before the committee to investigate the validity of a great many signatures.

I am sure he strove manfully to find a sufficient number of signatures on these petitions to declare this petition drive invalid. However, he did not ask that it be declared invalid, nor did he claim to have found enough signatures to declare the petition drive invalid. As a matter of fact, he rather halfheartedly attacked a few hundred signatures but didn't even insist that the petitions did not contain a sufficient number of signatures; and as a matter of fact he indicated that it was the company's position that this matter should go to the people.

It seems very strange to me, when the vast majority of the members of the Judiciary Committee feel that this should go to the people, when the representatives from Central Maine Power Company feel this should go to the people, that we have to appropriate \$5,000 of the taxpayers money to harass the people. I do not only feel that this is a waste of money, I feel that this is going to cause a dampening effect and a chilling effect on the whole referendum process. If we start spending the taxpayers' money in order to investigate signatures, we are going to kill the whole idea of initiated referendums. It is hard enough and expensive enough to

get those signatures necessary to pass any kind of a referendum drive. It is definitely going to make it impossible if we pass an order such as this and further harass the people by sending investigators to their home.

I have the legislative record right here of the two previous initiated petition drives. The one dated March 31, 1971 on the income tax was reported out of committee. The petitions and signatures contained therein are valid and sufficient in number and that was signed by a majority of the committee members. Three of the committee members signed the minority report stating that they did not have sufficient knowledge and information upon which to form a belief with respect to the validity of the signatures. That passed out of committee.

On April 29, 1971, it was reported that the legislative referendum on the big box, that report was signed in a majority and a minority fashion. The majority report read that a sufficient number of signatures are valid and the minority report read that they did not have sufficient information.

Now, it just seems to me that we should be doing the very same thing here. This particular order, while I agree that every member of the legislature has the right to introduce an order, it seems to me terribly inappropriate in view of the fact that the great majority of the Judiciary Committee wanted to pass this out to the people.

With respect to picking the public's pocket, as Mr. Dudley said, we are doing more than that. We are picking the public's mind. We are harassing them and we are doing it with their own money. We are not only doing it by delaying the Judiciary Committee, which is a very busy committee and has many many bills to go, but we are doing it by sending investigators into the homes of people who signed these petitions to check into the circumstances of their signature.

I do not believe that this order will defeat public power. I do believe that this order, if we pass it, may very well defeat participation by the citizens of the State

of Maine in the initiative referendum process.

Furthermore, as a member of the Judiciary Committee, I am terribly upset that people are blaming the committee for this action. The committee is not responsible. The committee did not know that this order was going to be introduced. The committee took no part in the press conference of the chairman of the Judiciary Committee and, in fact, were not even aware that this conference was scheduled.

As a member of Judiciary and because I want to disown any association with this order, which I regard as an attempt to deprive our citizens of this state from a right to decide on a matter of vital concern to them, I hope that you vote along with the gentle lady from Portland, Mrs. Wheeler, to indefinitely postpone this matter.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: Initiated referendums, I believe, are one of the guarantees we are given in the Constitution of the State of Maine. And it is nothing that should be taken lightly. This morning we have heard many people stand before you and tell you that all this order would do is put a chilling or dampening effect on the people in the State of Maine who would like to initiate referendums, because we would be intimidating citizens. Well, I say that that is a lot of bunk. I believe that we are here for the purpose of making sure that the initiated referendum procedure is done and that it is done properly.

You know, we are talking about 45,000 signatures on a petition. I believe that we have approximately 955,000 people in this state that work on those petitions and that we have the right to protect their position as well as anything else. All we are asking for in this order is \$5,000 to allow the Judiciary Committee to have staff that can go out and investigate and seek out the alleged irregularities in the petitions that are before us. I believe that is only right, that we give that committee that type of

help in staffing. I believe that it is also perfectly proper that I stand here and tell you I will fight tooth and nail to make sure that the people in this state get the chance to go to referendum.

You were told just a few minutes ago that the company's position before the committee was that it go to the people and that it go to the people through referendum and that is exactly where I would like to see it go. It is a perennial question that comes in here every session of this legislature. It is about time that it did go to the people and maybe they will decide once and forever and we won't have this issue every time this legislature meets. But before it goes to the people, I want to make sure too that the sanctity of the initiated petition as guaranteed by the Constitution is preserved and protected and that we do it and do it in a proper manner.

Ladies and gentlemen, I ask you not to indefinitely postpone the order but we give it our full support.

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

Mr. BINNETTE: Mr. Speaker Ladies and Gentlemen of the House: Unlike my friend from Portland, I am not an angry man. I am a peace loving man. But I like to have justice done, too. I really believe, as the majority leader just stated, that the people should have a right to petition. They should have a right to protection.

Now, when the big box question came up, we on the committee were not even allowed to look at the petition. That was taboo. They did not worry about it, how they were obtained. Many of those names were obtained fraudulently in my estimation. I do know that for a fact. But they have changed it over and I am happy that they did change that over and remove the big box because I think that if the big box was on there, there would be many many legislators absent from here today.

I have been called a conservative. I do not think that I am quite as conservative as my friend from Enfield, Mr. Dudley. But nevertheless, I believe that we should save some money wherever it is possible and I do not think that we need to spend this \$5,000 because I really believe that it is nothing else but a witch hunt from somebody's own estimation. They want to go out and irritate people and stir them up.

If you read that order on page 2, it is a rather peculiar thing to read, that we, the legislature, are going to order the Attorney General's office and all its departments including but not limited to the Department of Public Safety, is ordered to cooperate with the committee and perform whatever services are requested by the committee and its staff. Now, how long since have we had to order the Attorney General to do anything for us. His office is always open and ready for any questions that you go ask him. I do not see why you have to have an order of that type anyway. To me that order is just nothing but a piece of bunk.

Mr. SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: Like the minority floor leader, I also attended the hearing on this particular bill. I sat through the whole proceeding that afternoon. The remarks that have been stringing along here this morning remind me of an old line, I think from Shakespeare, "The lady doth protest too much methinks." Why all this problem just to make an examination of a constitutional provision.

The issue here is not whether the people are going to be allowed to vote on public power. The issue here this morning is only whether or not the integrity of the petition process is to be upheld. It is your sworn duty to carry out the constitution of this state and the procedures for petitioning are very carefully spelled out.

The representative from Enfield, Mr. Dudley, pointed out that

we are going to be here a long time and we have plenty of time to look into this. So he must believe that it is necessary to look into it. But he feels as though we should not employ some help for the Judiciary Committee to do this. I submit that this is only good economy, to raise a small amount of money to get some experts going to work on this problem.

Remember, the issue is only one, whether or not we protect the integrity of the petition, the method starting an initiated referendum. I urge you to vote against the motion to indefinitely postpone.

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

Mrs. GOODWIN: Mr. Speaker, and Ladies and Gentlemen of the House: I know I have disappointed some members of this body because people keep asking me when I am going to get angry and start stamping my feet again. Well, this morning I am angry. About three weeks ago I received my \$25 plus electric bill with some delightful little fairy tales enclosed telling me how low my electric rates were. I was very tempted to take them upstairs and put them with my son's Mother Goose book.

You know, it is just this kind of propaganda that is making our electrical bills so high, and the consumers are paying. Today we are going to ask the taxpayers to pay. We are going to ask them to finance the gubernatorial aspirations of a certain segment of the Republican Party. This seems to be very strange behavior, because the majority of this party was not at all excited about the one dollar checkoff on income tax returns for political campaigns. Now they want \$5,000 for a political campaign.

They say they are willing to amend the power authority bill. They are willing to amend it, they will probably never enact it. If they enact it, it will be emasculated and after ERA probably e-feminated beyond all recognition, because they know that when this goes out to the people, it will pass

overwhelmingly and they are scared to death.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: This morning I have done a bit of reading of the debate in the other body yesterday. It always annoys me when some member of the opposite party states openly or insinuates that Republicans are beholdened to the private power companies such as Central Maine Power, Bangor Hydro Electric, or Maine Public Service.

I have been in this legislature for 18 years and I know of no favors granted to any person by these companies. When I hear such statements, I would like them backed up with proof more than just Xeroxing some petitions.

I certainly will admit that over the years many of us have opposed public power schemes on their lack of merit alone. This was not done because of any feeling of obligation to any public utility. It is our sincere belief that these intriguing proposals are not practical. Most of them have really been promoted by high pressure New York bankers, lawyers and engineers. They consider Maine people a bunch of hicks, and have often sold some sincere, honest, conscientious Maine citizens and committees on this impractical, promotional idea under the popular guise that our people will get their individual power cheaper. If this supposition were in fact the truth, we would all be for this. If such a plant were ever to be built, the only thing in its favor would be its tax exempt status. And in the long run, someone would have to pay for this. If we were to abate right now all of the city and state taxes from our present utilities, they could immediately reduce consumer rates. However, this would just shift the burden to other taxpayers of our cities and states.

Certainly, it has long been proven that government-run operations are not as efficient as private industry. If this were not so, our state budget would not have increased per biennium from \$75

million in 1955 to \$405 million last year. This action today is not the type of thing that is very pleasant. We may well be called poor sports. However, this is not so. It is the intent of all of our people before they vote on something they will never fully understand and we must prove that this vote was initiated properly and I oppose the motion to indefinitely postpone.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I heard the gentleman from Standish use an argument which I really enjoyed. It is the argument that after all, 950,000 some odd citizens of Maine have not signed the petition. I guess he is right, but I am sure that he would not want to imply that 3,122 citizens of Standish signed his petition when he had to announce for the legislature by April 1 since the law only says that he needs between 25 and 30. It is kind of interesting to hear that argument.

I agree, there is no question about that. You simply cannot get thousands of people to sign everything and including, of course, one-year olds and everything thereabouts. And I am sure the gentleman from Standish was not implying that 3,122 citizens of Standish had signed his petition when he became a candidate for state legislature.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: It kind of amused me to hear my good friend, the representative from Bath, Mr. Ross, get up and talk about what the people had to say about the Republican Party and their special interests, because I can go back in the 104th when we were talking about income tax and one of the good members of that party rose on the floor of this House and made the statement, if I recall it somewhat correctly, was that this tax which is being advocated taxes the very contributors to our party. We cannot have such a tax and that

was made by the good representative, and I think at that time she was from York, Marion Fuller Brown.

It also amuses me when he speaks about special interests, that he would like to have this proved or proven. I can think back to about a week ago, in the KJ when the Republican Party, the members of the leadership held a meeting, and out of that meeting came the recommendation that it might do the Republican Party well to cultivate the ethnic groups and the blue-collar workers and get away from the vested interests. I am sure that Mr. Ross reads the KJ and I am sure that if he looked back, he could read that article also.

It also amuses me, today my good friend from Standish, Mr. Simpson, stands up and talks about the sanctity of petitions. Where was Mr. Simpson and his sanctity when we were talking about eliminating the big box? Is it because of a shift and becoming and joining the leadership that he has become sanctimonious. When he sat beside me, maybe he did not have the sanctity. Maybe because I was a Democrat, I rubbed off some ill influence on him.

It amuses me, too, when Mr. Morton from Farmington can stand up and talk about integrity of petitions. Yet, he is the member of the party that initiated and paid for the petitions to eliminate the big box. And when the talk was floating around this floor about the ten cents per signature that Robert Monks had paid to get that petition out, there was nothing said then about sanctity or integrity or protecting the rights of the people; because at that time, as again, we stand in the minority party and we have no control. The only thing we can do here is stand here and register our protest so that it can go into the record. I feel that we will be defeated today, I feel this order will pass because the vested interests have more power than the Democratic Party which works for the people of the State of Maine and not for the big interests.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I am somewhat disturbed at the debate that has been going on here this morning; because by the implication of two of the speakers, they have implied that the Secretary of State, Joseph Edgar, a sworn official of the state does not do his job properly. They are also implying that the registrars of voters in the various cities, municipalities across this state that certified to the signatures on this petition, sworn officials are not doing their part. Well, now, if we are going to proceed along that line by passing such an order as we have before us this morning, I think this state is heading into very deep, serious trouble. It will only be by passing such an order. I will support the indefinite postponement of this order.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: When I first came into this building early this morning, some of the Republican leadership told me, "Long before the day is over, you of the Democratic Party are going to have egg on your face." Well, I will tell you, I told him, I said, "The Democrats and myself in the State of Maine would gladly wear egg on our face for a couple of days if it would take the attention off the Republican Party on the national level." I hope we support the motion to indefinitely postpone this order.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: Maine Public buys about seventy five percent of their power from Canada. Do we receive any of the tax money from Canada?

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: Just briefly, I would like

to answer the gentleman, Mr. Mills. The town clerks in their various communities did do their job, carried out their responsibility, which was to certify that the names appearing on the petitions were registered voters in the communities.

The Secretary of State carried out his responsibility which was to certify that the petitions were properly brought in from and verified by the town clerks. There was no attempt by either one of these groups to verify the accuracy of the signatures themselves or the validity of the signatures themselves. Once the Secretary of State has certified these petitions are in order, as far as the town clerks are concerned, they are then public property. This was very carefully brought out on the committee hearing. So any allegation of wrongdoing as to the use of these petitions at any time is not correct.

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 gentlewoman from Portland, Mrs. Wheeler, to indefinitely postpone Joint Order, Senate Paper 590. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA—Albert, Berry, P. P.; Berube, Binnette, Boudreau, Bustin, Carey, Carrier, Carter, Chonko, Clark, Conley, Connelly, Cote, Cottrell, Curran, Dam, Deshaies, Dow, Drigotas, Dudley, Dunleavy, Farley, Fecteau, Fraser, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Jacques, Jalbert, Kelleher, Keyte, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lynch, Mahany, Martin, Maxwell, McHenry, McTeague, Mills, Morin, L.; Morin, V.; Mur-

ray, Najarian, O'Brien, Peterson, Pontbriand, Ricker, Smith, D. M.; Talbot, Tanguay, Theriault, Tierney, Webber, Wheeler, Whitzell.

NAY—Ault, Baker Berry, G. W.; Birt, Bither, Bragdon, Brown, Briggs, Brown, Bunker, Cameron, Chick, Cresse, Curtis, T. S., Jr.; Davis, Donaghy, Dunn, Emery, D. F.; Farnham, Ferris, Finemore, Flynn, Gahagan, Garsoe, Good, Hamblen, Haskell, Henley, Herlick, Hoffses, Huber, Hunter, Immonen, Jackson, Kelley, Kelley, R. P.; Knight, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McKernan, McMahan, McNally, Merrill, Morton, Murchison, Norris, Palmer, Parks, Perkins, Pratt, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Soulas, Stillings, Susi, Trask, Trumbull, Tyndale, Walker, White, Willard, Wood, M. E., The Speaker.

ABSENT — Churchill, Cooney, Crommett, Dyar, Evans, Faucher, Hodgdon, McCormick, Mulkern, Rolde, Santoro, Sheltra, Silverman, Smith, S.; Sproul, Strout,

Yes, 64; No, 70; Absent, 16.

The SPEAKER: Sixty-four having voted in the affirmative and seventy having voted in the negative, with sixteen being absent, the motion does not prevail.

Mr. McTeague of Brunswick offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-241) was read by the Clerk.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I guess it would be useless to say that I am speaking as a representative from Brunswick and not as a representative of the Democratic Party. But I am going to attempt to speak to members of the majority party and to the majority on the vote we just held.

I ask you to take a look at the order which is printed on the first page of today's House Calendar. If you will see beginning in line 5 of the order, there is one sentence which this amendment would delete. That sentence has to do with subpoena power of the committee staff.

As you recall, this legislature, I think properly so, has been rather jealous in regard to its grant of subpoena power. Our Joint Standing Committee composed of ourselves and members of the other body do not ordinarily have that power unless a special grant is made to them; for example, in a case like this.

I would not disagree with the idea of giving subpoena power to the Judiciary Committee to be exercised by a majority of that committee, which, in fact of course, is the majority party. But I do disagree, and I am very fearful regarding the precedent that would be set, if we give subpoena power not to the Judiciary Committee or a majority of it or even its chairman but to the unnamed staff. And notice the language that we seek to strike in the order: "The committee is hereby authorized to delegate to the staff the right to conduct depositions and to issue subpoenas."

I think what that envisions is that the staff to be hired by this committee with the \$5,000 would have the right to interrogate a person and that a person would be bound to answer whatever questions would be put to him by this staff member — I am not talking about the Judiciary Committee but this unnamed staff member — out in the particular towns and plantations. I think that is terribly dangerous and here is why:

Ordinarily when we give the power to conduct depositions and issue subpoenas, the deposition is going to be held or the subpoena is going to be issued in a courtroom or before a legislative committee where there is someone, either a judge or the chairman and members of that committee, who is an elected or an appointed and responsible public official there to supervise the questioning and make sure that it is fair and honest and done according to the way we try to do things in the State of Maine. Giving the staff the power to issue subpoena — it doesn't say to subpoena them in before the committee by the way, I would have no objection at all to that. I think it might be use-

ful — but it talks about giving the staff the power to issue the subpoena. So the member of the staff can subpoena you to appear at a particular hotel or motel, wherever he is setting up his investigation for that particular day in a particular part of the state.

We would be giving, by this order; if it is not amended as suggested in House Amendment "A", to the staff the right to do things we don't ordinarily give to ourselves in the legislative committee. That is an extremely dangerous situation. That could lead, if the member of the staff who has the subpoena power becomes overzealous or perhaps is less than completely concerned for the constitutional right of the citizens of Maine, it could give him the right to run something that could be a very small modern day version of the Spanish Inquisition.

You know, usually when we have a man subpoenaed in, he testifies in open court or before an open committee hearing. He testifies with a presiding officer, either a judge or the chairman of that committee present. This would allow and require, if these subpoenas were issued, testimony not before a court or before a legislative committee out in the open in the public but rather would allow these individual citizens of Maine to be subpoenaed in to some motel room before some hired hand. I don't think that is a precedent that any party or any person should follow in the State of Maine.

So the votes are obviously here to pass the order. If it is to be passed and there is to be an investigation, let us try to make certain that it be a fair and open and public investigation, not run in some motel room by some unnamed committee staff member but run either in our courts or in the legislative halls where the public can see what is going on and where no citizen may be abused in the form of some secret interrogation. If you vote for the amendment, there will still be the power of subpoena but that power will be where it belongs, in the hands of the committee; or if there turns out to be any criminal violation,

in the hands of the court. We should run our public business in the open, in the public and we should keep control of it by elected or appointed officials, not by unnamed staff members.

For that reason, I ask the members of the majority party, the 70 people who voted for the passage of this order, if you are going to have an investigation, you have got the power, that is fine. I ask each of you to do it in a fair way and not to allow secret interrogation.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I always enjoy listening to the gentleman from Brunswick. I can see why he is a very effective lawyer. But in this particular instance I think he is talking to 70 people in the majority party who are not going to be fooled by the amendment which he proposes that would really take the full teeth and interior right out of this order; because without subpoena powers, we might just as well not have the order.

I somewhat resent the fact that we would be led to believe that this legislature would hire an individual who would be a very competent lawyer, assign him to a very competent committee headed by a very competent chairman who would go out and abuse the subpoena powers that this body would give them by doing some of the things that the gentleman from Brunswick would suggest. I don't believe that any man here, whether it be he or whether it be me, would ever allow the committee to do such a thing or allow this to take place. I think we have to have trust and faith and confidence in our staff, also in our committee and I think that is just exactly why we want to indefinitely postpone this particular amendment and I would so move, Mr. Speaker, and I would ask that it be taken by the yeas and nays.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I appreciate the kindness of the

gentleman from Standish, Mr. Simpson but I am afraid it is misplaced and he is too kind; because if I were as able as he stated, I would be more lucid and he would understand better what I am talking about.

I do not object to subpoena power residing in a majority of the committee which is the standard way things are run in this legislature and in the United States Congress and legislatures throughout the land. I do object to reposing that power, regardless of the ability of the lawyers or whomever it may be because that unnamed lawyer — and I am not aware of his name and I assume no one else is, officially yet anyway — is not an elected official like we are nor is he an appointed official like a judge who has standards and who has to satisfy the Governor and Council regarding his appointment and reappointment. This amendment would not take away subpoena power from the committee but it would take away subpoena power from this unnamed lawyer.

I don't think it removes the guts of the order. The only thing it does is make sure that the investigation is carried out in a fair way. The reason that we have laws is because we know that sometimes any of us and any human being can become too zealous and overly zealous and perhaps unfair in trying to carry things out. Give the subpoena power to the committee to be used in the open but don't give the subpoena power to an unnamed staff member to use in private.

If there were abuses, perhaps the Judiciary Committee would correct those abuses. But how are you going to correct the damage done to Maine citizens after the fact. The better way, the more prudent way and I think the fair way is not to put in the hands of an unnamed, unelected official the power that could be abused but keep the subpoena power in the committee.

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

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

House: In reviewing this amendment and also going over the order, as I understand the amendment, it says, "strike out the last sentence in the eighth paragraph" and as far as I can determine, that sentence says, "In the conduct of this investigation, the committee is hereby authorized to delegate to such staff the right to conduct depositions and issue subpoenas and do whatever else is necessary to make a complete and full report to the committee and to the legislature in regard to such petitions."

As far as I can see, this is the only reference to subpoenas in there, so it completely removes the ability to use the subpoena power entirely and to me it destroys the entire order.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: For the assistant majority floor leader and members of the House, I would like to relate to you how orders amend other orders. Basically, what you have in front of you is a copy. The original order is held by the Clerk. The amendment relates to that original order. This is the only way that the director of research can make amendments, not from the House Calendar but from the original order. And so when the amendment is made, it is made based on the original order using the lines in sequence as determined on that order. I assume that the director of research knew what he was doing when he drafted the order.

Mr. Speaker and Ladies and Gentlemen of the House, I would pose a couple of questions to the majority floor leader. He has indicated to us that there is a competent staff, there is a competent everything. I wonder if he could relate and tell us who that staff is that is going to be giving subpoenas, if whether or not the entire Judiciary Committee will be present for ordering those subpoenas or whether or not it will be done by the Chairman as obviously this order is and I am interested in the procedure to pro-

tect the citizens of Maine and I wonder if he would answer those two questions.

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

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I think the gentleman knows full well right now that the staff man has not been hired nor have we sat down and even discussed who the staff man might be. In fact, we might just hire a good, competent Democrat. We might be interested in hiring the gentleman from Brunswick.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker and Members of the House: The initiative method of referendum is the only vehicle which allows the voting citizens of Maine the opportunity to place on ballots a question which can be decided by the general public.

When we elect leadership in the opening of the legislative session, we do so only to lead our party on clearly political issues. I don't see the question of validity of these petitions as the central issue in this joint order any more. But I do see the attempt of leadership on both sides to use our votes in this House and in the other body to discredit the public power bill which has been given the leadership's guarantee that we legislators will follow its direction and pass the public power bill when it comes before this body.

I may be wrong but the people in Gardiner elected me to represent them and not the party. When we take our seats in this body, we owe our allegiance to the voters at home and not to leadership. I will not be following my leader in all matters except those which are clearly political and of partisan importance.

This order is not a partisan issue and leadership had better realize that it owes us its best effort and it is not the other way around. But I ask you which one of us is elect-

ed to serve leadership? I ask you to assert yourself as an individual and vote your own conscience, not leadership's wishes.

Please — and I beg you — don't let this issue be a partisan one. Members of this House and in both parties have passed these petitions. Are we now going to allow party leadership to determine what we Republicans and Democrats are to support on the floor of the House? I certainly hope not. I am an individual and I ask you to assert your own individuality.

I would move the question and I would hope that both parties do what is right for their own individual constituents and not what leadership demands of us.

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 and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken.

The SPEAKER: Obviously more than one third of the members present having voted for the previous question, the motion is entertained. The question now before the House is shall the main question be put now? This is debatable with a time limit of five minutes by any one member.

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

Mr. EMERY: Mr. Speaker: I have a parliamentary inquiry. The gentleman debated his motion for the previous question and I believe under the rules that is not allowable. Am I correct?

The SPEAKER: The Chair doesn't see anything which says it is a nondebatable motion in the rules.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen: I am not going to debate this issue and I want to get out of here as early as any of you do but I don't hardly see the fairness for someone to get up and debate and get their point of view over and then move the question. I would take it

to be discourteous to do so and I am sure there are many people here that have things that they want to say on this issue. I am not one of them but I certainly would hope that everyone would have their chance to speak.

The SPEAKER: All those in favor of the main question being put now will vote yes; those opposed will vote no.

A vote of the House was taken.

30 having voted in the affirmative and 70 having voted in the negative, the motion did not prevail.

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

Mr. GAHAGAN: A point of information, Mr. Speaker. Has this amendment been distributed yet?

The SPEAKER: The Chair would answer in the affirmative.

Mr. GAHAGAN: May I have the filing number please?

The SPEAKER: Under H-241.

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 House Amendment "A" to Joint Order, Senate Paper 590, be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Ault, Baker, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Cameron, Chick, Cressey, Curtis, T. S., Jr.; Davis, Donaghy, Dunn, Emery, D. F.; Farnham, Farrington, Ferris, Finemore, Flynn, Garsoe, Good, Hamblen, Haskell, Herrick, Hoffses, Huber, Hunter, Immonen, Jackson, Kelley, Kelley, R. P.; Knight, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McKernan, McMahon, Merrill, Morton, Murchi-

son, Norris, Palmer, Parks, Perkins, Pratt, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Soulas, Stillings, Susi, Trask, Trumbull, Tyndale, Walker, White, Willard, The Speaker.

NAYS — Berry, P. P.; Berube, Binnette, Boudreau, Bustin, Carey, Carter, Chonko, Clark, Conley, Connolly, Cote, Cottrell, Curran, Dam, Deshaies, Dow, Drigotas, Dudley, Dunleavy, Dyar, Farley, Fecteau, Fraser, Gahagan, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobins, Jacques, Jalbert, Kelleher, Keyte, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lynch, Mahany, Martin, Maxwell, McCormick, McHenry, McTeague, Mills, Morin, L.; Morin, V.; Murray, Najarian, O'Brien, Peterson, Pontbriand, Ricker, Smith, D. M.; Talbot, Tanguay, Theriault, Tierney, Webber, Wheeler, Whitzell, Wood, M. E.

ABSENT — Albert, Briggs, Carrier, Churchill, Cooney, Crommett, Evans, Faucher, Hodgdon, Mulken, Rolde, Santoro, Sheltra, Silverman, Sproul, Strout.

Yes, 67; No, 66; Absent, 17.

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

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

Mr. MARTIN: Mr. Speaker and Members of the House: Before final passage of this order, I would like to respond to the gentleman from Bath, Mr. Ross, who indicated that all this money that was going for this thing was coming from outside the state. I obviously can't prove it but I have some facts and figures in front of me that I can prove and I would just like to relate them to you. They deal with the shares of Central Maine Power Company and they talk about who owns what.

Out-of-staters at the present time own two thirds of the shares of Central Maine Power and in 1971 received three fourths of all dividends paid by that company.

The SPEAKER: For what purpose does the gentleman rise?

Mr. SIMPSON: A point of order, Mr. Speaker.

The SPEAKER: The gentleman may make his point of order.

Mr. SIMPSON: I would ask if the gentleman's comments are germane to the Order before us?

Mr. MARTIN: Mr. Speaker, the point of germaneness will be seen shortly.

The SPEAKER: The gentleman may proceed.

Mr. MARTIN: The gentleman from Bath, Mr. Ross raised the issue, I did not.

Mr. Speaker and Ladies and Gentlemen of the House: A number of these stockholders obviously have an interest in what happens and I think the point made by the gentleman from Bath, Mr. Ross, as to all of the money that was coming in to the petition drive initiated and dealing with the public power issue was an important question and we ought to take a look at that.

Let me just relate to you that seven of the top ten shareholders in Central Maine Power are out-of-state banks and other financial institutions. The largest stockholder or shareholder of CMP is a company called Cede, I guess if I am pronouncing it right, C-e-d-e, Incorporated, which is supposedly a dummy corporation wholly owned entirely by the New York Stock Exchange. The other out-of-state shareholders in the top ten are Manufacturers Hanover Trust of New York; the Old Kent Bank and Trust Company of Grand Rapids, Michigan; the U.S. Trust Company of New York; the Merrill, Lynch, Pierce, Fenner and Smith of New York; Home Life Insurance Company of New York and Provincial National Bank of Philadelphia.

In addition to this, private industries, private utilities in Maine are also out-of-state companies. I make these points not to disparage the fact that Central Maine Power is getting money from the outside because we all know that the investment money is not here in this state to be made.

The point that I am making is very simply this, that we ought not to throw bricks or stones at

anyone who lives in a glass house because sometime we are going to get shot down in the process. It is very very important when we talk about facts and figures that we have got facts and figures to back them up. When we talk about public power, that is a similar issue. We have to be able to see the facts and figures in front of us in order to make a valid decision.

Before final passage of this order — and I know it is going to pass — for all the life that I have got, I can't believe that we are going to give a staff the power to harass the citizens of this state.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I would like to reply, Mr. Speaker, to the gentleman from Eagle Lake, Mr. Martin. I did not mention the stockholders equity of any of the utilities. What I said was and I will quote, "These intriguing proposals are not practical. Most of them have been promoted" and I did not say financially, "by high pressure New York bankers, lawyers and engineers."

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: For the information of the House. I have in my hand a copy of a joint order, giving the Judiciary Committee the power of subpoena. This is in response to the question posed by the gentleman from Millinocket, Mr. Birt. It is short, I will read it.

"In Senate March 1, 1973, Ordered, the House concurring, the communication together with the Bill. "An act creating the Public Power Authority of Maine, Initiated Bill I.B. 1 and accompanying petitions be referred to the Joint Standing Committee on Judiciary for an investigation and report as to the sufficiency of the petitions, with the power on the part of the committee to subpoena witnesses." That was approved by the way in the Senate on March 1, 1973 and in the

House on March 7, 1973 and it is still in effect.

So the Judiciary Committee at this time has the power to subpoena witnesses and the difference between what we passed back in March and what we have now is that under the current order before us, it gives this power of subpoena to staff, and under the existing order which went through the House and the Senate, we have given the power to the Judiciary Committee and they still have it.

Mr. Speaker, I would ask to deliver a copy of this to the majority floor leader through one of the Pages and to the assistants, so they have it. I know that there was no intention there to impugn my integrity, but this talk about subpoena is not some kind of clever move to get some Republicans to change votes. That does not work in the Maine House. I have to live here with you for the next two or three or four months. Here it is in writing, if there is anything wrong with it, if I have made a mistake, it is one in good faith. I do not think that I have. I know there was no implication by the gentleman from Millinocket that I attempted to mislead anyone. I did not, it is here in black and white.

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 Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker and Members of the House: At the present time I am a little confused, like I believe a lot of others are.

I would like to pose a question through the Chair to the gentleman from Brunswick. Do I understand that the subpoena power has already been established and

granted to the Judiciary and also the power of subpoena is going to be granted to another committee is not going to run in a collision course?

The SPEAKER: The gentleman from Old Town, Mr. Binnette, poses a question to anyone who may answer if he or she wishes. The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker, I would, if I may, not answer the question myself but rather pose this same question to the Speaker, who is the parliamentarian of this body, as to whether the order which gave subpoena power to the Judiciary Committee on this matter is still in effect.

The SPEAKER: A roll call has been ordered. All in favor of this Joint Order, Senate Paper 590, receiving passage in concurrence will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Cameron, Chick, Cressey, Curtis, T. S., Jr.; Davis, Donaghy, Dunn, Dyar, Emery, D. F.; Farnham, Farrington, Ferris, Finemore, Flynn, Gahagan, Garsoe, Good, Hamblen, Haskell, Henley, Herrick, Hoffses, Huber, Hunter, Immonen, Jackson, Kelley, Kelley, R. P.; Knight, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McCormick, McKernan, McMahon, McNally, Merrill, Morton, Murchison, Norris, Palmer, Parks, Perkins, Pratt, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Soulas, Stillings, Susi, Trask, Trumbull, Tyndale, Walker, White, Willard, Wood, M. E.; The Speaker.

NAY—Albert, Berry, P. P.; Berube, Binnette, Boudreau, Bustin, Carey, Carrier, Carter, Chonko, Clark, Conley, Connolly, Cote, Curran, Dam, Deshaies, Dow, Drigo-tas, Dudley, Dunleavy, Farley, Fecteau, Fraser, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Jacques, Jalbert, Kelleher, Keyte, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lynch, Mahany, Martin, Maxwell, McHenry, McTeague,

Mills, Morin, L.; Morin, V.; Murray, Najarian, O'Brien, Peterson, Pontbriand, Ricker, Sheltra, Smith, D. M.; Talbot, Tanguay, Theriault, Tierney, Webber, Wheeler, Whit-zell.

ABSENT — Briggs, Churchill, Cooney, Cottrell, Crommett, Evans, Faucher, Hodgdon, Mul-kern, Rolde, Santoro, Silverman, Smith, S.; Sproul, Strout.

Yes, 71, No, 64; Absent, 15.

The SPEAKER: Seventy - one having voted in the affirmative and sixty-four in the negative, with fifteen being absent, the Joint Order receives passage in concurrence.

Order Out of Order

Mr. Hamblen of Gorham presented the following Order and moved its passage:

ORDERED, that Denise and Diane Siciliano of Gorham be appointed Honorary Pages for today.

The Order was received out of order by unanimous consent, read and passed.

Mr. Morton, of Farmington was granted unanimous consent to address the House.

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: During the debate my name was mentioned in connection with paying for petitions. I wish to state unequivocally that I have never at any time paid one cent to get a petition signed or to have one passed.

Reports of Committees

Leave to Withdraw

Reports of the Committee on Business Legislation on Bill "An Act Relating to Duties and Responsibilities of Funeral Directors" (S. P. 305) (L. D. 968) reporting Leave to Withdraw.

Came from the Senate read and accepted. In the House, the Report was read and accepted in concurrence.

Ought to Pass with Committee Amendment

Report of the Committee on State Government on Bill "An Act Relating to Competitive Bids and Fair Minimum Wages for Construction of Public Improvements"