

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

Wednesday, March 3, 1971

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

Prayer by the Rev. Mr. Maurice Morin of Rumford.

The journal of yesterday was read and approved.

Papers from the Senate**Conference Committee Report**

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

Bill "An Act to Authorize Bond Issue in the Amount of \$3,850,000 for Student Housing at Central Maine Vocational Technical Institute, Eastern Maine Vocational Technical Institute, Northern Maine Vocational Technical Institute, and the Maine Maritime Academy, Site Improvements at Washington County Vocational Technical Institute, Heating and Air Conditioning Shop and Laboratory at Southern Maine Vocational Technical Institute, Completion of School Building at Peter Dana Point Reservation and Tribal Halls for Penobscot and Passamaquoddy Reservations" (H. P. 175) (L. D. 233) reporting that the Senate recede and concur with the House in referring the Bill to the Committee on Appropriations and Financial Affairs.

(Signed)

BERRY of Cumberland

KATZ of Kennebec

VIOLETTE of Aroostook

— Committee on part of Senate.

BRAGDON of Perham

GILL of South Portland

JALBERT of Lewiston

— Committee on part of House.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Appropriations and Financial Affairs.

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

From the Senate: The following Order:

ORDERED, the House concurring that the State Controller be authorized and directed to draw upon the Legislative Account in

accordance with the opinion rendered by the Attorney General dated February 25, 1971, attached and incorporated by reference herewith (S. P. 372)

Came from the Senate read and passed.

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

Bills and Resolve from the Senate requiring reference were disposed of in concurrence.

Reports of Committees Ought to Pass

Report of the Committee on Education reporting "Ought to pass" on Bill "An Act Changing the Name of the Committee on Educational Television and Relating to Educational Services in Communication Media" (S. P. 96) (L. D. 260)

Report of the Committee on Veterans and Retirement reporting same on Bill "An Act relating to Death Benefits for Fish and Game and Coastal Wardens under the State Retirement System" (S. P. 147) (L. D. 386)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the Bills read twice and tomorrow assigned.

Non-Concurrent Matter

Joint Order re Joint Standing Committee on Education Hiring Staff (S. P. 353) which was passed as amended by House Amendment "A" in non-concurrence in the House on February 26.

Came from the Senate with that body voting to insist on its former action whereby the Order was passed without Amendment.

In the House:

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

Mr. SUSI: Mr. Speaker, I move that we recede and concur, that when the vote is taken that it would be taken by a division, and would speak to my motion.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that the House recede from its former action and concur with the

Senate. The gentleman may proceed.

Mr. SUSI: It may be that there will be a motion offered on the floor here to table this for consideration at a later date. This item has been hanging fire, it's March, we've been in session two months, and I think that we should dispose of it this morning. If such a motion is offered I hope that you will vote with me to defeat the motion.

The SPEAKER: The gentleman is not in order.

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

Mr. JALBERT: Mr. Speaker, my query was going to be, to me that was an obvious debate on the possibility of a tabling motion. Mr. Speaker, I move that this item lie on the table until tomorrow morning.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that this matter be tabled until the next legislative day pending further consideration.

Mr. Susi of Pittsfield requested a division.

The SPEAKER: A division has been requested on the tabling motion. All in favor of tabling until the next legislative day pending further consideration will vote yes; those opposed will vote no.

A vote of the House was taken.

43 having voted in the affirmative and 96 having voted in the negative, the motion did not prevail.

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

Mr. GILL: Mr. Speaker and Ladies and Gentlemen of the House: I rise to oppose the motion from the very fine gentleman from Pittsfield, Mr. Susi. Just as he stated, this has been before us enough, this is the time, and I would ask you to oppose this motion to recede and concur, so I may make a motion by which we may adhere to our former action.

And you possibly, quite a few of you have received a notice upon your desks this morning which is instructing you to support the \$4,000 price tag. I did not happen

to receive one, and I feel a little bit offended.

Actually, this simply boils down to shall we pay a man \$1,000 more than he got last session. This is an increase of 25 per cent while the rest of our state employees are going to be very fortunate to get a five per cent increase. And I suspect this gentleman is a great deal of help to this committee. And as far as what has been said before that this was agreed upon by leadership, you can get a great number of versions as to just what was done. But regardless, the final decision is up to us. So therefore, I would oppose the motion to recede and concur.

Mr. Kelley of Southport requested a roll call vote.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I merely wish to second the motion that Mr. Gill of South Portland has made. I shall oppose the motion to recede and concur, and I hope we all do.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Lawry.

Mr. LAWRY: Mr. Speaker and Members of the House: Just a couple of notes. The gentleman from South Portland said we had some notes instructing us to vote. Mine just said it would appreciate a vote. Also in the matter of salaries, the gentleman from South Portland also said it was a 25 per cent increase. I'm not a mathematician, but I think it is a third increase. And we have committees where we have doubled without a murmur. So I don't really think the matter of the increase is the point here.

I think the biggest point that we want to face when we vote today is the necessity of all committees having an adequate staff. We average legislators have to depend on department heads, and we know that they all mean well, but we are going to get one point of view. And if we don't get adequate staff, and if we don't pay them adequately, we certainly can't expect to hold them.

I certainly hope that we will support the motion of the gentleman from Pittsfield and recede and concur.

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

Mr. GILL: Mr. Speaker and Ladies and Gentlemen of the House: I appreciate the gentleman's remarks regarding my mathematics but I would simply state that I am in the retail business. I am a pharmacist. And we have a way of, whether you consider a markup on cost or selling price, and we usually use the one that will reflect the lowest percentage. And that is the reason why I did this.

But I would like to point out that in this matter the decision is to be made by us here, and this is the time to do it. And once again I do appreciate his remarks. The gentleman was kind enough at one time to call on me and to sell his merchandise. And I think he will understand my percentage markup system.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I will be speaking this morning as an individual, and not as the Majority Floor Leader. It has been mentioned that should the motion to recede and concur be defeated that a motion to adhere would be offered. I am of the impression that should you support a motion to adhere you would eliminate this bill.

This morning I met with a delegation of the Education Committee in my office on this matter, and from this meeting we established certain things to my satisfaction. That first off, there was a research assistant needed for the Education Committee; that secondly, the Education Committee was acquainted with this person whom they were dealing with inasmuch as he had worked for them last year.

This committee was of the opinion that this person was asking for a salary which was commensurate with his abilities. There was a

reluctance indicated by the members of this committee to support the action to recede and concur this morning inasmuch as there was a feeling on the part of some of the members of the committee that should they persist in this that it might be detrimental to the effectiveness of the committee during the session, it might be detrimental to the progress of the bills which are to come out of this committee during the session.

Now I would like to plead the case of the committee for them a little bit. I looked in the schedule of hearings for this week. This committee has 15 bills to hear this week. I read the titles and I am somewhat acquainted with the content of the bills, and they have some very complex bills to be heard this week. I think this is the general nature of education bills.

In every analysis of the Maine Legislature, the first deficiency that is pointed out is that we have a lack of research assistants. I think this certainly applies to the Education Committee. The educational expenditures by the State of Maine rank amongst the highest in the amount of money which we put out for this purpose. This committee does not have the time to make these in-depth studies themselves, they need this man.

Now I am satisfied, without any question in my mind, that this chairman of the committee did attempt to get the authorization that he felt that was necessary in order to contract with this man at the level of \$4,000. To break faith with the chairman of this committee at this time, after having done everything that he knew that was required to be done in order to contract with this man at a certain level for certain services, is to me unthinkable, I think it would be a most arbitrary and a most capricious thing, and indefensible, in my opinion.

Now you may have gained the impression last Friday in our discussion on this subject that a hiring such as we are now concerned with takes place only after a joint order and thorough discussion such as we had on this situa-

tion. To my knowledge this isn't so. It seems to me that several committees have such assistants as we are talking about today, and I remember no such joint orders. And I further have no idea what the salaries of these other assistants are, who made the arrangements with them for their employ, nor what the terms of their employment are.

Furthermore, two of the chief proponents of the cut in the amount from \$4,000 to \$3,000 in the debate here on the floor, the gentleman from South Portland, Mr. Gill, and the gentleman from Lewiston, Mr. Jalbert, happen to be members of a committee, Appropriations Committee, which has such a research assistant. And we had occasion to learn recently what the salary of this person is. It seems that some diligent newspaper reporter uncovered the information that his salary level is \$15,000, the terms of his employment are three days a week.

Now I don't know who made these arrangements, nor what consultation was made. But it seems to make a lot of difference here in the state legislature who you are, and who you know. And I don't think that is a good way to run a legislature. I object to it. I plead with you this morning that you support the motion to recede and concur, and put this on a more orderly basis. Thank you very much.

The SPEAKER: The Chair would correct an erroneous parliamentary question that has just been stated, that if we fail to recede and concur, adhere does not kill the joint order. Adhere will merely put us back to the position that we were in last Friday, on the \$3,000.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I didn't know that I had taken part in this debate as yet. But apparently the gentleman from Pittsfield, Mr. Susi, my friend, the great mediator, stargazed that I was going to take part in it so he volunteered the information that he doesn't even have at his command yet, because I haven't issued my comments.

The gentleman from Pittsfield, Mr. Susi, has brought in the assistant that the Appropriations Committee has. Here is the position that we found ourselves in. The now Clerk of the Appropriations Committee is also the Assistant to the Legislative Finance Committee. Just about the time that we were going to convene the legislature, the Assistant Finance Officer, Mr. Hinds, informed the leaders of the Research Committee that he had purchased into a business that would necessitate his moving and taking care of in his home city of South Portland.

I could stand here and bring up the record from the library as to the many times that I have differed with the Legislative Finance Officer, Mr. Hinds, as a member of this body. He was a great opponent in his seat in the House, and I tried to do justice to the position that I would take when I would discuss the issues with him on several occasions. However, we found ourselves in a position of a dilemma if we did not retain the services of this man who had up here (indicating his head) to give to us during this session what no one else could have.

I could sit here and state just one occasion where, through his effort, the sum of \$289,000 was saved by curtailing of a program that even we in the Appropriations Committee hadn't seen. Might have seen later, but we hadn't seen it then. It would have placed us into a horrible, horrendous position had we not had the services of Mr. Hinds.

There was nothing done that would be done wrong. Mr. Hinds was the Assistant Legislative Finance Officer two years ago, and the Clerk of the Appropriations Committee. Mr. Hinds is the Clerk of the Appropriations Committee, retained also as the Assistant Legislative Finance Officer. My plea to you today is not one of vehemance. My plea to you today is that we obviously are getting away from the proper order of doing things. The usual procedure, and it should be carried out, or if we do not do it this way then any chairman of any committee can

go before either body and hire or fire at will.

Ever since I have been here the order of the day has been for chairmen of the committee to submit to the Appropriations and Financial Affairs Committee the individuals that they would retain, and how much they would pay them. In this instance here, whether it was an oversight by one, or whether it was not done is not the issue. The issue is that it was not done. And the issue is that if you do not continue the philosophy that it would disrupt the fine decorum that these two bodies, and certainly this body here, has entertained over the years. Now one is caught in a position of not knowing which way to go.

And that's why we have committees of conference. And I see that they turn out pretty well. As a matter of fact, you have one right on the calendar that was the first item of business today that was straightened out in this area. I don't think any member of the House, unless all means — all means to an end have been set forth, should be put in this position.

I happen to be very friendly socially with the Clerk of the Education Committee, and his family, and I like and admire the young man. I have even made the statement to many that I would like to see the \$3,000 go now, and if there were something else to come forth, because of justifiable additions in moneys, I would be glad to consider it, and even go so far as go for the situation. And I understand that the members of my party on the Education Committee now feel that we should recede and concur.

But I am trying to suggest to you, not as telling anybody what to do, only suggesting that this is the wrong procedure to use. I think frankly that the motion to recede and concur should be defeated so that I would make a motion then to go along with the action of the other branch, but add further a Committee of Conference.

I beseech you not to disrupt the orderly procedure that this House has had. And if we were to have been scored on our performance and our decorum in this House by those experts who ruled us thirtieth, we well would have wound up at the top of the list. A procedure like this aids and abets the fact that we may wind up even lower than thirty.

I am not standing here to say that I want this to come before the Appropriations Committee; I could care less. I am standing here to say that we have got to go along in an orderly fashion. And the orderly fashion is what we have done before. And least of all, one thing we can do is use the last resort and that is a Committee of Conference.

And therefore, Mr. Speaker, I hope that the motion to recede and concur in the manner, in the way to try to resolve this thing would not prevail.

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

MR. DUDLEY: Mr. Speaker and Members of the House: Once again this morning I stand to support the gentleman from Lewiston, Mr. Jalbert, in his thinking. And I would like to add a couple of points of my own.

It seems that only a week or so ago we saw this same committee trying to get more bills sent down to their committee. And that wouldn't indicate to me at that time they were overworked. I also, being a member here for some time, I don't think it is right for us to delegate our duties and our jobs that we were sent here to do to someone else. I think this is our duty. If we can't do it we should send some of these bills to some other committee. Perhaps the Reference of Bills could see to even up this by referring some of these bills to some other committee. There is some other talent in the House.

I hate to see one committee overworked, get more bills than they can handle and have to hire help and delegate their power. I think this is wrong.

And so there are these three points I wanted to make out. Apparently this committee isn't that much overworked or they wouldn't be standing up here and arguing for more bills to be sent to Education. For one thing, you saw that yourself a few weeks ago. Perhaps we can relieve them by Reference of Bills referring less bills to Education.

And so for these reasons, and I concur with him, and I think that every one of these committees — the committee of which I am a member, Transportation, we could well hire someone to do our work. It would give us a little more time to play. But I think it is wrong. I think we were sent here to do a job and I don't want to delegate my job. I am here to do it, and I am willing to do it. I hope this committee would feel the same way. And I think the way to alleviate them, one way to alleviate them would be to send them less bills and give the rest of us a little more something to do. Thank you.

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

Mr DYAR: Mr. Speaker and Members of the House: It has been my privilege this session to go before the Committee on Education on four different occurrences, and also to testify before the State Board of Education. It would be my observation that this one committee would be the committee that did not need outside research people.

It would be the legislator who appeared before the committee that needs the staff. When you go into a hearing and find the State Department of Education there with four or five of their top talent, the MTA with their top talent, the availability of every superintendent in the State of Maine to come in and speak against a legislator, in my mind they do not need any more outside talent.

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 past two weeks

or so we have been debating this order with a couple others that have bothered me greatly. I somewhat agree with the remarks made by the gentleman from Lewiston, Mr. Jalbert. It would seem to me that we would have more important things to do than arguing with the other body, or arguing amongst ourselves as to what ought to be done.

It bothers me greatly that we seem to be spending more time on determining whether or not a certain individual should get another thousand dollars, rather than determining whether or not the State of Maine ought to be embarking on a new program at this time or in the future.

If this argument today does nothing more than once and for all solve the problem of what procedures ought to be followed, then perhaps it has done us a little bit of good.

I want to re-emphasize the point that I made last week when I pointed out that we, as Democratic members of the leadership, had not been consulted about this or other salary levels. I am not saying that we ought to be. But someone ought to. I am concerned that we are doing this unilaterally. I am not saying that this one has been, but it ought not to be. If nothing else, this argument today will point out the fact that we can establish a procedure how something ought to be done, and maybe we ought to follow it.

Where does this leave us today? I would point out to you that the Legal Affairs Committee and Judiciary as well, both have staff assistants, of which I know nothing about who they are, for that matter, and what their salaries are. That was agreed to unilaterally. I would point out that the decision made to retain the Finance Director on three days a week was not made with my approval or my consultation, or anyone within my party. That was made unilaterally.

Now perhaps this is the way it has to be in a legislature where a majority party controls and a minority party sits. But I don't think this is the way it ought to be. I made the point last week that if

a commitment had been made, and a moral commitment I believe has been made, then perhaps it ought to be followed. Every Democratic member of the Education Committee sitting on that committee has asked me to support the \$4,000, and I will do so. I will do so and hope it accomplishes a number of things. One, that it will solve the problem on this issue once and for all. Secondly, that it will perhaps point to what ought to be done in the future. Every committee ought to be treated alike, and every leader of both parties ought to be treated alike.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: Before my leader got up here and said a few words things came into my mind, thoughts came into my mind. Why is it that we weren't consulted before these contracts are put out? And then asked to pay for these things? I think if this state is going to be run, the departments and everything is going to be spent without us knowing anything about it, and then coming in the back door and asking us to support these things, I don't think that's right.

And as far as I am concerned, I am going to back up my constituents who are paying for these things, and I want to know beforehand, before I vote in favor of these things that I know something about it. And if I am in favor of it, okay. But I am not going to be asked to pay for it after the horse has been bought.

Mr. Gill of South Portland was granted permission to speak a third time.

Mr. GILL: Mr. Speaker and Ladies and Gentlemen of the House: I would just like to comment briefly on the remarks from Representative Martin from Eagle Lake, and to point out that the Appropriations Committee consisted of members of both parties, were submitted a list of salaries for clerks and secretaries and stenographers. And at this time this list, where it would have been nice if this item had been there, could have been approved by the mem-

bers of both parties on the Appropriations Committee.

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

Mr. SHAW: Mr. Speaker and Members of the House: It has been brought up the fact that Judiciary and Legal Affairs have consulting experts. So far as I know right now they are getting exactly the same salary they got last session. They haven't got an increase in pay. If this goes through, I can't see why they can't ask for a 25% increase in pay.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: There has been much point made that if we were to recede and concur that we would be disrupting the procedures under which these determinations have been made in the past. I submit to you, I think there is ample evidence given that there has been no procedures in the past. We have this morning established by our adoption of item two on page one, established a procedure. The State Controller is authorized and directed to draw upon the legislative account in accordance with the opinion rendered by the Attorney General, which was read from the rostrum on Friday of last week. So we do have now a procedure. So we have gained this much, and this is to my knowledge the first instance where salary determination will be made under this procedure. And I hope that you will vote for the motion to recede and concur. And let's get this on a little different basis than it has been. Thank you.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote on this issue 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 Pittsfield, Mr. Susi, that on Joint Order re Joint Standing Committee on Education Hiring Staff, Senate Paper 353, the House recede from its former action and concur with the Senate. If you are in favor of this motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Ault, Bailey, Barnes, Bernier, Birt, Bither, Boudreau, Bourgoin, Brown, Bunker, Bustin, Carey, Churchill, Clark, Clemente, Collins, Cooney, Cottrell, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Doyle, Farrington, Faucher, Fecteau, Gagnon, Genest, Gill, Goodwin, Hall, Hancock, Hawken, Hayes, Herrick, Immonen, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lee, Lewin, Lizotte, Lund, Lynch, MacLeod, Maddox, Marsh, Marsteller, Martin, McCloskey, McKinnon, McTeague, Millett, Morrell, Murray, Parks, Payson, Pratt, Rollins, Santoro, Scott, Sheltra, Shute, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Starbird, Susi, Theriault, Tyndale, Vincent, Wheeler, Whitson, Wood, M. W.; Wood, M. E.; Woodbury.

NAY — Baker, Bartlett, Bedard, Berry, G. W.; Berry, P. P.; Berube, Binnette, Brawn, Call, Carrier, Carter, Conley Cote, Crosby, Donaghy, Dow, Drigotas, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Evans, Finemore, Fraser, Gauthier, Good, Hardy, Haskell, Henley, Hewes, Hodgdon, Jalbert, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Lessard, Lewis, Lincoln, Littlefield, Mahaney, Manchester, McCormick, McNally, Mills, Mosher, Norris, O'Brien, Orestis, Page, Pontbriand, Porter, Rand, Rocheleau, Shaw, Silverman, Smith, E. H.; Stillings, Tanguay, Trask, Webber, White, Wight, Williams, The Speaker.

ABSENT — Bragdon, Hanson, Lucas, Ross.

Yes, 82; No, 65; Absent, 4.

The SPEAKER: 82 having voted in the affirmative, and 65 having voted in the negative, the motion to recede and concur does prevail.

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

Mr. SUSI: Mr. Speaker, having voted on the prevailing side I move that we reconsider our action whereby we receded and concurred, and I ask that you vote against me.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that we reconsider whereby we receded and concurred.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am very happy that the gentleman from Pittsfield made a motion that we recede and concur, because it affords me an opportunity not to straighten out the record, but straighten him out.

The SPEAKER: The gentleman will be more cautious in his comments.

Mr. JALBERT: Mr. Speaker and Members of the House: I think that when anyone makes the statement directly looking at me on the floor of this body and says that the procedure has not been entertained, that these matters were referred in the past to the Appropriations Committee and the salaries were set or not set by the Appropriations Committee, mildly I might suggest that the gentleman from Pittsfield is in error, whence my comment possibly harsh in some terminology, but if that's harsh coming from me then I relegated myself to the ranks of an amateur.

Now the Appropriations Committee, if this item would be tabled, the Appropriations Committee membership or any member of the House can acquaint himself with the facts, and he can find that year in and year out—

The SPEAKER: The question is reconsideration, if the gentleman will confine himself to reconsideration.

Mr. JALBERT: Mr. Speaker, I am on your side, but you are making it awfully tough on me. The fact of the matter is this, that the motion for reconsideration, Mr. Speaker, in my humble opinion, if I know the rules, reopens the debate, does it not?

The SPEAKER: Reopens the debate to the motion of reconsideration.

Mr. JALBERT: Then I want to hope that we do move to reconsider, so that I can find evidence to the effect that this procedure has been followed. That's all. And then, Mr. Speaker, if I am wrong and if the procedure of going through the proper channel, and that is the Appropriations Committee, is wrong, I will apologize to this membership and I will vote with the gentleman from — as a matter of fact, I will make the motion to please the gentleman from Pittsfield, Mr. Susi.

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

Mr. LUND: Mr. Speaker and Members of the House: Not being a member of any of the committees involved, and not having been privy to what appears to have been some difficulties that have arisen between individuals, I just want to say that I sincerely hope that we can get this little bit of business over with and get on with other more pressing business we have this session.

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

Mr. GILL: Mr. Speaker and Members of the House: I would like to concur with Mr. Lund. It always seems when someone says they would like to concur it starts things off on a nice theme.

However, I hope that we do not follow the suggestion made by the Majority Floor Leader that he uses this means to dispose of a joint order. The suggestion where he has moved for reconsideration and has asked you to vote against it is a type of tactic that is generally used on a bill like an abortion bill, or something of this nature. And to bring it down, and to inflict it upon our intelligence at this point, I think, is asking us to go a bit too far. And as Mr. Susi knows, I would prefer not to vote against him at any time. So therefore, I support his motion to reconsider our action in spite of what he said afterwards.

Mr. Kelleher of Bangor moved

that the reconsideration motion be tabled until tomorrow.

Mr. Susi of Pittsfield requested a division on the tabling motion.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, requests a division. All in favor of tabling the reconsideration motion until the next legislative day will vote yes; those opposed will vote no.

A vote of the House was taken. 44 having voted in the affirmative, and 95 having voted in the negative, the tabling motion did not prevail.

Mr. Gill of South Portland requested a roll call vote on the reconsideration motion.

The SPEAKER: The gentleman from South Portland, Mr. Gill, now moves that the question be taken by the yeas and nays. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi, that the House reconsider its action whereby it receded and concurred. If you are in favor of reconsideration you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Bartlett, Bedard, Berry, P. P.; Binnette, Brawn, Call, Carrier, Carter, Conley, Cote, Crosby, Donaghy, Dow, Drigotas, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Evans, Finemore, Gauthier, Gill, Good, Hall, Hardy, Henley, Hewes, Hodgdon, Jalbert, Kelleher, Kelley, R. P.; Keyte, Lessard, Lincoln, Mahany, Manchester, McCormick, McNally, Mosher, O'Brien, Orestis, Page, Pontbriand, Rand, Shaw, Silverman, Smith, E. H.; Stillings, Tanguay, Theriault, Trask, Wheeler, Wight, Wood, M. W.

NAY—Albert, Ault, Bailey, Baker, Barnes, Bernier, Berry, G. W.; Berube, Birt, Bither, Boudreau, Bourgoin, Brown, Bunker, Bustin, Carey, Churchill, Clark, Clemente,

Collins, Cooney, Cottrell, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Doyle, Farrington, Faucher, Fecteau, Fraser, Gagnon, Genest, Goodwin, Hancock, Haskell, Hawkens, Hayes, Herrick, Immonen, Kelley, K. F.; Kelley, P. S.; Kilroy, Lawry, Lebel, Lee, Lewin, Littlefield, Lizotte, Lund, Lynch, MacLeod, Maddox, Marsh, Marsteller, Martin, McCloskey, McKinnon, McTeague, Millett, Morrell, Murray, Norris, Parks, Payson, Porter, Pratt, Rocheleau, Rollins, Santoro, Scott, Sheltra, Shute, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Starbird, Susi, Tyndale, Vincent, Webber, White, Whitson, William, Wood, M. E.; Woodbury.

ABSENT — Bragdon, Hanson, Jutras, Lewis, Lucas, Mills, Ross.

Yes, 54; No, 89; Absent 7.

The SPEAKER: 54 having voted in the affirmative, and 89 having voted in the negative, the motion to reconsider does not prevail.

Petitions, Bills and Resolves Requiring Reference

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

Agriculture

Bill "An Act relating to the Payment of Dues to Grower Organizations by Handlers and Processors of Farm Products" (H. P. 927) (Presented by Mr. Albert of Lime-stone)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act relating to Voluntary Surgery at Public Expense for Qualifying Parents" (H. P. 928) (Presented by Mr. Cottrell of Portland)

Bill "An Act relating to Salary Increases for Certain State Liquor Store Employees" (H. P. 929) (Presented by Mr. Genest of Waterville)

Bill "An Act Appropriating Funds to Continue Regional Co-ordination of Services for Older People" (H. P. 930) (Presented by Mr. Smith of Dover-Foxcroft)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Prohibiting Insurance Licenses for Banks and Savings and Loan Associations" (H. P. 931) (Presented by Mr. Pratt of Parsonsfield)

(Ordered Printed)

Sent up for concurrence.

County Government

Bill "An Act to Eliminate Charges for Copies of Deeds Furnished to Municipalities" (H. P. 932) (Presented by Mr. Lewis of Bristol)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act Providing Funds for Certain High School Equivalency Examinations" (H. P. 933) (Presented by Mr. Bernier of Westbrook)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act relating to Alternative Methods of Nominating Candidates" (H. P. 934) (Presented by Mr. Hancock of Casco)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act Appropriating Funds to Advance the Level of Dental Health in Maine" (H. P. 935) (Presented by Mr. Morrell of Brunswick)

Bill "An Act relating to Educational Programs for Optometrists" (H. P. 936) (Presented by Mr. Wight of Presque Isle)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act relating to Privileged Communications between Certain Professional Persons and Their Clients" (H. P. 937) (Presented by Mrs. Doyle of Bangor)

Bill "An Act relating to Real Estate Transfers" (H. P. 938) (Presented by Mr. Hodgdon of Kittery)

Bill "An Act relating to In-former's Fees for Violation of the Fish and Game Laws" (H. P. 939) (Presented by Mr. Parks of Presque Isle)

(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act Prohibiting the Use of Certain Nonrefundable Beverage Containers" (H. P. 940) (Presented by Mr. Ault of Wayne)

Bill "An Act relating to Name Maine Yacht Racing Association, Inc." (H. P. 941) (Presented by Mrs. Payson of Falmouth)

Bill "An Act to Amend the Birch Point Village Corporation" (H. P. 942) (Presented by Mr. Ross of Bath)

Resolve to Reimburse Clarence Eldridge of Liberty for Loss of Sheep Killed by Dogs" (H. P. 943) (Presented by Mr. Evans of Freedom)

(Ordered Printed)
Sent up for concurrence.

Natural Resources

Bill "An Act to Clarify the Law Regulating the Alteration of Coastal Wetlands" (H. P. 944) (Presented by Mrs. Brown of York)

Bill "An Act Providing for the Protection of Coastal Wetlands" (H. P. 945) (Presented by same member)

(Ordered Printed)
Sent up for concurrence.

Public Utilities

Bill "An Act relating to Public Utilities Providing Gas Service and Valves on Their Distribution and Service Lines" (H. P. 946) (Presented by Mr. Emery of Auburn)

Bill "An Act to Amend the Charter of the Jackman Sewer District" (H. P. 947) (Presented by Mr. Faucher of Solon)

(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act to Increase Compensation of the Boxing Commission" (H. P. 948) (Presented by Mr. Bither of Houlton)

Bill "An Act to Establish a Director of Sports Commissions"

(H. P. 949) (Presented by Mr. Vincent of Portland)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act relating to Exemptions from Taxation of Institutions and Organizations" (H. P. 950) (Presented by Mr. Vincent of Portland)

(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act relating to Fixing Boundaries or Locations for Highway Purposes" (H. P. 951) (Presented by Mr. Bernier of Westbrook)

(Ordered Printed)
Sent up for concurrence.

Orders

On motion of Mr. Genest of Waterville, it was ORDERED, that Rev. Richard Rice of Waterville be invited to officiate as Chaplain of the House on Tuesday, April 6, 1971.

House Reports of Committees Ought Not to Pass

Mr. Emery from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act relating to Damages Caused by Traveling Circuses, Carnivals and Public Exhibitions" (H. P. 351) (L. D. 460)

Mr. Finemore from the Committee on Taxation reported same on Bill "An Act relating to Publicizing a List of Delinquent Tax-payers" (H. P. 510) (L. D. 655)

Mr. McCloskey from same Committee reported same on Bill "An Act relating to Inheritance Tax Exemptions for Brothers and Sisters" (H. P. 243) (L. D. 324)

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

Leave to Withdraw

Mrs. Lincoln from the Committee on Labor on Bill "An Act to Prohibit Industrial Homework" (H. P. 346) (L. D. 455) reported Leave to Withdraw.

Mr. Trask from the Committee on Taxation reported same on Bill "An Act Exempting Clothing for

Children Under Sixteen from the Sales Tax" (H. P. 310) (L. D. 410)

Reports were read and accepted and sent up for concurrence.

**Ought to Pass in New Draft
New Drafts Printed**

Mr. Hancock from the Committee on Election Laws on Bill "An Act relating to Time for Filing Nomination Petition by Candidates for State and County Office" (H. P. 335) (L. D. 444) reported same in a new draft (H. P. 952) (L. D. 990) under title of "An Act relating to Candidates by Primary Election or Nomination Petition and Time for Filing Nomination Petition" and that it "Ought to pass"

Mr. Mosher from the Committee on Agriculture on Bill "An Act relating to the Use of Drugs on Animals at Agricultural Fairs" (H. P. 173) (L. D. 231) reported same in a new draft (H. P. 953) (L. D. 991) under same title and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and tomorrow assigned.

**Ought to Pass
Printed Bills**

Mr. Albert from the Committee on Agriculture reported "Ought to pass" on Bill "An Act relating to Licenses for Harness Horse Racing and Stipend Fund" (H. P. 321) (L. D. 430)

Mr. Binnette from the Committee on Election Laws reported same on Bill "An Act relating to Qualifications of Candidates in Primary Elections" (H. P. 386) (L. D. 501)

Mr. Brawn from the Committee on Legal Affairs reported same on Bill "An Act Amending and Restating the Act to Incorporate Dyer Library Association" (H. P. 350) (L. D. 459)

Mr. Crosby from same Committee reported same on Resolve Reimbursing Donald F. Bartlett for Damage due to Highway Maintenance (H. P. 301) (L. D. 401)

Reports were read and accepted, the Bills read twice, the Resolve read once, and tomorrow assigned.

Recommended

Mr. Emery from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act relating to Precautions at Railroad Crossings" (H. P. 354) (L. D. 463)

Report was read.

On motion of Mr. Norris and Bill were recommended to the Committee on Legal Affairs and sent up for concurrence.

Mr. Fecteau from the Committee on Legal Affairs reported "Ought to pass" on Resolve Reimbursing Mrs. W. Ralph Green of Albion for Well Damage Due to Highway Maintenance (H. P. 200) (L. D. 255)

Mr. Gauthier from same Committee reported same on Bill "An Act relating to Name of The Electronic Technicians' Association, Inc." (H. P. 353) (L. D. 462)

Mr. Norris from same Committee reported same on Bill "An Act relating to Operation of Snowmobiles in Cemeteries" (H. P. 299) (L. D. 399)

Same gentleman from same Committee reported same on Resolve to Reimburse Anthony Moscone for Loss of Cigarettes and Tobacco Products by Fire (H. P. 368) (L. D. 481)

Mr. Silverman from same Committee reported same on Bill "An Act Granting Permits to Blind Persons to Operate Vending Facilities in Public Buildings" (H. P. 425) (L. D. 559)

Mr. Smith from same Committee reported same on Bill "An Act relating to Maine Chiropractic Association" (H. P. 238) (L. D. 320)

Reports were read and accepted, the Bills read twice, the Resolves read once, and tomorrow assigned.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought not to pass" on Bill "An Act Repealing the Bounty on Bobcat (H. P. 389) (L. D. 504)

Report was signed by the following members:

Messrs. HOFFSES of Knox

ANDERSON of Hancock

- of the Senate.

Messrs. BUNKER of Gouldsboro
 LEWIS of Bristol
 KELLEY of Machias
 KELLEY of Southport
 PORTER of Lincoln
 PARKS of Presque Isle
 BOURGOIN of Fort Kent
 CALL of Lewiston
 M A N C H E S T E R of
 Mechanic Falls
 LEWIN of Augusta

- of the House.

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

Report was signed by the following member:

Mr . B E R N A R D of
 Androscoggin
 - of the Senate.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Webster, Mr. Cooney.

Mr. COONEY: Mr. Speaker, I move that we accept the Majority Report of the Committee and I would speak to my motion.

The SPEAKER: The gentleman from Webster, Mr. Cooney moves that the House accept the Majority "Ought not to pass" Report. The gentleman may proceed.

Mr. COONEY: Mr. Speaker and Ladies and Gentlemen of the House: It seems that this is not the right time in history to remove the bounty on bobcat. This is the view of the Committee and the many sincere hunters and trappers who have testified against the removal of the present \$15 bounty.

A considerable concern was expressed for our diminishing deer herd, a concern I want you to know that is also shared by the many proponents of this measure. The facts now show with good accuracy how each bobcat is killed and how much bounty is paid to each individual. A large percentage are trapped but the largest percentage are shot by hunters of bobcat and other game. Several bounties are even paid on bobcat run down by automobiles.

The bounty has been in effect for years. In the last twenty years approximately the same number of bobcats have been killed in each year, as the deer population continues to diminish. Obviously the

bounty is not the great protector of the deer herd. Other factors such as free running dogs, hard winters, deer jackers and the like must be looked at for the real answers.

Nevertheless, the Committee felt this bounty may be doing some good and it is therefore worth keeping. I yield reluctantly to that view. I do, however, hope that the other problems concerning our deer are solved by the Committee, so that we can some day take the sensible step of removing the last of a list of archaic and useless bounties, the bounty on the bobcat. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker and Members of the House: The gentleman from Webster, Mr. Cooney is just that, a gentleman, and he is accepting defeat in a gentlemanly manner. I am under no such restrictions. It is my hope that his motion does not prevail. It is my hope that at some time this bill will pass.

I would like to mention a couple of reasons why I think as I do. If we go along with the gentleman's motion we will be authorizing the State to continue the policy of paying blood money for the killing of one of our natural resources, and I think that this is an unfortunate position for the State to be in. If we go along with the gentleman's motion we will be authorizing the State to continue the policy of subsidizing a sport, and I think that this is an unfortunate position for the State to be in.

I think that it is ethically and morally wrong for the State to occupy this position. I hope that the motion does not prevail and when the vote is taken I ask for a division.

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

Mr. BRAUN: Mr. Speaker and Members of the House: In regards to this bill I wish to make a motion and speak upon it. On this here I want to say that I am qualified I believe to speak. I am a cat hunter. Last year there were 1200

cats killed in the State of Maine. A bounty of \$15 was paid — I mean \$12,000 was paid, \$15 on each cat — making a total of 800 cats killed in the State of Maine. It is believed that this is about one fourth of our cat population. In other words, we have a population of cats in the State of Maine of approximately 3200.

Each cat will kill in the State of Maine five to seven deer a year. They do not have a limited season to hunt; they hunt the entire year. Each cat, if you were to figure this up what these cats would kill, there would be 22,400 deer in a year. This is almost the kill that man took out of our deer herd. Our dwindling herd cannot stand this slaughter.

Now this \$12,000 spent does not come out of your tax money; it comes out of the hunting and fishing license. I cannot see of any better way to save this measly \$12,000 then to help pay to save our deer herd, and I will go along with the gentleman from Webster, Mr. Cooney's motion of "ought not to pass."

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

Mr. LEWIN: Mr. Speaker and Ladies and Gentlemen of the House: The Fisheries and Wildlife Committee gave a long and fair hearing to this bill and I simply wish to go along and ask for your backing of Mr. Cooney on "ought not to pass."

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: There are an awful lot of these bobcat that are shot in my district — it is known as the wild-cat district in the upper end. I have seen this bill here three previous sessions and it has always been defeated. I suggest that we do the same with it today.

The SPEAKER: The pending question is on the motion of the gentleman from Webster, Mr. Cooney, that the House accept the Majority "Ought not to pass" Report on House Paper 389, L. D. 504, Bill "An Act Repealing the

Bounty on Bobcat." A division has been requested. All those in favor of accepting the Majority "Ought not to pass" Report will vote yes; those opposed will vote no.

A vote of the House was taken.

103 having voted in the affirmative and 26 having voted in the negative, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act to Eliminate Moose River from the Maine Forestry District" (H. P. 141) (L. D. 196)

Report was signed by the following members:

Messrs. WYMAN of Washington
FORTIER of Oxford
- of the Senate.

Messrs. TRASK of Milo
FINEMORE of
Bridgewater
MORRELL of Brunswick
COLLINS of Caribou
ROSS of Bath
- of the House.

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

Report was signed by the following members:

Mr. HICHENS of York
- of the Senate.
Messrs. CYR of Madawaska
DAM of Skowhegan
DRIGOTAS of Auburn
COTTRELL of Portland
McCLOSKEY of Bangor
- of the House.

Reports were read.

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

Mr. FINEMORE: Mr. Speaker, I move that we accept the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore moves that the House accept the Majority "Ought not to pass" Report.

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

Mr. DAM: Mr. Speaker and Members of the House: The reason that I signed the Minority Report "Ought to pass" is because this is one of those bills that

discriminate against the small towns and small municipalities of the State of Maine. This bill had its hearing and it was sponsored by Mr. Faucher of Solon, which is close to my area of Skowhegan. I held this bill back — the Committee went along with holding it back, till I could confer with the people in Moose River as to what the peoples' feelings were there and not only the selectmen.

At the hearing it was stated, by Mr. Stedman of Scott Paper, that Scott Paper owned 84½ percent of the land in Moose River. They admitted that they had some buildings on this land, they have equipment there; but they pay 38 percent of the tax in Moose River.

This is a case again of where the small people of the towns are paying for the large industries of the state. Many times it has been expressed that we must give concern to the municipalities and the rising costs of property taxes. We do have to give a concern and a concern is a more equitable method of payment.

What this bill does is to eliminate Moose River from the Forestry District tax. Now they pay \$2,955 into this tax each year, and were there to be a fire and they did not pay this tax they would be obligated for \$3,600. But each year they are required to pay \$2,955. This is discrimination against the poor people.

Therefore I ask you not to go along with the motion of the gentleman from Bridgewater, Mr. Finemore.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: The reason the Taxation Committee brought this out "ought not to pass" and the statements that the gentleman has just made are one hundred percent perfect—there is no question there. But we find that this is right in the heavy forest district, has some 26,000 acres of land, and at the present time there is an airplane flying over there two or three times a day to protect it. I might add that Scott Paper owns in this district, practically all the land they own in this district is

being covered by the Maine Forestry District, some 900,000 acres of land; it is about the only way they have protection.

He has also mentioned that the cost to the town at the present time — the unorganized town I should say, is \$2,955, and it is a very small amount when you consider the other towns. In this special case the town has a \$720,000 valuation, and I know the town I come from has a million and a half, which is just about twice as big. The cost of our fire protection is something like eleven or twelve thousand dollars a year, and this makes the total they have to pay.

I also might add something he left out. If there is a fire in Moose River they use the equipment which they have and most of this equipment they have has been donated by the Maine Forestry District. This equipment is used — and they are paid the full cost to them plus the use of their equipment while they are fighting fire. He has also stated, it is true, that if they don't belong to the Fire District the most they can pay is one half of one percent of the total valuation, which is \$3,600 a year; but this can repeat.

Now there was another bill in here, and I believe it will be withdrawn, there are some other towns that are in the Forestry District, and after having this explained to the selectmen they have asked to have the bill withdrawn because they find that it is much cheaper to them. As far as the 38 and one tenth percent, or two tenths percent, that is paid by taxes. I don't believe there is a town in the State of Maine that would be very pleased to have someone who comes in and writes them a check for 38 and two tenths percent of their taxes.

I know in Aroostook County if we had one write us ten percent of their taxes and come in and pay it, like Scott Paper would pay it, we would be very pleased to have it. I don't want you to think that we are working against this little town or discriminating against it or anything, but the Committee — that is the eight members signing the "ought to pass" report, felt that we would

be doing them a great hindrance rather than a help to leave them under this Forestry District.

The SPEAKER: The Chair recognizes the gentleman from Solon, Mr. Faucher.

Mr. FAUCHER: Mr. Speaker and Ladies and Gentlemen of the House: The facts on Maine Forestry Districts are these. When first started, just before World War One, the plan was to tax communities located in heavily wooded areas, for a fair share of forest fire protection. Those were the days of fire towers and steady, summer - long work for forest rangers who manned these towers.

In 1923 the Forest Service first used an airplane for fire spotting. Today this is common practice and today most of our fire towers have been discontinued. They are no longer useful because overflights by plane are more efficient.

First intended to spread the expense of fighting forest fires, the Maine Fire District tax has now outlived its usefulness and has become one of the most unfair taxes levied in this state. Unfair because only twelve towns out of 400 are now obliged to pay this. Unfair because towns adjoining these twelve towns, with just as much timberland, pay no tax at all. And unfair because these twelve small towns are, you might say, captives of the large paper companies.

They are forced to pay this tax to help protect the investments of these companies. To say the paper companies are themselves large taxpayers is beside the point. The point is — is it fair? Is it fair for only twelve towns to bear this burden? I can think of no other industry which enjoys this privilege. Our power and light companies are big taxpayers, but they don't expect such special treatment. Nor does the textile industry or the coastal fishing industry. Only the paper companies receive such special benefits.

The Town of Moose River pays almost \$3,000 a year in fire taxes, even though they have their own fire department. The Towns of Jackman and Dennistown, adjoining Moose River, pay no tax at all.

When you vote on this, ask yourselves this question. Would you think it fair if you were taxed \$100 a year, each and every year, by your town, for the use of the fire engine if you needed it, when on the other hand your neighbors would only have to pay if they actually had a fire?

This bill means a lot to the people of Moose River and a lot to me. So I hope that you will vote yes to accept the minority report "ought to pass," and I would request a roll call. Thank you.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: To correct a statement that has just been made, I don't think that it was made intentionally, to correct it — it says twelve towns. There are twelve unorganized towns and there is enough to make a total of about 57 if you include the towns. I know there are a lot of towns rated, especially ours, and the towns in my district practically every one of them would be very pleased to get in the Forestry District, but of course we are not allowed to go in. But there are twelve unorganized towns and then I believe there are 45 towns that belong to it the present time I think, making a total of 57.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I honestly hope that you take heed when I say that I had no intention of speaking on the bill. But what I am going to say deals with a little experience that my community had in the Maine Forestry District, and maybe it's worth passing on.

My community happens not to be a member of the Maine Forestry District. We have an organized fire department and in the process we attempt to give fire protection to the other communities. Well we just so happened to have assisted one of the unorganized territories, where a

house was burning, to attempt to help them in putting the house fire out. We succeeded, with two fire trucks and some fifteen to twenty men. Now mind you we saved the house.

The bill was sent to the Maine Forestry District and it was rejected. It was rejected because "there was snow on the ground." And so since there was snow on the ground, the Maine Forestry District would not pay the municipality of Eagle Lake in having saved a house so that the State of Maine could tax.

It seemed rather ridiculous to me and I appealed it, to no avail. I think that if a community such as this is caught in the same box, I am willing to do what we can in helping them out of it. So I will vote against the motion to accept the majority report.

THE SPEAKER: The Chair recognizes the gentleman from Solon, Mr. Faucher.

MR. FAUCHER: Mr. Speaker, a question. To vote for the "ought to pass" report, we would have to vote no?

THE SPEAKER: If you are in favor of the "Ought not to pass" report you will vote yes.

A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call 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 Bridgewater, Mr. Finemore, that the House accept the Majority "Ought not to pass" Report on Bill "An Act to Eliminate Moose River from the Maine Forestry District," House Paper 141, L. D. 196. If you are in favor of accepting the Majority "Ought not to pass" Report you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Baker, Barnes, Birt, Bither, Bunker, Clark, Collins,

Crosby, Cummings, Curtis, T. S.; Jr.; Donaghy, Evans, Finemore, Gagnon, Gill, Hancock, Haskell, Henley, Hodgdon, Lee, Lincoln, Lund, MacLeod, Maddox, Morrell, Mosher, Norris, Orestis, Page, Pontbriand, Porter, Rand, Scott, Shute, Silverman, Trask, White, Wight.

NAY — Albert, Ault, Bailey, Bartlett, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Brawn, Brown, Bustin, Call, Carey, Carrier, Carter, Churchill, Clemente, Cooney, Cote, Cottrell, Curran, Curtis, A. P.; Dam, Dow, Doyle, Drigotas, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Farrington, Faucher, Fecteau, Fraser, Gauthier, Genest, Goodwin, Hall, Hardy, Hawkens, Hayes, Herrick, Hewes, Immonen, Jutras, Keyte, Kilroy, Lawry, Lebel, Lessard, Lewin, Lewis, Littlefield, Lizotte, Lynch, Mahany, Manchester, Marsh, Marstaller, Martin, McCloskey, McCormick, McKinnon, McNally, McTeague, Millett, Mills, Murray, O'Brien, Parks, Payson, Pratt, Rocheleau, Santoro, Shaw, Sheltra, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Starbird, Stillings, Susi, Tanguay, Theriault, Tyndale, Vincent, Webber, Wheeler, Whitson, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Bragdon, Conley, Cyr, Good, Hanson, Jalbert, Kelleher, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Lucas, Rollins, Ross.

Yes, 38; No, 99; Absent, 13.

THE SPEAKER: 38 having voted in the affirmative and 99 in the negative, the motion to accept the Majority "Ought not to pass" Report does not prevail.

Thereupon, on motion of Mr. Finemore of Bridgewater, the Minority "Ought to pass" Report was accepted.

The Bill was given its two several readings and tomorrow assigned.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act relating to Taxation under

Maine Income Tax Law of Pension Payments Granted by Other States" (H. P. 470) (L. D. 598)

Report was signed by the following members:

Messrs. WYMAN of Washington
HICHENS of York
FORTIER of Oxford
-of the Senate.

Messrs. FINEMORE
-of Bridgewater
MORRELL of Brunswick
COLLINS of Caribou
ROSS of Bath
TRASK of Milo
COTTRELL of Portland
DRIGOTAS of Auburn
DAM of Skowhegan
CYR of Madawaska

-of the House.

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

Report was signed by the following member:

Mr. McCLOSKEY of Bangor
-of the House.

Reports were read.

On motion of Mr. Finemore of Bridgewater, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Exempting Sales from Community Action Agencies from Sales Tax" (H. P. 509) (L. D. 654)

Report was signed by the following members:

Messrs. WYMAN of Washington
HICHENS of York
FORTIER of Oxford
-of the Senate.

Messrs. TRASK of Milo
FINEMORE of
-of Bridgewater
COLLINS of Caribou
MORRELL of Brunswick
COTTRELL of Portland
ROSS of Bath
DRIGOTAS of Auburn
DAM of Skowhegan
CYR of Madawaska

-of the House.

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

Report was signed by the following member:

Mr. McCLOSKEY of Bangor
-of the House.

Reports were read.

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

Mr. FINEMORE: Mr. Speaker, I move we accept the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves that the House accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Bangor, Mr. McCloskey.

Mr. McCLOSKEY: Mr. Speaker, I request that this item be tabled for two legislative days.

The SPEAKER: The gentleman from Bangor, Mr. McCloskey, moves that item 23, L.D. 654, be tabled and specially assigned for Friday, March 5, pending the motion of the gentleman from Bridgewater, Mr. Finemore, that the House accept the Majority "Ought not to pass" Report.

Mr. Finemore of Bridgewater requested a division.

The SPEAKER: A division has been requested. For what purpose does the gentleman rise?

Mr. McCLOSKEY: To speak to the item.

The SPEAKER: The gentleman is out of order. A tabling motion is pending, and is not debatable. If you are in favor of tabling this matter specially assigned for March 5, you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

50 having voted in the affirmative, and 83 having voted in the negative, the tabling motion did not prevail.

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

Mr. McCLOSKEY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to speak a little bit about this bill and why I signed the minority report. I think perhaps some of you may not realize exactly what the bill does, so I will begin there.

This bill was presented by people from the Community Action Programs. The purpose of this bill is to exempt from sales taxation

those Community Action Programs in the state. I would like to explain to you why this was done. We are the only state in the nation, in the United States, that taxes these programs presently, that puts sales tax on them.

Now the sales tax bill for a year would be \$9,000. It is true that the Taxation Committee has a number of bills presented to it for exemption on sales taxes and other things. And there is a problem here of exempting too many. But we must look at the facts here. The CAP programs bring into the State of Maine more than \$4 million of Federal funds, and they are performing a service to a great many people in this state. They do such things as supply donated commodities to low income families; they are involved in family planning agencies throughout the state; and I feel that they perform a very valuable service, and that we should recognize this, that the Legislature of the State of Maine should do its part to promote these programs.

I regret that the motion to table failed, because I would have liked to have spent some time speaking individually to you concerning these programs. But I really do feel that it's a good bill, and again we are the only state that now does not exempt these communities.

Another one of the programs the CAP people are involved in, there is the Head Start Program which some of you probably are familiar with. The CAP Program brings over \$1.5 million into the State of Maine, and it operates a program for preschool children. I am sure many of you are aware that this program is a tremendous service to the state.

They are also involved in the Neighborhood Youth Corps program. This brings in almost a half million dollars of Federal funds. So I think that many of these programs are performing a valuable service to the poor people of the State of Maine, and I wonder what the poor people are going to think of the legislature of the State of Maine if we are the only state in the nation not to grant sales tax exemption to these programs.

And Mr. Speaker, I request when the vote be taken, it be taken by the yeas and nays.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I know I am a loser, but I must explain this a little further to you. First off, this money that comes into the state, four-fifths of it is used for salaries, which is quite a big expense. The CAP will tell you what they do for the state. They told us at the hearing. Then I asked them a question, if they had any other income in the state. The first question, they said no. They made a remark that they handled the surplus food in lots of cities and towns for the municipalities and the cities. So I asked them if they received any compensation. They get 50 cents per person per month. Most of these little towns, where one town manager will handle 115 in one day, they will send in one member of the CAP and handle it for three or four hundred, and get 50 cents apiece. So they have some income other than that.

Again, I might add here that Ernest Johnson has told us that this would cost \$6,600 in 1971 and 1972; 1972 and 1973, \$10,000. Well, we in the Taxation Committee this year, I believe we are trying to hold on to what taxes we have, because we know it is going to be impossible to get a new tax. And we hesitate very much in these exemptions, and we do have a lot of exemptions. If we exempt \$10,000 here and \$10,000 there, first thing you know there is going to be a major tax, and I think we are all tax conscious. I don't think there is a group in the State of Maine that is receiving any more from the government through the OEA than the CAP. And I hope you will go along with the motion that this ought not to pass.

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

Mr. BUSTIN: Mr. Speaker and Members of the House: I don't know if I am alone in the chamber, but I happen to be a president of a Community Action Pro-

gram, and have been for two years, the Southern Kennebec Valley Community Action Program. We try to administer our funds properly. And what we are asking for here is that the funds that we do receive from the Federal government be allowed to be put to the purpose for which it is intended, and that is to help senior citizens and low income people.

We operate a surplus food program; we operate it well. We are operating at this time — we are planning on ways to help low income people improve their housing situation. The emphasis that we try to put on our programs is to help low income people and senior citizens help themselves to live in this society better.

Our Head Start Program has just recently been expanded into the whole county. And one of the problems that actually brought about this bill is this. We just bought two school buses to transport the poor children to these schools. And we had to pay in the neighborhood of \$600 sales tax on these buses.

Now we think we could use that \$600 to some other benefit for these children. As Mr. McCloskey has said, this is the only state in the nation to tax Community Action Programs. We urge the rejection of this motion so that this money would not be used for anything more than to help the people help themselves.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I will apologize for speaking so much. But when you mention Head Start it kind of gave me a good opening. I wouldn't mention it. Head Start is paid 100% by the towns in the SAD's in the State of Maine, 100%. The state pays three times the subsidy cost, and the towns add on the difference.

In our Aroostook County on the Head Start in Presque Isle we are paying \$1,785 per pupil. It was also mentioned the bus. We are paying for a bus, and every student — well, our student cost in SAD 42

was some \$1,700. So Head Start is 100% financed. It isn't financed by the Federal government, and it isn't financed by the CAP. It is financed by the towns and the SAD's in the State of Maine.

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

Mr. McCLOSKEY: Mr. Speaker and Members of the House: I would like to take issue with the last statement made by the gentleman from Bridgewater, Mr. Finemore.

The amount of money that the State of Maine receives federally from the Head Start Program is \$1,637,000 approximately. So I think Mr. Finemore has his programs confused. I think most people who realize what the Head Start Program is, it is a program that was begun in 1965 under the OEA Program, Office of Economic Opportunity Act, and it is a federally instituted program to help disadvantaged children who come from low income families, preschool children, to meet the standards going into the primary schools of the children of families with larger incomes, so that they will have an able start in life. And again, the amount of money that is federal money, pumped into the state by this, is \$1,637,000.

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

Mr. COLLINS: Mr. Speaker and Members of the House: The Taxation Committee I don't think wishes to raise any issue with respect to what the program does accomplish. I am sure that we are all aware that Community Action Programs accomplish a great deal. The issue in this particular case is whether or not they should be exempt from the sales tax.

Now we were advised during testimony that if the exemption were not allowed this would not affect the program in any way. The program is well funded and we are concerned here with trying to save tax dollars, in a year in which it is very difficult to find new revenue. Therefore the position of the Taxation Committee has no real bearing as to the relative

merits of Community Action Programs. We are only trying to conserve money in a situation where we think we can.

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

Mr. MORRELL: Mr. Speaker and Ladies and Gentlemen of the House: I would like to support the comments of Mr. Collins as a member of the Taxation Committee. I hope you will vote the direction of the majority of the committee. Through the years I have been a supporter of the Community Action Programs in our local community and as a municipal officer in Brunswick have always voted for a municipal contribution to our local program. But I do not think that we give them any significant assistance by further complicating our sales tax picture by an additional exemption.

I hope that we will before this session is over give what encouragement and hope we can to the low income and the elderly through a direct means rather than through the complication of the sales tax picture.

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

Mr. DAM: Mr. Speaker and Members of the House: I go along with the remarks of the two previous gentlemen. I realize how much good the Community Action Programs have done in the state. But again, on the Taxation Committee, we have taken the view, on most of the bills that have come before us, of what this will do to the revenue picture if we keep granting these exemptions. And this is the reason that we do not want to grant these exemptions, because it is going to be hard enough come near the end of the session to find money to fund the L.D.'s that pass and to keep the programs in the state that are already here going without opening us up to a whole lot of new exemptions across the state for all these organizations.

Now in my community we have a Head Start Program. It is work-

ing out well. The SAD provides the building, and the SAD provides the transportation. And I think with each community doing their part that this will give Community Action more in dollars than they would get out of this bill if they were to have a sales tax exemption, because then the communities might not feel quite so much like going along with helping them out as much as they do.

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that the House accept the Majority "Ought not to pass" Report. The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote on this issue will vote yes; those opposed 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 Bridgewater, Mr. Finemore, that the House accept the Majority "Ought not to pass" Report on Bill "An Act Exempting Sales to Community Action Agencies from Sales Tax", House Paper 509, L.D. 654. All in favor of the motion to accept the Majority "Ought not to pass" Report will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Ault, Bailey, Baker, Barnes, Bartlett, Berry, G.W.; Berry, P.P.; Berube, Binnette, Birt, Bither, Bourgoin, Brawn, Brown, Bunker, Call, Carey, Carrier, Carter, Churchill, Clark, Collins, Cote, Cottrell, Cummings, Curtis, A.P.; Curtis, T.S., Jr.; Dam, Donaghy, Drigotas, Dudley, Dyar, Emery, D.F.; Emery, E.M.; Evans, Fecteau, Finemore, Gagnon, Genest, Gill, Good, Hall, Hancock, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Jalbert, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte,

Kilroy, Lawry, Lebel, Lee, Les-sard, Lewin, Lincoln, Littlefield, Lizotte, Lund, Lynch, MacLeod, Maddox, Mahany, Manchester, Marsh, Marsteller, Martin, McCormick, McKinnon, McNally, Millett, Morrell, Page, Parks, Payson, Pontbriand, Porter, Pratt, Rand, Rocheleau, Rollins, Scott, Shaw, Sheltra, Shute, Silverman, Simpson, L.E.; Simpson, T.R.; Stillings, Susi, Theriault, Trask, Wheeler, White, Williams, Wood, M.W.; Wood, M.E.; Woodbury.

NAY — Bernier, Boudreau, Bustin, Clemente, Cooney, Curran, Dow, Doyle, Farrington, Faucher, Fraser, Goodwin, Lewis, McCloskey, McTeague, Mills, Murray, Norris, O'Brien, Orestis, Santoro, Slane, Smith, D.M.; Smith, E.H.; Starbird, Tanguay, Tyndale, Vincent, Webber, Whitson.

ABSENT — Bedard, Bragdon, Conley, Crosby, Cyr, Gauthier, Hanson, Kelley, P.S.; Lucas, Mosher, Ross, Wight.

Yes, 108; No, 30; Absent, 12.

The **SPEAKER**: 108 having voted in the affirmative and 30 in the negative, the motion does prevail.

Sent up for concurrence.

Passed to Be Engrossed

Bill "An Act relating to Employees and Agents of Collection Agencies" (S. P. 215) (L. D. 661)

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

Passed to Be Enacted Emergency Measure

An Act Creating the Dexter Utility District (H. P. 360) (L. D. 482)

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. 128 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

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) (L. D. 500)

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. 122 voted in favor of same and 5 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to When Overtime Pay Commences for Employees (S. P. 56) (L. D. 92)

An Act Creating the Maine Commercial Feed Law (S. P. 79) (L. D. 173)

An Act relating to Extension of Time for Operation of Certain Wastewater Treatment Plants without a Certified Operator (S. P. 144) (L. D. 383)

An Act Regulating the Use of Power Boats on Lily Pond, Lincoln County (H. P. 295) (L. D. 395)

An Act relating to Return Date for Warrants Against Owner or Keeper of Unlicensed Dogs" (H. P. 395) (L. D. 581)

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

Orders of the Day

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

Bill "An Act to Authorize Bond Issue in the Amount of \$27,680,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine" (S. P. 303) (L. D. 928) — In Senate, referred to Committee on Appropriations and Financial Affairs.

Tabled — February 26, by Mr. Jalbert of Lewiston.

Pending — Reference in concurrence.

Thereupon, the Bill was referred to the Committee on Appropriations and Financial Affairs in concurrence.

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

SENATE DIVIDED REPORT — Majority (11) Ought not to pass—Minority (2) Ought to pass—Committee on Judiciary on Resolve Authorizing Ansel Green of Bangor to Bring Action Against the State of Maine (S. P. 54) (L. D. 91)—In Senate, Majority Report accepted.

Tabled—February 26, by Mr. Norris of Brewer.

Pending—Acceptance of either Report.

On motion of Mr. Hewes of Cape Elizabeth, the Majority "Ought not to pass" Report was accepted in concurrence.

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

HOUSE JOINT ORDER re Great Northern Paper Company and Scott Paper Company Log Drives (H. P. 795)—In House, passed. In Senate, passed as amended by Senate Amendment "A" (S-14) in non-concurrence.

Tabled—February 26, by Mr. Hancock of Casco.

Pending—Further consideration. Thereupon, the House voted to recede and concur.

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

HOUSE DIVIDED REPORT — Majority (12) Ought not to pass—

Minority (1) Ought to pass—Committee on Liquor Control on Bill "An Act relating to Definition of Class A Restaurant Under Liquor Laws" (H. P. 302) (L. D. 402)

Tabled—February 26, by Mr. Stillings of Berwick.

Pending—Acceptance of either Report.

On motion of Mr. Ault of Wayne, retabled pending acceptance of either Report and specially assigned for Tuesday, March 9.

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

An Act relating to the Number of Signatures Required on Nomination Papers (S. P. 32) (L. D. 65)

Tabled—February 26, by Mr. Vincent of Portland.

Pending—Passage to be enacted.

On motion of Mr. Porter of Lincoln, under suspension of the rules, the House reconsidered its action of February 10 whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, the Bill was re-committed to the Committee on Election Laws in non-concurrence, and sent up for concurrence.

On motion of Mr. Binnette of Old Town,

Adjourned until nine o'clock tomorrow morning.