

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, February 2, 1971

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

Prayer by the Rev. Mr. Douglas Robbins of Augusta.

The members stood at attention during the playing of the National Anthem by the Messalonskee High School Band of Oakland.

The journal of the previous session was read and approved.

Order Out of Order

Mr. Carrier of Westbrook presented the following Order and moved its passage:

ORDERED, that Stanley Roma, Chief Squire, and John Merrifield, Deputy Chief Squire, of the Westbrook Columbian Squires be appointed to serve as Honorary Pages for today.

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

The SPEAKER: The Sergeant-at-Arms will please escort the gentleman from Berwick, Mr. Stillings, to the rostrum to serve as Speaker pro tem.

Thereupon, Mr. Stillings assumed the Chair as Speaker pro tem and Speaker Kennedy retired from the Hall.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that there be paid to John Mitchell, Sr., Representative of the Penobscot Tribe of Indians and to John Bailey, Representative of the Passamaquoddy Tribe of Indians from the legislative appropriation the sum of \$130 per month, paid on a monthly basis until the amount authorized for such Representatives by statute is exhausted (S. P. 150)

Came from the Senate read and passed.

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

Bills from the Senate requiring reference were disposed of in con-

currence, with the following exceptions:

Tabled and Assigned

Bill "An Act to Authorize Bond Issue in the Amount of \$19,145,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine" (S. P. 129) (L. D. 376)

Bill "An Act relating to School Construction Aid" (S. P. 152) (L. D. 421)

Came from the Senate referred to the Committee on Education.

In the House: On motion of Mr. Porter of Lincoln, tabled pending reference in concurrence and specially assigned for tomorrow.

Non-Concurrent Matter

Bill "An Act relating to Referendum for Local Housing Projects" (H. P. 261) (L. D. 350) which was referred to the Committee on Election Laws in the House on January 26.

Came from the Senate referred to the Committee on Legal Affairs in non-concurrence.

In the House: On motion of Mrs. Goodwin of Bath, the House voted to recede and concur.

Messages and Documents

The following Communication:
THE SENATE OF MAINE
AUGUSTA, MAINE

January 28, 1971

Honorable Bertha W. Johnson
Clerk of the House of Representatives

105th Legislature

Dear Madam Clerk:

Pursuant to Senate Paper 107, the President of the Senate today appointed Senator Richard N. Berry, Senator George H. Chick and Senator David L. Graham to the Special Joint Select Committee of Inquiry to Study the Department of Health and Welfare.

Sincerely,

(Signed)

HARRY N. STARBRANCH

Harry N. Starbranch
Secretary of the Senate

The Communication was read and ordered placed on file.

**Petitions, Bills and Resolves
Requiring Reference**

The following Bills and Resolutions were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Agriculture

Bill "An Act Regulating Imitation Milk and Milk Products" (H. P. 376) (Presented by Mr. Hall of Windham)

Bill "An Act to Clarify the Laws Relating to Milk and Milk Products" (H. P. 377) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act relating to the Operation of State Liquor Stores" (H. P. 378) (Presented by Mr. Hodgdon of Kittery)

Resolve Appropriating Funds to the University of Maine for Use by The Research Institute of the Gulf of Maine (H. P. 379) (Presented by Mr. Gill of South Portland)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act relating to Rebates for Prospective Purchasers and Consumer's Obligation under Home Solicitation Sales Act" (H. P. 380) (Presented by Mrs. Boudreau of Portland)

Bill "An Act relating to Defenses on Retail Installment Sales Agreements" (H. P. 381) (Presented by Mr. Carter of Winslow)

Bill "An Act relating to Health Insurance Coverage for Mental Illness" (H. P. 382) (Presented by Mr. Smith of Waterville)

(Ordered Printed)

Sent up for concurrence.

County Government

Bill "An Act Increasing Payments to Law Library of Piscataquis County" (H. P. 383) (Presented by Mrs. White of Guilford)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act Providing for Adult Education" (H. P. 384) (Presented by Mr. Bustin of Augusta)

Bill "An Act relating to Membership of the Advisory Committee for a Research and Advance Study Center at the University of Maine in Portland" (H. P. 385) (Presented by Mrs. Payson of Falmouth)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act relating to Qualifications of Candidates in Primary Elections" (H. P. 386) (Presented by Mrs. Boudreau of Portland)

Bill "An Act Determining Position of Names of Candidates on Primary Ballots and General Election Ballots" (H. P. 387) (Presented by Mr. Smith of Waterville by request)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act relating to Transporting Piranhas, Catfish and Fresh-water Fish" (H. P. 388) (Presented by Mr. Carter of Winslow)

Bill "An Act Repealing the Bounty on Bobcat" (H. P. 389) (Presented by Mr. Cooney of Webster)

Bill "An Act relating to Regulation for Upland Game and Fur-bearing Animals" (H. P. 390) (Presented by Mr. Porter of Lincoln)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act relating to the Rendering of Treatment and Services to Minors for Drug Abuse Without Parental Consent" (H. P. 391) (Presented by Mr. Gill of South Portland.)

Bill "An Act relating to Fee for Certificate to Cremate Bodies of Deceased Persons" (H. P. 392) (Presented by Mr. Stillings of Berwick)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act relating to Definition of Public Employee under Municipal Public Employees Labor Relations Law" (H. P. 393) (Presented by Mr. Smith of Waterville)

(Ordered Printed)
Sent up for concurrence.

Tabled and Assigned

Bill "An Act relating to Sale of Pet Animals from Kennels and Pet Shops" (H. P. 394) (Presented by Mr. Clark of Jefferson)

Bill "An Act relating to Return Date for Warrants Against Owner or Keeper of Unlicensed Dogs" (H. P. 395) (Presented by Mr. Hall of Windham)

Bill "An Act Prohibiting Humane Agents from Quarantine of Dog Kennels" (H. P. 396) (Presented by same gentleman)

Committee on Reference of Bills suggested that the Bills be referred to the Committee on Legal Affairs and printing.

(On motion of Mr. Evans of Freedom, tabled pending reference to a Committee and tomorrow assigned.)

Liquor Control

Bill "An Act to Relieve Pollution Resulting from Malt Liquor Sales" (H. P. 397) (Presented by Mr. Smith of Waterville)

(Ordered Printed)
Sent up for concurrence.

Natural Resources

Bill "An Act Placing the Appalachian Trail in Maine under the State Park and Recreation Commission" (H. P. 398) (Presented by Mrs. Brown of York)

(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act relating to Maintenance of Paupers by Certain Plantations" (H. P. 399) (Presented by Mr. Clark of Jefferson)

Bill "An Act relating to Meals and Housing Expense for Members of the Legislature" (H. P. 400)

(Presented by Mr. Porter of Lincoln)

Bill "An Act Permitting the Establishment of an Indian Island Penobscot School Committee" (H. P. 401) (Presented by Mr. Starbird of Kingman Township)

Resolution Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteed Loans for Housing for Indians" (H. P. 402) (Presented by Mr. Mills of Eastport)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act Increasing the Gasoline Tax" (H. P. 402) (Presented by Mr. Collins of Caribou)

(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act Providing for a Feasibility Study of Alternative Methods for Crossing Fore River" (H. P. 404) (Presented by Mr. Gill of South Portland)

Bill "An Act Establishing a Motor Vehicle Branch Office in the City of Ellsworth" (H. P. 405) (Presented by Mr. McNally of Ellsworth)

Bill "An Act Providing Resident State Troopers in Municipalities Having No Organized Police Forces" (H. P. 406) (Presented by Mr. Shute of Stockton Springs)

Bill "An Act relating to Certificate for Transportation of House Trailers" (H. P. 407) (Presented by Mr. Stillings of Berwick)

(Ordered Printed)
Sent up for concurrence.

House Reports of Committees Ought Not to Pass

Mr. Millett from the Committee on Education reported "Ought not to pass" on Bill "An Act Providing for Item Veto at School Administrative District Budget Meetings" (H. P. 94) (L. D. 138)

Mr. Finmore from the Committee on Taxation reported same on Bill "An Act relating to State Income Tax Deduction for

Student Tuition Payments” (H. P. 17) (L. D. 26)

In accordance with Joint Rule 17-A, were placed in the legislative files and sent to the Senate.

Covered by Other Legislation

Mr. Cooney from the Committee on State Government on Resolve Proposing an Amendment to the Constitution to Reduce the Voting Age to Eighteen Years (H. P. 36) (L. D. 68) reported “Ought not to pass”, as covered by other legislation.

Mr. Donaghy from same Committee reported same on Resolve Proposing an Amendment to the Constitution Reducing the Voting Age to Eighteen Years (H. P. 53) (L. D. 87)

Mr. Farrington from same Committee reported same on Resolve Proposing an Amendment to the Constitution to Reduce the Voting Age to Eighteen Years (H. P. 84) (L. D. 124)

In accordance with Joint Rule 17-A, were placed in the legislative files and sent to the Senate.

Leave to Withdraw

Mr. Evans from the Committee on Agriculture on Bill “An Act Providing for Date of Packaging of Certain Refrigerated Products” (H. P. 46) (L. D. 78) reported Leave to Withdraw.

Mr. Kelleher from the Committee on County Government reported same on Resolve Designating a Certain Highway in York County as James W. Cleary Memorial Highway (H. P. 24) (L. D. 33)

Mr. Stillings from the Committee on State Government reported same on Bill “An Act Providing Clerical Assistance to Legislators” (H. P. 134) (L. D. 189)

Reports were read and accepted and sent up for concurrence.

**Ought to Pass
Printed Bill**

Mr. Hayes from the Committee on Veterans and Retirement reported “Ought to pass” on Bill “An Act relating to Rate of Contributions of Employees under State Retirement System” (H. P. 87) (L. D. 127)

Report was read and accepted, the Bill read twice and tomorrow assigned.

**Ought to Pass with
Committee Amendment**

Mr. Hodgdon from the Committee on State Government on Bill “An Act Authorizing the City of Augusta to Lease Area within Proposed Civic Center” (H. P. 135) (L. D. 190) reported “Ought to pass” as amended by Committee Amendment “A” submitted therewith.

Report was read and accepted and the Bill read twice. Committee Amendment “A” (H-10) was read by the Clerk and adopted, and tomorrow assigned for third reading of the Bill.

Divided Report

Majority Report of the Committee on Taxation reporting “Ought not to pass” on Bill “An Act Repealing the Provision that Maine Military Servicemen are Subject to the Income Tax Law” (H. P. 85) (L. D. 125)

Report was signed by the following members:

- Messrs. WYMAN of Washington
- HICHENS of York
- FORTIER of Oxford
- of the Senate.
- Messrs. TRASK of Milo
- COLLINS of Caribou
- McCLOSKEY of Bangor
- CYR of Madawaska
- DAM of Skowhegan
- DRIGOTAS of Auburn
- COTTRELL of Portland
- ROSS of Bath
- MORRELL of Brunswick
- of the House.

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

Report was signed by the following member:

- Mr. FINEMORE of Bridgewater
- of the House.

Reports were read.
The SPEAKER pro tem: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.
Mr. FINEMORE: Mr. Speaker and Members of the House: It is my opinion that the majority of the members of the Taxation

Committee feel that this session we shouldn't pass any repeals of tax, or any exempting of tax. We found that the cost of this bill was some \$300,000 plus we also learned that all servicemen in Vietnam and all other fighting fronts are already exempt from Federal tax and State tax. With this in mind, I move we accept the "ought not to pass" report.

Thereupon, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act relating to Use of Money Received by the Penobscot Bay and River Pilotage Commission" (S. P. 10) (L. D. 38)

Bill "An Act relating to Certificates of Authority to Inspect Elevators for Insurance Purposes" (H. P. 57) (L. D. 98)

Bill "An Act relating to Property, Capital Stock and Indebtedness of Eastport Water Company" (H. P. 79) (L. D. 119)

Bill "An Act relating to Capital Stock and Indebtedness of Northern Water Company" (H. P. 104) (L. D. 169)

Bill "An Act relating to Capital Stock and Indebtedness of the Waldoboro Water Company" (H. P. 105) (L. D. 170)

Bill "An Act relating to Time of Annual Meeting of Mount Desert Island Regional School District" (H. P. 111) (L. D. 155)

Bill "An Act relating to Property, Capital Stock and Indebtedness of the Skowhegan Water Company" (H. P. 121) (L. D. 165)

Bill "An Act relating to Property, Capital Stock and Bonds of the Hartland Water Company" (H. P. 156) (L. D. 211)

Bill "An Act relating to Capital Stock, Property and Indebtedness of North Berwick Water Company" (H. P. 157) (L. D. 212)

Bill "An Act relating to Capital Stock of Southwest Harbor Water Company" (H. P. 158) (L. D. 213)

Bill "An Act relating to Holding Property by Greenville Water Company, formerly Greenville Light and Power Company" (H. P. 159) (L. D. 214)

Bill "An Act Clarifying School Construction Aid on a Special Project in School Administrative District No. 22" (H. P. 184) (L. D. 242)

Resolve Providing Funds for Conservation Education (S. P. 64) (L. D. 129)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolve read the second time, all passed to be engrossed and sent to the Senate.

Amended Bills

Bill "An Act Designating November 11th as Armistice Day" (H. P. 32) (L. D. 56)

Bill "An Act to Clarify the Laws of the Department of Veterans Services" (H. P. 49) (L. D. 83)

Bill "An Act relating to Boards of Registration for Certain Municipalities Under Election Laws" (H. P. 61) (L. D. 102)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

At this point, Speaker Kennedy returned to the rostrum.

SPEAKER KENNEDY: The Chair thanks the gentleman from Berwick, Mr. Stillings, for serving as Speaker pro tem and would commend him for his excellent performance.

Thereupon, the Sergeant-at-Arms escorted Mr. Stillings to his seat on the Floor, amid the applause of the House, and Speaker Kennedy resumed the Chair.

Passed to Be Enacted Emergency Measure

An Act Appropriating Funds to Administrative Hearing Commissioner for Subpoenas to Parents of Minors (S. P. 9) (L. D. 23)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of same and 1 against, and accordingly the Bill was

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

Enactor

Tabled and Assigned

An Act relating to the Content of Motor Vehicle Operators' Licenses (H. P. 4) (L. D. 4)

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

(On motion of Mr. Emery of Rockland, tabled pending passage to be enacted and specially assigned for Thursday, February 4.)

Passed to Be Enacted

An Act relating to Conferring Degrees by Unity College (H. P. 92) (L. D. 136)

Resolve Designating Certain Bridge Across the Penobscot River as "Levi Lancaster Memorial Bridge" (H. P. 43) (L. D. 75)

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

Orders of the Day

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

Resolution Proposing an Amendment to the Constitution Repealing the Limitations to Highway Purposes for Revenues Derived from Taxation of Vehicles Used on Public Highways and Fuels Used by Such Vehicles (H. P. 370) (Committee on Reference of Bills suggested Committee on Taxation)

Tabled—January 28, by Mr. Wood of Brooks.

Pending—Reference.

On motion of Mr. Wood of Brooks, referred to the Committee on State Government, ordered printed and sent up for concurrence.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: It would behoove me to thank all those who have con-

tributed the information, helped me also to get the figures needed and the work done on the program as I am going to outline to you, which has been in the making now for several weeks, and in its final form as I give it to you today.

Mr. Speaker and Ladies and Gentlemen of the House: I rise today to speak to you on an issue of tremendous present and future importance to our State and our people — the already towering and staggering costs involved in the giant welfare program called Aid to Families with Dependent Children.

AFDC are letters that you will be hearing again and again throughout this Session. It also is the center of the national spotlight, as evidenced by President Nixon's State of the Union address of only a few days ago.

The President and leaders in our Congress these days are describing present Federal welfare programs, especially AFDC, as a monstrosity, an ill - conceived hodge - podge of regulations, requirements and rules that are not accomplishing their purpose.

We certainly know this in Maine — or do we?

I question just how much is known of the AFDC program right here in the Pine Tree State. How many of you, as members of this House, understand the complexities, the involvements in the program? I'm reasonably certain that you know that we're over \$5 million in the hole . . . that we must appropriate this sum of money just to allow the Department of Health and Welfare to continue programming what must, by law, be provided. But do you know why?

First, let me comment that, in my opinion, Aid to Families with Dependent Children has been used as a political and social tool . . . as well as a welfare program. Not stemming from our own Department, but from the Halls of Congress, from the bureaucracy of Washington, D.C. Congress has forced the States to provide spelled - out - minimum financial support standards. Congress has provided funds for different

government and quasi - government agencies which have been involved in the AFDC picture — like OEO, Vista and Legal Aid.

The Courts have played a key role in this changing welfare picture by making sweeping “rights” decisions such as eliminating resident restrictions and grant inequities, giving step - child protection, forbidding “man - in - the - house” laws, extending “fair hearing” and so on.

Inflation, age structures and economics have reduced lower level employment opportunities with the result that AFDC, in effect, has almost turned into an unemployment benefit. Witness the fact that AFDC has been a key resource in ghetto, low income and high minority areas.

These factors, ladies and gentlemen, have caused case loads to rise rapidly and created real fiscal emergencies for many many states.

Back to Congress again. That body deliberately built into AFDC specific rights, privileges and standards to circumvent existing practices in some states. Along this line, AFDC even is used as a means of solving urban ghetto problems.

We now have in Maine over 14,000 AFDC grants including about 40,000 children under age 18. This represents about 10 per cent of all such children in Maine. With figures such as these, it is apparent that AFDC is a program which is a major financial support to low income families, and approaches one that simply guarantees a limited minimum income, but does so within a program that was not designed for this purpose. When so used, it becomes a system of many inequities, and one that is inappropriately financed.

AFDC is no longer a welfare program in the usual sense of that term. It is also clear that states, very largely, have lost control of the program. If AFDC is to serve a national purpose of income guarantee, rather than state purposes, and is to continue in some modification of its present

form, then there should at least be greater federal sharing in its costs.

If it is to become public policy to have a means of frankly providing a guaranteed minimum income, then I believe there are simpler and more equitable ways of achieving this purpose than through the use of AFDC. The welfare reform bill that died in the last Congress was such a proposal. Unlike AFDC, it recognized the “working poor” group people as well as a group comparable to AFDC.

I am not going into any details concerning legislation that failed in the last session of Congress — legislation that was designed to make many needed changes and more applicable rules and regulations in this broad field. I will comment that legislation now being readied reportedly will be even more equitable and workable from the states’ points of view. Tied to such proposals will be the revenue - sharing proposal that already is causing a real stir in Washington, while receiving considerable attention at the same time back here in Maine.

But let me outline the extent to which events beyond our control have created current financial problems:

The AFDC case load has increased by an average of nearly 400 cases a month during the past year. In July 1969 the case load was 8,171 while in November 1970 it was 13,753. Indications are that the AFDC case load will continue to rise.

The increased caseload in AFDC can be attributed to the following factors:

(a) The requirement to include “step - parent” cases by court decision has resulted in adding approximately 1,600 cases to the case load.

(b) Income exemptions required by the Federal Government as part of the work incentive program have resulted in eligibility for more families because of the exemption of earnings.

(c) Economic factors including unemployment and the increasing

cost of living have resulted in persons applying who would not normally apply.

(d) Increased recognition of welfare programs as an acceptable means of supplementing low income. Five years ago only about half of the families in the state who were eligible for AFDC applied. Today the percentage is much higher.

(3) Increased assistance standards have made more families eligible.

The AABD (Aid to the Aged, Blind and Disabled) case load is also showing a substantial increase. During the past year the case load has increased by an average of 170 cases per month. In July 1969 the case load was 13,684 while in November 1970 it was 14,900. There is indication, however, that the AABD case load may be leveling off.

The number of recipients in nursing homes has also shown a substantial increase. The cost of providing nursing home care has increased from \$561,000 a month in July 1969 to \$834,000 a month in October 1970.

Maine was required by the Federal Government to adjust our standards for payment upward to compensate for increases in the cost of living since the last time a similar adjustment was made. The adjustment was required to be effective in July 1969. In response to this requirement, standards for payment were increased and maximum payments were increased by about 26 per cent in AFDC.

As a result of increased average payments per case resulting from increased standards, it became necessary to shift to the alternative matching formula. Since payments prior to the new standards were about at the federal matching maximum, we were receiving about 75 per cent federal matching funds. When average payments became substantially higher than the federal matching maximum under the regular matching formula it became advantageous to shift to the alternative matching formula which pays 68.33 per cent. Failure

to adopt the alternative formula would have resulted in a greater reduction in federal matching, perhaps as low as 55 per cent.

The supplemental appropriation for removal of the towns' share of AFDC payments was insufficient to replace all of the income from towns for AFDC.

We were required by a decision of the Federal Court to remove family maxima on payments and requirements. While this affects only a small number of cases involving large families, nevertheless it is a contributing factor.

Medical care programs are affected by the increase in case loads of persons eligible as a result of increased assistance case loads and also by the substantial increase in the cost of medical care services.

Now I will put as accurate a price tag as possible on these factors that I have outlined to you, and this is why we are \$5 million in the hole:

(1) Case load increase	\$1,750,000
(2) Increased payment standards	840,000
(3) Loss of Federal revenue	2,010,000
(4) Removal of town's share	400,000

What about the budget picture as it now faces us here in Maine? Here are the elements involved in the Health and Welfare Department's request increases for 1971-1973:

Aid to Aged, Blind and Disabled

Three factors are responsible for the significant increase in the request for State funds for AABD.

(1) Case load increase	\$ 900,000
(2) Increase in Nursing Home Care	1,830,000
(3) Decreased Federal matching	2,131,000

Aid to Families with Dependent Children

The increased request for AFDC can be attributed to several factors:

(1) Removal of town share of 104th Legislature	\$5,870,000
(2) Decreased Federal matching	2,975,000
(3) Case load increase	2,100,000
(4) Adjustment of standards	1,780,000

(5) Inclusion of AFDS
foster care 750,000

What about ineligible recipients? This is a matter of concern to all of us, and certainly to many concerned Maine taxpayers.

As far as I am concerned, I believe that the Department is responsibly aware of the problem . . . and is attempting to do something about it. They should do more, and you should know about it.

For some years it has had an internal independent organizational unit (called quality control) which acts continuously to review and validate the continuing eligibility of recipients. This unit is completely independent of the district offices and of the social, or assistance payments workers. It is completely free to make whatever contacts it may consider necessary in a given situation. Its members are in the field interviewing clients, employers, town officials, absent parents, banks, or getting whatever other information may be required. They are free to make their own decisions or conclusions, which are reported to the district offices where appropriate action is taken.

The unit functions by drawing a valid sample out of each monthly payroll and making the indicated evaluations of each case. The field work from one month's sample is completed in the next month. The sample was enlarged last fall, and staff assigned to the unit increased from five to ten in November 1970. They now review at the rate of about 1200 - 1400 regular sample. The result is about a 10 per cent test sample. If at the end of any month the number of errors appears to be increasing, or shows any other abnormality, such as disproportionate experience in any one district, added sampling may be done, or other steps taken.

Errors discovered may have been made by the agency (such as an error in determining disability or an error in handling income). They may have been made by the applicant (reporting assets or income) or ineligibility may have occurred after a correct initial grant by a change in client circumstances, such as a failure

to report income, the return of a husband, or a change in support payments, as examples.

In the last two months quality control activity indicates a possible ineligibility rate of about 5 percent, which is somewhat higher than previous months. There is an additional small group indicated who are eligible but may have been receiving over - payments in varying degrees, at the time of review, due to unreported earnings, Social Security benefits, changes in number of children in the home, et cetera.

The work of the quality control unit should be of interest to any committee assigned to look into this complex picture.

The fact of the matter is, Congress has said that certain people under certain conditions have a right to financial assistance, and Congress has placed no arbitrary numerical limit on the number of people to whom such assistance is a right. In fact the number of such people varies from time to time, and is unknown. All we can know is the number of people who choose, or have chosen, to make themselves known by applying.

I have tried to outline for you the overall picture and some of the details that involve this complex, runaway social welfare program.

Present law . . . present rules and regulations offer a degree of protection to applicants that often can be described as unbelievable. When the laws set standards, how can those charged with its enforcement do anything but administer it accordingly?

We in Maine must make every effort to see that AFDC is administered thoroughly and, at the same time, we must make every effort to catch the "cheater" who hurts the program and who contributes to the zooming costs to the taxpayer.

The other side of the coin requires that we must make every effort to protect the children who are not at fault for the actions of those who would abuse the program.

I have tried to outline for you the overall picture and some of

the details that involve this complex, runaway social welfare program.

We have to pound away at the door of Congress. We must seek immediate changes in the laws and rules that currently are creating so many problems for Maine and other States.

As a matter of fact, I would prefer that the Federal Government assume the entire cost of the whole welfare program. As it is now, unless we conform to what Washington says we must do . . . no matter how damaging the results to our people and our pocketbooks . . . we stand to lose everything.

I suggest, in fact I urge, that the Speaker of this House and the President of the other body confer with Governor Curtis, with the Chairman of the New England Governors' Conference, for the expressed purpose of calling a New England Conference on the entire AFDC program. Maine should and can now take the lead in seeking positive solutions.

The influence of a New England-wide attack certainly would have its effect on Congress and should go a long way towards convincing Congress of the dire need to pass either remedial solutions or completely re-write the present maze of bureaucratic social philosophy.

A committee meeting should be held, preferably in the beautiful State of Maine, or in the centralized area, such as Boston, of the leaders of both parties, of both Houses, and the governors of all of the New England States. And that is the only way that we will make some people stand up and take notice in the area of Congress.

The Committee now charged with coming up with the answers to the whole problem certainly has their job cut out for them. I hope they will see the merit of the quality control program and put the full light of public attention on anyone abusing the benefits.

This, Mr. Speaker and Members of the House, is my humble contribution to this complex problem. Thank you very much.

Mr. Hewes of Cape Elizabeth was granted unanimous consent to address the House.

Mr. HEWES: Mr. Speaker and Ladies and Gentlemen of the House: I would like to make reference to the unanimous "ought not to pass" system we are using here. Item 2, on Page 6, L. D. 26, I feel was a very good bill. It had a two-fold advantage in that it helped toward education of our young people, or old for that matter, and a credit would be given. It would help the education institutions.

We all know that schools need aid, and we know further that education is the key to our democratic success; it will help people become productive, enjoy life, and train people.

Now this particular bill allowed an exemption for people who pay tuition to any private school — parochial, kindergarten, post-graduate, high school, you name it. And it only seems fair, because a taxpayer is only a funnel through whom the money is funneled, just like a conduit.

A taxpayer is given an exemption for medical expenses, for other taxes paid, for contributions. As a matter of fact, a taxpayer could give \$1,000 to some school as just a contribution, he could claim that as a tax exemption. But if that same taxpayer were to pay \$1,000 toward tuition to that school, he couldn't claim the tuition payment. But he could claim the contribution.

Now he can also claim certain business expenses. We lawyers are having our State Bar Convention in Waterville this coming weekend, enjoy the Spindle City. We can claim as a deductible expense the expenses incurred at the convention. Or as a matter of fact, the American Bar Convention will be held partly in New York and partly in London this July. And if we have adjourned by then, hopefully I will be able to attend, and claim that as a business expense. But if you want to send a child to a private school you cannot claim the tuition expense, even though the taxpayer doesn't have the benefit of using that money in a

manner that you would like to for joy or pleasure for yourself.

I personally think that two-thirds of the House members here have enough good judgment so that we could probably have at least a discussion of this bill on the Floor of the House, despite the unanimous "ought not to pass" report. But I am afraid that the other body wouldn't be as unbending, so I am not making any motion. I just wanted to have this bill discussed, and I hope that eventually, if not this session in some future session, tuition payments will be deductible, along with medical expenses and other such expenses. I thank you.

Mr. Dudley of Enfield was granted unanimous consent to address the House.

Mr. DUDLEY: Mr. Speaker and Members of the House: I probably will startle a few of the people who have sat here in the House a long time this morning by saying that for once I do endorse everything that Mr. Jalbert said this morning. And this is probably the first time this has ever happened since I have been in the House.

Now on the question of welfare, I don't think the Federal Government needs to assume all the responsibility for all the ills that are in it, because this House, since I have been sitting here, is to blame for a lot of the problems. And let me cite just a few of them, and I will try to be brief because the hour is getting late.

First of all, years ago I was a selectman for some 20 years. And the selectmen on Mother's Aid and these programs, they always came to the Board of Selectmen for approval. And nobody in the town is any more aware of what is going on in the town than generally the selectmen, or, in the case of the city, their welfare workers.

But we saw fit one of the sessions to make it so that the Attorney General could sign this if the selectmen didn't. Now this was a step, in my opinion, backwards, because he knew little about the case on the home front.

Then we went a little ways further. We took it away altogether so that the Department now makes all the decisions. They don't even inquire from the people back home or the selectmen. This in my opinion was one thing we did wrong.

Now we have social workers out in the field in my area, and probably in yours, that are actually selling the program. In other words, trying to put people on. I can bring before a committee here in this state, or this house, an elderly man in my area, not in my district, but the next town to me, that the welfare worker recently has been to his house four times, telling him that he needs welfare, that he needs to be on relief. And he is very irritated by them keep coming and telling him to go on relief. He has lived now to the age of pretty near 80 supporting himself all these years, and he is hopeful that he will be able to support himself until he is buried. And he is irritated by these people coming and telling, "You need to be on welfare, we want to put you on welfare."

Now we had a case in my area where a man has a \$25,000 home, went to the Eastern Maine General Hospital to see about an operation. Our person that is there, looking after administration, the one that is handling our state funds, told him this is going to cost a lot of money. He said, "You should go home and put your property in someone else's name." Which he did, to his son. And a Lincoln lawyer called me about it, and we discussed it, and so I know what the problem is. We have done it here in the House.

He now can transfer this property to a member of his family for no consideration, or one dollar. The old law, before it was changed by this very House, said that in order to do this, it had to transfer to your son or your daughter, or what have you, for fair market value. This House only a few sessions ago eliminated the words fair market value. This made it possible for a man owning

a \$25,000 home and having a new car every year, to go to the Eastern Maine General Hospital for a \$5,000 operation, and the state had to bear the cost.

Now he was not aware that he could do this until our own administrator pointed it out to him that he should do this. These funds are available. So these are the kind of people we have working for the State of Maine. I think this is wrong. First of all, I think it was wrong for us to eliminate the words fair market value. I think it was wrong for us to take, in the case of these welfare recipients, away from the selectmen. Because they are not real cruel people. I never met one that was real cruel. And they saw to it that the right people got care, and that the wrong people didn't.

And so a lot of these responsibilities have come from this very body in times gone by, by do-gooders, or very liberal people, and thinking they were helping some one people, until this thing really has gotten out of hand.

And so for this once, and for the record, the occasion that I rose before you, is to point out that this did happen once, that I did agree with Mr. Jalbert 100 percent. Thank you.

Mr. Ault of Wayne was granted unanimous consent to address the House.

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: While discussing with certain members of this body problems that affect our local communities, it has come to my attention that some of you still hold offices in your local municipalities. It was my belief, when I was elected to the House of Representatives, that to hold some of these offices was in violation of State law, and I therefore asked the Attorney General's office to give me a clarification on this. And I would like to read to you the last two paragraphs of a letter I received from that office dated February 1, 1971.

"The office of selectman is not a State office, and is not incompatible. However, a past

opinion of this office, and a number of judicial opinions point to the conclusion that a municipal assessor is not a purely municipal office, but one where the officer is charged with a number of duties under the State law for which he is entitled to compensation, and therefore must come within the definition of an office of profit under this state. We would therefore adhere to our previous position that it would appear to be incompatible for a member of the State Legislature to hold any position which might include among its conditions the duties of municipal assessor."

I think there are some of you that might be interested in that, and I wanted to bring it to your attention. Thank you.

Mr. Dam of Skowhegan was granted unanimous consent to address the House.

Mr. DAM: Mr. Speaker and Members of the House: I will be very very brief. And in reference to the gentleman from Cape Elizabeth, Mr. Hewes' remarks on his bill that received the unanimous "ought not to pass" report of the committee. I only want to make myself clear on one thing, that I would hope that any member of this House that has a goody bill in for their area — and as I said this to Mr. Hewes in the Taxation Committee, this bill would cost \$500,000 and I hope that you would stand and support any measure for increase in any tax to fund your goody bill. It is very good to come down here and be able to take a bill back home and say I had this bill passed, but I didn't vote for any increase in taxes. And I think if anybody wants to do their job and be a responsible legislator, and they have a goody bill in to take back to their community they should be willing to rise on the Floor of the House and go on record as supporting any increase in the tax, even if it was to the extent of doubling the present income tax.

Mr. Brawn of Oakland was granted unanimous consent to address the House.

Mr. BRAUN: Mr. Speaker and Members of the House: After listening this morning, it has not been my intent to break any laws within our State of Maine. Here, if you recall a few days ago, I did make a statement that I was an assessor. I did not know that this was a conflict of interest under the law.

After the gentleman was kind

enough to inform me of it, and I want him to know that I do appreciate it, I immediately tendered my resignation, as of that time. So I want you to know that I am no longer an assessor.

On motion of Mr. Susi of Pittsfield,

Adjourned until ten o'clock tomorrow morning.