

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

Friday, April 16, 1971

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

Prayer by the Rev. Mr. Roland M. Lord of West Tremont.

The journal of yesterday was read and approved.

**Conference Committee Report
Tabled and Assigned**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Increasing Minimum Salaries for Teachers" (S. P. 162) (L. D. 484) reporting that the House recede and concur with the Senate in accepting the Minority Report reporting "Ought to pass" in new draft (S. P. 517) (L. D. 1402) under title of "An Act relating to Salaries of Substitute Teachers and Adjusting State Subsidy to an Administrative Unit" and pass the Bill to be engrossed in concurrence.

(Signed)

BITHER of Houlton
TYNDALE

of Kennebunkport
— Committee on part of House.
KATZ of Kennebec
DUNN of Oxford
GREELEY of Waldo
— Committee on part of Senate.
Report was read.

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

Mr. LUCAS: Mr. Speaker, I move rejection of the Conference Committee Report and ask for a new Committee of Conference to be assigned, and I wish to speak to my motion.

The SPEAKER: The gentleman from Portland, Mr. Lucas moves that the House reject the Committee of Conference Report.

The gentleman may proceed.

Mr. LUCAS: Mr. Speaker and Members of the House: You will note a change in the title of this bill from "An Act Increasing Minimum Salaries for Teachers" to "An Act relating to Salaries of Substitute Teachers and Adjusting State Subsidy to an Administrative

Unit." This is a pure example of twisting the title of a bill to hide the real intent of the bill. This bill completely repeals the minimum starting salaries for teachers and this body voted the indefinite postponement of this measure.

The Legislature is responsible for placing the minimum amount to insure that one not start a professional job for less than a certain wage. The proponents of the repeal will suggest to you that bargaining and arbitration will replace the need for a minimum wage. But I say to you that we will be pulling the rug out from underneath a group which still needs our support. Likewise I question the wisdom of having the boards in our state deluged with arbitration.

I was on the Committee of Conference and you don't see my signature affixed to this hoax. I won't attempt to fool my colleagues into voting for something they voted down. In fact, Mr. Tyndale's signature is affixed to this report, but I am positive he was not aware of the nature of the bill he was signing. He has become the victim of a calculated, sneaky move on behalf of the other body and I wish to solicit your support to reaffirm our previous position by voting to reject this report.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Bither.

Mr. BITHER: Mr. Speaker and Members of the House: I hate to arise to debate this with one of my colleagues on the Education Committee, but all we did in changing this bill was to do away with the salary scale altogether. Now a great many people on the committee at first wanted the salary schedule completely done away with, and that is exactly what this bill did do.

So far as this being a dastardly thing, I can't quite see it. We did have a Committee of Conference. It is true that the gentleman from Portland, Mr. Lucas was not there. But both Mr. Tyndale and I were there and this is what we came up with and this we believe was the best way to handle it; other-

wise we thought the bill would be killed completely.

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

Mr. CLEMENTE: Mr. Speaker and Members of the House: In view of the fact that Mr. Tyndale isn't here, could we have this tabled for one legislative day please?

The SPEAKER: The pending question is on the motion to reject.

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

Mr. MILLS: Mr. Speaker, I move that this be tabled one legislative day, sir.

The SPEAKER: The gentleman from Eastport, Mr. Mills, moves that the Conference Committee Report be tabled until Tuesday, April 20 pending the motion of the gentleman from Portland, Mr. Lucas to reject the Conference Committee Report.

Whereupon, Mr. Susi of Pittsfield requested a division.

The SPEAKER: A division has been requested on the tabling motion. All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken, 61 having voted in the affirmative and 54 having voted in the negative, the motion did prevail.

Papers from the Senate Reports of Committees Ought Not to Pass

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Careless Discharge of Firearms" (S. P. 406) (L. D. 1222)

In accordance with Joint Rule 17-A, was placed in the legislative files.

Leave to Withdraw Covered by Other Legislation

Report of the Committee on Judiciary on Bill "An Act relating to Expert Witness Fees as Court Costs" (S. P. 232) (L. D. 694) reporting Leave to Withdraw, as covered by other legislation.

Came from the Senate read and accepted.

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

Ought to Pass with Committee Amendment

Report of the Committee on Education on Bill "An Act Clarifying the Secondary School Tuition Law" (S. P. 276) (L. D. 859) reporting "Ought to pass" as amended by Committee Amendment "A" (S-80) submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-80) was read by the Clerk and adopted in concurrence, and the Bill assigned for third reading the next legislative day.

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought not to pass" on Bill "An Act relating to Waiver of Examination for Certain Practical Nurses" (S. P. 109) (L. D. 288)

Report was signed by the following members:

Messrs. MINKOWSKY
of Androscoggin
HICHENS of York
GREELEY of Waldo
— of the Senate.

Mr. SANTORO of Portland
Mrs. PAYSON of Falmouth
Messrs. LEWIS of Bristol
CLEMENTE of Portland
Mrs. DOYLE of Bangor
Mrs. CUMMINGS of Newport
Mr. LESSARD of Lisbon
— of the House.

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

Report was signed by the following members:

Mr. DYAR of Strong
Mrs. MCCORMICK of Union
Mrs. BERRY of Madison
— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

On motion of Mrs. Payson of Falmouth, the Majority "Ought not to pass" Report was accepted in concurrence.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Labor on Bill "An Act relating to Chiropractic Treatment under Workmen's Compensation Law" (S. P. 65) (L. D. 130) reporting same in a new draft (S. P. 538) (L. D. 1615) under same title and that it "Ought to pass"

Report was signed by the following members:

- Messrs. TANOUS of Penobscot
MARCOTTE of York
— of the Senate.
- Messrs. KELLEY of Machias
McTEAGUE of Brunswick
BUSTIN of Augusta
GENEST of Waterville
BEDARD of Saco
SIMPSON of Millinocket
ROLLINS of Dixfield
GOOD of Westfield
— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

- Mr. LEVINE of Kennebec
— of the Senate.
- Mrs. LINCOLN of Bethel
- Mr. LEE of Albion
— of the House.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed.

In the House: Reports were read. The SPEAKER: The Chair recognizes the gentleman from Westfield, Mr. Good.

Mr. GOOD: Mr. Speaker, I move that we accept the Majority "Ought to pass" Report.

Whereupon, on motion of Mrs. Lincoln of Bethel, tabled pending the motion of Mr. Good of Westfield to accept the Majority Report in concurrence and specially assigned for Wednesday, April 21.

Divided Report

Majority Report of the Committee on Natural Resources reporting "Ought not to pass" on Bill "An Act Authorizing Counties to Establish and Operate Parks, Play-

grounds and Open Areas" (S. P. 380) (L. D. 1135)

Report was signed by the following members:

- Messrs. SCHULTEN of Sagadahoc
GRAHAM of Cumberland
— of the Senate
- Messrs. AULT of Wayne
CURRAN of Bangor
MacLEOD of Bar Harbor
HERRICK of Harmony
- Mrs. CUMMINGS of Newport
- Mr. HARDY of Hope
- Mrs. BROWN of York
- Mr. WHITSON of Portland
— of the House

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

Report was signed by the following members:

- Mr. VIOLETTE of Aroostook
— of the Senate
- Mr. SMITH of Waterville
- Mrs. KILROY of Portland
— of the House

Came from the Senate with the Bill substituted for the Reports and referred to the Committee on County Government.

In the House: Reports were read.

On motion of Mr. Martin of Eagle Lake, the Bill was substituted for the Reports and referred to the Committee on County Government in concurrence.

Non-Concurrent Matter

Bill "An Act Reclassifying the Waters of Lake Auburn and Little Wilson Pond, Androscoggin County" (H. P. 606) (L. D. 808) which was passed to be engrossed in the House on April 13.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: On motion of Mrs. Brown of York, the House voted to insist and ask for a Committee of Conference.

Orders

Mr. Wight of Presque Isle presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Standing Committee on County Government be directed to report out a bill which will relate to payments to the law

libraries of the several counties of the State. (H. P. 1278)

The Joint Order received passage and was sent up for concurrence.

House Reports of Committees Ought Not to Pass

Mr. Carrier from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Privileged Communications between Certain Professional Persons and Their Clients" (H. P. 937) (L. D. 1291)

Mr. Page from same Committee reported same on Bill "An Act relating to Privileged Communication between Registered Social Workers and Clients" (H. P. 1023) (L. D. 1405)

Mrs. White from same Committee reported same on Bill "An Act relating to Legal Grievances" (H. P. 991) (L. D. 1353)

Mr. Cooney from the Committee on State Government reported same on Bill "An Act relating to Vacancies in State and County Offices Before Officers-elect Die or Resign" (H. P. 122) (L. D. 166) which was recommitted.

Mr. Dam from the Committee on Taxation reported same on Bill "An Act relating to Reimbursement to Municipalities for Loss of Tax Revenue on Real Property Acquired by the State" (H. P. 1036) (L. D. 1427)

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

Leave to Withdraw

Mr. Pontbriand from the Committee on County Government on Bill "An Act to Eliminate Charges for Copies of Deeds Furnished to Municipalities" (H. P. 932) (L. D. 1286) reported Leave to Withdraw.

Mrs. Baker from the Committee on Judiciary reported same on Bill "An Act relating to Informer's Fees for Violation of the Fish and Game Laws" (H. P. 939) (L. D. 1298)

Mrs. Wheeler from same Committee reported same on Bill "An Act relating to Indemnity for Persons Erroneously Convicted and Pardoned" (H. P. 990) (L. D. 1352)

Mr. Genest from the Committee

on Labor reported same on Bill "An Act relating to Claim for Benefits under Employment Security Law" (H. P. 775) (L. D. 1041)

Mr. Good from same Committee reported same on Bill "An Act to Extend Coverage of the Minimum Wage on Construction Projects" (H. P. 995) (L. D. 1357)

Mrs. Lincoln from same Committee reported same on Bill "An Act relating to Increased Payments and Amounts under the Employment Security Law" (H. P. 599) (L. D. 794)

Mr. Donaghy from the Committee on State Government reported same on Bill "An Act relating to Representation of the Board of Harbor Commissioners for the Harbor of Portland by the Attorney General" (H. P. 1078) (L. D. 1470)

Mr. Farrington from same Committee reported same on Bill "An Act to Pay for One Hundred Percent of Health Insurance Plans for State Employees" (H. P. 288) (L. D. 388)

Reports were read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Birt from the Committee on Appropriations and Financial Affairs on Resolve Providing for Purchase of One Hundred Copies of History of Winslow (H. P. 290) (L. D. 390) reported Leave to Withdraw, as covered by other legislation.

Mr. Bragdon from same Committee reported same on Resolve Providing for Purchase of One Hundred Copies of History of Albion (H. P. 872) (L. D. 1194)

Mr. Carter from same Committee reported same on Resolve Providing for Purchase of Copies of History of Three Corners (H. P. 90) (L. D. 134)

Mr. Gill from same Committee reported same on Resolve Providing for Purchase of Copies of History of Cape Elizabeth (H. P. 520) (L. D. 683)

Mr. Jalbert from same Committee reported same on Resolve Providing for Purchase of One Hundred Copies of "Lisbon, the History of a Small Maine Town" (H. P. 519) (L. D. 682)

Mr. Shaw from same Committee reported same on Resolve Pro-

viding for Purchase of Copies of History of Clinton (H. P. 126) (L. D. 181)

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

Mr. BRAGDON: Mr. Speaker and Members of the House: With regard to these bills relative to purchase of copies of documents that are all being reported out Leave to Withdraw by the Appropriations Committee, I think it might save some questions being asked if I made a brief explanation.

The Committee did provide money in another document to the State Librarian in all of these instances that are on our calendar today to make purchases of these documents.

Reports were read and accepted and sent up for concurrence.

Referred to Committee on Legal Affairs

Mr. Cooney from the Committee on State Government on Bill "An Act Establishing Minimum Qualifications for Law Enforcement Officers" (H. P. 860) (L. D. 1184) reported that it be referred to the Committee on Legal Affairs.

Report was read and accepted, the Bill referred to the Committee on Legal Affairs and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Ross from the Committee on Taxation on Bill "An Act relating to Clarifying the Sales Tax Law as It Relates to Gratuities and Service Charges in Eating Establishments" (H. P. 752) (L. D. 1021) reported same in a new draft (H. P. 1277) (L. D. 1677) under same title and that it "Ought to pass"

Report was read and accepted, the New Draft read twice and assigned for third reading the next legislative day.

Ought to Pass Printed Bills

Mr. Dyar from the Committee on County Government reported "Ought to pass" on Bill "An Act to Change the Method of Filling Vacancies in Office of Register of Deeds" (H. P. 665) (L. D. 894)

Mr. Stillings from the Committee on State Government reported same on Bill "An Act Requiring Public Hearings by the Park and Recreation Commission Prior to the Exercise of Eminent Domain" (H. P. 825) (L. D. 1115)

Mr. Finemore from the Committee on Taxation reported same on Bill "An Act Providing that House Trailers on Land Owned by the Owner of the Trailer Shall be Taxed as Real Estate" (H. P. 924) (L. D. 1276)

Reports were read and accepted, the Bills read twice and assigned for third reading the next legislative day.

Ought to Pass with Committee Amendment

Mr. Hall from the Committee on Agriculture on Bill "An Act to Establish a Colt Stake Program for Maine Standard Bred Horses" (H. P. 476) (L. D. 837) reported "Ought to pass" as amended by Committee Amendment "A" (H-139) submitted therewith.

Mr. Lawry from the Committee on Education on Bill "An Act Authorizing the Bureau of Public Improvements to Assist Municipalities and School Administrative Districts in the Construction of School Buildings" (H. P. 1115) (L. D. 1534) reported "Ought to pass" as amended by Committee Amendment "A" (H-140) submitted therewith.

Mr. Porter from the Committee on Fisheries and Wildlife on Bill "An Act relating to Regulations for Upland Game and Fur-bearing Animals" (H. P. 390) (L. D. 505) reported "Ought to pass" as amended by Committee Amendment "A" (H-141) submitted therewith.

Mrs. Baker from the Committee on Judiciary on Bill "An Act relating to Fees for Recording Marriage Intentions and Issuing License" (H. P. 812) (L. D. 1085) reported "Ought to pass" as amended by Committee Amendment "A" (H-142) submitted therewith.

Reports were read and accepted and the Bills read twice. Committee Amendment "A" to each was read by the Clerk and adopted,

and the Bills assigned for third reading the next legislative day.

Divided Report

Majority Report of the Committee on Education on Bill "An Act relating to Conveyance of Secondary Pupils" (H. P. 763) (L. D. 1029) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. LUCAS of Portland
 TYNDALE
 of Kennebunkport
 SIMPSON of Standish
 BITHER of Houlton
 LAWRY of Fairfield
 WOODBURY of Gray
 HASKELL of Houlton
 MURRAY of Bangor
 — of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. CHICK of Kennebec
 MINKOWSKY
 of Androscoggin
 KATZ of Kennebec
 — of the Senate.
 Messrs. MILLETT of Dixmont
 LYNCH
 of Livermore Falls
 — of the House.

Reports were read.

On motion of Mr. Murray of Bangor, the Majority "Ought to pass" Report was accepted and the Bill was read twice.

Committee Amendment "A" (H-143) was read by the Clerk and adopted and the Bill assigned for third reading the next legislative day.

Divided Report Tabled and Assigned

Majority Report of the Committee on Liquor Control reporting "Ought not to pass" on Bill "An Act to Permit the Sale of Beer on Sunday for Off-premises Consumption." (H. P. 1033) (L. D. 1424)

Report was signed by the following members:

Messrs. SHUTE of Franklin
 HOFFSES of Knox
 FORTIER of Oxford
 — of the Senate.

Messrs. STILLINGS of Berwick
 LIZOTTE of Biddeford
 BAILEY of Woolwich
 IMMONEN of West Paris
 HAWKENS of Farmington
 MADDOX of Vinalhaven
 GAGNON of Scarborough
 — of the House.

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

Report was signed by the following members:

Messrs. SLANE of Portland
 TANGUAY of Lewiston
 FAUCHER of Solon
 — of the House.

Reports were read.

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

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

Whereupon, Mr. Hancock of Casco requested a division.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I personally don't have any interest in this particular item, but I do note that the sponsor of the bill, the gentleman from South Portland, Mr. Gill, and at least two members of the committee that signed the "Ought to pass" Report are not present. So I would suggest that perhaps someone might table this for one legislative day.

Whereupon, on motion of Mr. Kelleher of Bangor, tabled pending the motion of Mr. Stillings of Berwick to accept the Majority "Ought not to pass" Report and specially assigned for Tuesday, April 20.

Divided Report Tabled and Assigned

Majority Report of the Committee on Liquor Control reporting "Ought not to pass" on Bill "An Act relating to Credits to Liquor Licensees by Wholesalers" (H. P. 1093) (L. D. 1481)

Report was signed by the following members:

Messrs. FORTIER of Oxford
 SHUTE of Franklin

HOFFSES of Knox
— of the Senate.

Messrs. IMMONEN of West Paris
HAWKENS of Farmington
MADDOX of Vinalhaven
GAGNON of Scarborough
— of the House.

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

Report was signed by the following members:

Messrs. SLANE of Portland
LIZOTTE of Biddeford
FAUCHER of Solon
TANGUAY of Lewiston
STILLINGS of Berwick
BAILEY of Woolwich
— of the House.

Reports were read.

(On motion of Mr. Bailey of Woolwich, tabled pending acceptance of either Report and specially assigned for Tuesday, April 20.)

Divided Report

Majority Report of the Committee on State Government reporting "Ought to pass" on Bill "An Act to Pay for One Hundred Percent of Health Insurance Plans for State Employees" (H. P. 364) (L. D. 471)

Report was signed by the following members:

Messrs. JOHNSON of Somerset
CLIFFORD
of Androscoggin
WYMAN of Washington
— of the Senate.

Messrs. MARSTALLER of Freeport
STILLINGS of Berwick
Mrs. GOODWIN of Bath
Messrs. CURTIS of Orono
STARBIRD
of Kingman Township
COONEY of Webster
FARRINGTON
of Old Orchard Beach
— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. HODGDON of Kittery
DONAGHY of Lubec
— of the House.

Reports were read.

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

Mr. DONAGHY: Mr. Speaker, I move the acceptance of the Minority "Ought not to pass" Report.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves that the House accept the Minority "Ought not to pass" Report.

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

Mr. COONEY: Mr. Speaker and Ladies and Gentlemen of the House: I hope that we all defeat that motion today and pass this particular measure. I am not saying that we should give the employees this health insurance, but I would think that in the case that we do not give them a salary increase this would be a reasonable thing to give to the state employees. And so I would assume that this would lie on the Senate table to see if there were funds for it.

This is the only, as far as I can recall, the only fringe benefit that we here have accepted, or could accept, and it is probably the most important one. So I would hope that we would vote against the Minority Report here and accept the Majority Report and hope that, if they don't get a salary increase that they will get this, and I would ask for a division.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: Just to explain briefly my thinking, which is a little bit different than Mr. Cooney's, I do hope that we will accept the new pay schedule for the state employees, and I feel sure we almost don't have any choice because of the situation we are in now and the times and the increases in the cost of living and what have you.

I don't think that we can afford anything else this session and I would hope that you would go along with the Minority Report of "Ought not to pass" on this bill.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I would like to second Mr. Donaghy's remarks. I feel that probably there

will be some pay adjustments. Whether there is or not I still would oppose 100% payment of health insurance. I have opposed it in my county, I have opposed it in various other areas, and I should oppose it in any other circumstance. I feel that health insurance is benefit enough in being able to get it through a group, get it at a better price, and I feel that if it is worth having it is worth the employees contributing some on it.

So I wouldn't care what we gave for pay increases or not. I still would oppose paying 100% insurance. These things are so permanent. We do these things and then it is written into the record. You cannot undo them. So I think we should think twice before we pay 100% insurance costs for employees.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I understand the exigencies of time that we are working with these days and I appreciate the comments of the Majority Floor-leader when he indicated that he wanted matters to be debated if possible today. I would like to comment that it is a little tough when you have two bills out of the same committee one after the other on the calendar.

Apparently nobody on the majority side of the committee is going to support your bill, so I guess I will have to do it myself.

There is one point that might be made in support of payment of fringe benefits as opposed to pay schedules, and that is to indicate that a pay increase in cash is of course taxable in full to the recipient. A payment in fringe benefits is not taxable to the recipient in the same manner as cash would be. I must apologize to Mr. Cooney who is a member of the committee.

But until we know for certain whether there will be another pay schedule that will be adopted I would suggest that this might be kept alive and the total package be examined, of pay benefits for state employees. Because after all

there will be a price tag put on this as there will on any of these money items, and if this item has any merit at all it might be kept alive for awhile.

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

Mr. BRAGDON: Mr. Speaker, may I inquire of the gentleman from Augusta, Mr. Lund just what the costs of this would be? As I read it, it would be a million dollars out of the General Fund and I assume about an equal amount out of the Highway Fund. Is that correct?

The SPEAKER: The gentleman from Perham, Mr. Bragdon poses a question through the Chair to the gentleman from Augusta, Mr. Lund, who may answer if he chooses.

Mr. LUND: Mr. Speaker and Members of the House: I must apologize to the gentleman by stating that I have been trying to collect my thoughts on the next item on the calendar and I am not prepared to comment on the cost of this one as to the Highway budget. I think that figure was produced to the committee, however, at the time of the hearing.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The cost to the Highway Department would spell itself out in the manner in which the Highway Department finances, which is the dedicated revenue formula.

This program was presented at the last special session of the legislature and because of funds the measure was taken from the Senate appropriations table and then it was indefinitely postponed and reached the floor of this body on Saturday morning. In the meantime I worked out a plan whereby we would take some of the money that would be paid to us in rental by various departments who moved away from the State House complex into other areas or moved from other areas into the State House complex, and it amounted ironically enough to about the

same sum as what would finance one half of this program.

I then of course submitted an amendment, and backed up my amendment that half of the program could be based on the fact that the money was available. The same thing would pertain insofar as this measure is concerned, now making it from half to full payment. We do not know as yet whether we will be willing to finance these programs with some form of minor taxation, and we do not know whether we will be able to finance a program of increase in salary being on a straight across the board level or on the level of the one step increase program and through the financing by minor taxation.

I think, however, there are a great many employees who want to retain the privilege of having this full-time payment, which is a non-taxable, and up against the possibility of some willing to sacrifice some part of an increase in salary; I doubt very much if both could be had. And substantiating the remarks made by the gentleman from Augusta, Mr. Lund, I think that probably the judicious thing would be to keep this thing alive until such time as we arrive at how we are going to finance these programs if we have them.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Marstaller.

Mr. MARSTALLER: Mr. Speaker and Members of the House: As one of the signers of the Majority Report I would like to say that we have had before the State Government Committee a number of these fringe benefit bills for the state employees, and several of us sort of decided that we would like to pass on one or two of the top priorities, and these would go on the appropriations table along with the salary increase. Then this would give some options as to what we could best do for the state employees; and I hope that you will keep this bill alive.

Incidentally, if this bill passes the members of the Legislature will also benefit under its provisions.

The SPEAKER: A division has been requested. All in favor of the motion of the gentleman from Lubec, Mr. Donaghy, that the House accept the Minority "Ought not to pass" Report on Bill "An Act to Pay for One Hundred Percent of Health Insurance Plans for State Employees." House Paper 364, L. D. 471, will vote yes; those opposed will vote no.

A vote of the House was taken. 37 having voted in the affirmative and 86 having voted in the negative, the motion did not prevail.

On motion of Mr. Lund of Augusta, the Majority "Ought to pass" Report was accepted.

The Bill was given its two several readings and assigned the next legislative day.

Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolution Proposing an Amendment to the Constitution Repealing the Limitation to Highway Purposes for Revenues Derived from Taxation of Vehicles Used on Public Highways and Fuels Used by Such Vehicles (H. P. 370) (L. D. 521)

Report was signed by the following members:

Messrs. JOHNSON of Somerset
 WYMAN of Washington
 — of the Senate.
 Messrs. DONAGHY of Lubec
 MARSTALLER
 — of Freeport
 CURTIS of Orono
 HODGDON of Kittery
 STILLINGS of Berwick
 COONEY of Webster
 — of the House.

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

Report was signed by the following members:

Mr. CLIFFORD
 — of Androscoggin
 — of the Senate.
 Mr. STARBIRD
 — of Kingman Township
 Mrs. GOODWIN of Bath
 Mr. FARRINGTON
 — of Old Orchard Beach
 — of the House.

Reports were read.

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

Mr. LUND: Mr. Speaker, I move the acceptance of the "Ought to pass" Report.

The SPEAKER: The gentleman from Augusta, Mr. Lund, moves that the House accept the Minority "Ought to pass" Report.

The Chair recognizes the gentleman from Ellsworth, Mr. McNally.

Mr. McNALLY: Mr. Speaker and Members of the House: This is the only dedicated revenue that is in the Constitution. And it was put there by former legislators in their wisdom so that we could have some way of traveling over the State of Maine.

It is going to be the case this year, there is not going to be enough money for anything to satisfy anywhere near everybody in their pieces of road. And this is a bill that I hope will be not passed in any way to go before the people. It is not necessary, and I ask for a division.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: This is a resolve calling for a constitutional amendment, and would require a two-thirds vote of both bodies of the Legislature. And I am fully aware of the effectiveness of the lobby employed by the highway construction and petroleum industries, and I have no illusions about the likelihood of passage of this legislation at this session.

However, my purpose in putting this resolve in, and bringing it before you today, and my purpose in talking about it today is that I would like to call the attention of the Legislature to a practice that we have engaged in for some 20 or 30 years now, which I think is not conducive to sound government.

At the present time we have written into the Constitution a provision that any money received from licensing fees, excise fees collected by the state, that any monies received from fuel tax and the like, must be expended for highway purposes. This has been

eaten into a little bit. For instance, we finance a portion of the State Police budget out of the Highway budget because part of their work is limited directly to enforcement of the highway laws.

But as a general principle, if the legislature were to decide that it were desirable tomorrow to add a penny to the gasoline tax to be used, let us say, for establishing care for the mentally retarded, or some other project — and I am not suggesting that that is desirable — I am saying that if the legislature would decide to do this, we could not do this because of the restriction which is written into the Constitution requiring this money to be expended only for highway purposes.

There are several results which I think come from this restriction written into our Constitution. One of them is that we never do compare the spending of monies on the highway construction with the spending of the same amount of monies for other state services and programs. As a result of this we do not subject the State Highway budget to the same kind of scrutiny that we do the budgets of our state hospitals, of our courts, of our many state services, including educational services.

Now I mean no disparagement upon the efforts of the committee of the legislature which works with the Highway budget, which is the Transportation Committee. But I think I can say to you with some confidence, and those of you who have been here before would agree, that over the years we have not scrutinized the details of the Highway budget in the same way that we have the other money that we have spent. Because a person who is looking for \$50,000 for a project outside the Highway budget, isn't looking for some soft place where there is an expenditure in the Highway budget that isn't needed. Because that money is committed to Highway expenditures.

I did not offer this legislation with the idea that I would use it as a vehicle to launch criticism of the operation of the Highway Commission. I don't have that knowledge. There are people who I have been in contact with who

have expressed dissatisfaction, and I know there are dissatisfactions with various aspects of the highway operation. But that was not my purpose, although I feel that it might be worthwhile for us to make some passing note of the fact that the Highway operation was subjected to a study committee which reported to this session, and you were handed at the start of the session a very brief but comprehensive report. And I would like to allude to a couple of the highlights of that report.

The question was raised whether more of the services and construction performed now by publicly owned vehicles and equipment should be carried on by privately owned equipment, whether more of the snow removal program ought to be contracted out to private bid rather than being done by state equipment. Questions were raised in other areas of the Highway operation.

I would also like to point out that in 1968 we had the benefit of a study of the computer operations of the state that were conducted at a cost of \$50,000 to the state, which included a study of computer operations as they are used or might be used in the State Highway Commission. And at that time the report included a note that the State Highway Commission maintains an inventory of supplies and repair parts valued at approximately a million dollars, and that as many as 2,000 transactions per day occur in this inventory; that the parts are spread over six garages and 20 or 25 service trucks; and that the quantity on hand is monitored manually. My understanding is we are talking about file cards with an accounting operation of this magnitude. The question was raised then, and I don't know if they have changed the procedure or not — the question was raised then whether or not this operation might be done more effectively by computer.

Likewise I believe that report indicated that the Highway Department had purchased the wrong kind of computer for their operation, a scientific one rather than

one that was designed for business uses.

I don't want to prolong the debate unduly this morning. I would like to suggest to you all that there is an important principle involved here, and that is whether it is the proper function of the legislature to scrutinize with equal care all of the operations of state government. And I would suggest to you that under the present procedure we are not scrutinizing the Highway budget in the same fashion, we are not measuring expenditures against the same tests of public need that we do in the other areas. And that I think one way to accomplish this would be to act favorably on this resolve.

I would like to comment very briefly on the objections that were raised to this. The opponents made the argument that the Maine Good Roads Association, the Petroleum Association appeared before the committee and they pointed out the need for long range planning. Well, I am sure there is a need for long range planning in the Highway Department. But I am sure that federal funds vary from time to time, and we seem to be able to manage to get along and accommodate the variations that occur.

But to suggest that because there is a need for long range planning that we need to have a dedicated fund is to suggest that in the areas of public health, of mental health and physical health, our corrections, our courts, is to suggest that there is not a need for long range planning here too. And I think that that is not the case. I think we need long range planning in many areas of the state, and the need for the planning alone does not justify the existence and continuance of this dedicated fund.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: My efforts in support of the Minority Report are probably an exercise in futility, but I would like the following in the record.

I realize that there are valid pros and cons on both sides of this question. I personally don't believe that any of the people's money should be dedicated and allotted to one department, especially when the income is in the millions of dollars.

We are basically a poor state, and if all revenues went into the General Fund priorities would be assigned on all departmental requests, and all would have to prove their case; and the Appropriations Committee could evaluate and weigh the needs of the people prior to reporting the recommended sums of money allotted to each department.

In simple terms, each department would have to take their chances after presenting their budgets. If the people feel legislative supporters of this constitutional amendment are wrong, they will have the chance in referendum.

I request the yeas and nays. Thank you.

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

Mr. JALBERT: Mr. Speaker and Members of the House: No one in this body can ever question the thorough sincerity and dedication as held by the good gentleman from Augusta, Mr. Lund. Earlier this week, Tuesday as a matter of fact, when I was batting my head against the wall against a bill I didn't know which way to go and which way to get out. I got out all right, when I got a resounding defeat. But the good gentleman from Augusta said to me that I ought to quit when I am behind. And I will quit now, being Friday when I think probably I am ahead. I heeded the advice of the gentleman for about fifteen seconds, then got up and got bashed in again.

In any event, as far as this proposal is concerned, the reason I am on my feet on it is because I have the measure — one of the several measures that concern themselves with reorganization of different departments; and one of them, the one that I have concerns itself with transportation.

Of course, being the father of the line budgeting in the three categories of personal services, all other, and capital it has been my dream over the years to have an item by item line budgeting program within state government agencies, and that would not leave out State Highway and certainly it would not leave out another area that we give a little blank check in the vicinity of \$54 million called the University of Maine. I think possibly this program could be entertained in a more serious light certainly in a later period.

I understand the motivation behind it, and I know there is sincerity and honesty. And certainly there must be some levity to everything else. I am sure that the gentleman from Perham, Mr. Bragdon, would join me in this. If the purpose of this bill is for the Appropriations and Financial Affairs Committee to inherit this budget, I would say two words: Forget it.

Mr. Speaker and members of the House, regretfully I move the indefinite postponement of this measure and all of its accompanying papers, and I ask for a roll call.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves the indefinite postponement of both Reports and Bill.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I rise to go along with the gentleman from Lewiston, Mr. Jalbert. In hearing this bill, the only thing that we found out was that the Transportation Committee didn't scrutinize the things as well as the Appropriations Committee. It wasn't said quite as bluntly as that, but that is the way it wound up.

And on top of that, the proponents addressed themselves to the possible inefficiencies of the State Highway Department, and this doesn't seem very relevant to me either, over whether or not we should dedicate or undedicate the Highway funds. The two just don't equate. So I would hope that you would go along with Mr. Jalbert in this case.

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

Mr. ROSS: Mr. Speaker and Members of the House: Following World War II, the highways in the State of Maine were in very sad shape. Now, for the size of our state, we have highways of which we may well be proud. This would never have happened had we not had there dedicated funds. Furthermore, in my opinion this is the fairest way to pay, to have the users pay.

Highway building and planning used to be a hodgepodge, full of political overtones, via the pork barrel vehicles; a little here and a little there.

The Highway Department is an extremely large operation. There has been much criticism of the commissioner and the employees, of waste and inefficiency. In my opinion this criticism is not justified. There is always some waste in a very large corporation. Over the years many people have eyed this money with envy. Very often it has been the educators. And I feel that this would be a very poor action for us to take, and I wholeheartedly support the indefinite postponement.

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

Mr. MORRELL: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion of Mr. Jalbert to indefinitely postpone. I think I would agree that years ago, when the dedicated principle was established, that obviously we needed something of that sort to bring our highway system up to snuff. I think the years have passed and we have done that, and I think today we are faced with a number of substantial, more vital problems in this state with all too few sources of funds, particularly at this period, with which to deal with them.

And I would hope that we would give serious consideration to Mr. Lund's motion and defeat this present motion to indefinitely postpone.

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

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the Majority "Ought not to pass" Report, it seems to me that it is particularly inappropriate at this time to undedicate the Highway funds, to divert them to other uses. Roads have become an integral part of everyday life in Maine, benefitting not just the motorists, the trucking companies, the bus companies, but all segments of the population.

A modern highway system increases land values and produces additional revenue in property taxes. Modern roads contribute to the defense of the country. Highways are the backbone of the postal system. They enable public health officials to serve people who have no transportation of their own.

Public education has been mentioned, and right now, particularly in Maine with the development of the School Administrative Districts, public education is highly dependent upon motor transportation.

There are other expanded services — library services, more efficient police and fire protection and ambulance service, added attractions for tourists and resort facilities, all due to the existence of a very efficient, modern highway transportation system.

A number of states have recognized these facts and now have provisions assigning all or part of their automotive revenues for highway purposes.

In Maine the highway user foots the entire bill for roads which benefit the general welfare. To use this special tax money for purposes other than for roads is economically illogical and completely unfair.

The gentleman from Bath, Mr. Ross, has alluded to the pork barrel aspect of undedicating these funds. There may come a day, I will admit, when we perhaps will undedicate these funds and throw this very attractive bone to the legislature for the largest and most powerful dogs to fight over and take home their share as prizes. That day is not here yet, and I

support the motion for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Wood.

Mr. WOOD: Mr. Speaker and Members of the House: I feel that this legislature would be very ill-advised at this time to send such a bill as this to the people to be voted on. These funds that are dedicated for the highways in the State of Maine are funds that are paid by the people that use the highways—gasoline taxes, licenses and registrations, and a few other minor things that come through highway use.

We have to consider the fact that we are in a federal program, getting many of our funds from federal sources. These funds are set up several years in advance of the time we get them. And having to come back to the legislature every two years to find out what we are going to have for highways, or whether we are going to use it for Health and Welfare or some other fund would completely disrupt this system. The federal government to set up funds six years ahead for a program, not knowing whether the funds would be there to take advantage of or not, would certainly change things considerably from the way it is now. I don't believe the people would want this. I believe that the people who vote, if this was sent to the people that know what they are doing, would feel it was foolish to send it to them, and the people that don't know certainly wouldn't know how to take advantage of this vote for the good of the state. And I hope this motion to indefinitely postpone is defeated.

The SPEAKER: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker, Ladies and Gentlemen of the House: I travel every day approximately 65-66 miles. This makes the eighth year that I have been coming out here, and I travel over some very poor roads, yes; but I have been able to drive to this House and back in all kinds of weather and I have yet to have a day that I couldn't get home or get out here.

Now I think that the way our funds are being used by the Highway Department is the only way to use them, out in the outlying districts where I am. If you change this and make it a priority system, we won't get anything because we don't have the votes. And that is what it will boil down to. And I think it should stay right where it is.

We may curse the Highway Department and the men that work for it, but when it comes right down to brass tacks, they do a good job and there is no question about it. And I urge you to vote for the indefinite postponement of this bill.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I don't know how the rest of the members here look at this indefinite postponement, but I favor it. We have been here in other sessions when this has been talked in the lobby, this same type of action, and it never got to the bill stage. It was always considered just one thing, an attempt to raid the funds of the State Highway, nothing else and nothing more.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Wood.

Mr. WOOD: Mr. Speaker, just to correct my statement that I hoped that the motion to indefinitely postpone would be defeated, I mean the motion to accept the Minority Report would be defeated.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I am one of the old timers that was here when the pork barrel was taken off. At that time, under thirteen towns I had \$1,000; now under thirteen towns and plantations, I get \$325,000. Under that same time and the same year, they gave us the bonus for construction which has made a wonderful 20 percent bonus on our state aid and we have had reconstruction under state aid. I wonder if we would like to leave those things. I hope people think

of that. I am in favor of the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Albion, Mr. Lee.

Mr. LEE: Mr. Speaker and Members of the House: I would just like to make the statement that all the monies that go to the Highway come out of the people's pocket that use the highway in every way, shape and manner. But we do, out of the Highway fund, pay 75 percent of the police costs and all the Motor Vehicle Divisions in the Secretary of State. And I think all this bill does is try to criticize the Highway Department. I am against it and I am in favor of indefinite postponement.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: After listening to the gentleman from Freedom, Mr. Evans, and the gentleman from Eastport, Mr. Mills, I couldn't leave this go by without making some comment about outlying systems. I think if anyone comes from an outlying system, it is me. If any of you have ever bothered to travel to Eagle Lake through Route 95 until you finally get to Smyrna, or perhaps to the turnoff at Mattawamkeag or somewhere else in the process, you take beautiful Route 11, which is beautiful, at least the scenery is, and then you take Route 212 which perhaps takes you from Smyrna Mills to Knowles Corner and then you finally get the rest of the way from Knowles Corner to Eagle Lake which from Augusta would probably be a distance of 300 miles. Some of you might agree that I am really in the outlying system.

I don't think that I am standing here to criticize the Highway system, because I have been impressed with the effectiveness and the job that they have done in my area of cleaning the snow during the winter months, and I can assure you that we seem to get a little bit more than the people of Augusta do.

I am not here to really tell you that the Highway system and its

people have not done the job in the summer months.

I think I personally today will vote against the motion to indefinitely postpone the bill. I am not doing it because it is against the Highway system. I am not doing it because I am opposed to what is being done now, because I am not. I personally oppose pork barrel legislation. But I just thought that my vote might impress the lobbyists and for that reason I will vote against them.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that both Reports and Resolution Proposing an Amendment to the Constitution Repealing the Limitation to Highway Purposes for Revenues Derived from Taxation of Vehicles Used on Public Highways and Fuels Used by Such Vehicles, House Paper 370, L. D. 521, be indefinitely postponed. The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that both Reports and the Resolution be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Bailey, Barnes, Bartlett, Bedard, Berry, G. W.; Berube, Binnette, Birt, Bither, Bourgoin, Bragdon, Brawn, Brown, Bunker, Bustin, Call, Churchill, Clark, Clemente, Collins, Conley, Cottrell, Crosby, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Donaghy, Drigotas, Evans, Fec-teau, Finemore, Fraser, Gagnon, Genest, Good, Hall, Hardy, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Jalbert, Jutras, Kelleher, Kelley,

R. P.; Keyte, Kilroy, Lawry, Lebel, Lee, Lewin, Lewis, Lincoln, MacLeod, Maddox, Mahany, Manchester, Marsh, Marstaller, McKinnon, McNally, Millett, Mills, Mosher, Norris, Page, Parks, Payson, Pontbriand, Porter, Pratt, Rand, Rocheleau, Ross, Scott, Shaw, Shute, Simpson, T. R.; Slane, Smith, E. H.; Stillings, Susi, Theriault, Trask, Webber, Wheeler, White, Williams, Wood, M. W.; Wood, M. E.

NAY — Ault, Bernier, Berry, P. P.; Boudreau, Carey, Carter, Dow, Doyle, Dudley, Dyar, Farrington, Gauthier, Goodwin, Hancock, Lessard, Littlefield, Lucas, Lund, Lynch, Martin, McCloskey, McCormick, McTeague, Morrell, Murray, Orestis, Rollins, Simpson, L. E.; Smith, D. M.; Whitson, Woodbury.

ABSENT — Baker, Carrier, Cooney, Cote, Cummings, Dam, Emery, D. F.; Emery, E. M.; Faucher, Gill, Hanson, Haskell, Kelley, K. F.; Kelley, P. S.; Lizotte, O'Brien, Santoro, Sheltra, Silverman, Starbird, Tanguay, Tyndale, Vincent, Wight.

Yes, 95; No, 31; Absent, 24.

The SPEAKER: Ninety-five having voted in the affirmative and thirty-one in the negative, with twenty-four being absent, the motion to indefinitely postpone does prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Exempting New Machinery and Equipment Used for Manufacturing and Research from Sales and Use Tax" (H. P. 546) (L. D. 718)

Report was signed by the following members:

Mr. HICHENS of York
— of the Senate.
Messrs. FINEMORE
of Bridgewater
ROSS of Bath
COTTRELL of Portland
DRIGOTAS of Auburn
CYR of Madawaska
McCLOSKEY of Bangor
COLLINS of Caribou
MORRELL of Brunswick
— of the House.

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

Report was signed by the following members:

Messrs. WYMAN of Washington
FORTIER of Oxford
— of the Senate.
Messrs. TRASK of Milo
DAM of Skowhegan
— of the House.

Reports were read.

On motion of Mr. Ross of Bath, 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 Certain Nonprofit Community Organizations from the Sales Tax" (H. P. 1003) (L. D. 1365)

Report was signed by the following members:

Messrs. WYMAN of Washington
HICHENS of York
FORTIER of Oxford
— of the Senate.
Messrs. ROSS of Bath
COTTRELL of Portland
DRIGOTAS of Auburn
CYR of Madawaska
McCLOSKEY of Bangor
COLLINS of Caribou
MORRELL of Brunswick
FINEMORE

of Bridgewater
TRASK of Milo

— of the House.

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

Report was signed by the following member:

Mr. DAM of Skowhegan
— 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 Fairfield, Mr. Lawry.

Mr. LAWRY: Mr. Speaker, could this be tabled one legislative day?

The SPEAKER: The gentleman from Fairfield, Mr. Lawry moves that L. D. 1365 be tabled until Tuesday, April 20, pending the motion of the gentleman from Bridgewater, Mr. Finemore that the House accept the Majority Report.

Whereupon, Mr. Finemore of Bridgewater requested a division.

The SPEAKER: A division has been requested. All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

Order Out of Order

From the Senate: The following Order:

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, April 20, at 9 o'clock in the morning. (S. P. 510)

Came from the Senate read and passed.

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

Third Reader

Tabled and Assigned

Bill "An Act Prohibiting Supersonic Flights by Nonmilitary Aircraft" (H. P. 607) (L. D. 818)

Was reported by the Committee on Bills in the Third Reading and read the third time.

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

Mr. NORRIS: Mr. Speaker, may I have this item tabled until Wednesday, April 21, please?

The SPEAKER: The gentleman from Brewer, Mr. Norris moves that L. D. 818 be tabled and specially assigned for Wednesday, April 21, pending passage to be engrossed.

Mr. Whitson of Portland requested a division.

The SPEAKER: A division has been requested on the tabling motion. All in favor of tabling will

vote yes; those opposed will vote no.

A vote of the House was taken. 54 having voted in the affirmative and 48 having voted in the negative, the motion did prevail.

Passed to Be Engrossed

Bill "An Act to Create a School Administrative District for the Town of Orono" (H. P. 804) (L. D. 1077)

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

Third Reader Amended

Bill "An Act Increasing Indebtedness of Berwick Sewer District" (H. P. 1096) (L. D. 1484)

Was reported by the Committee on Bills in the Third Reading and read the third time.

Mr. Stillings of Berwick offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-144) was read by the Clerk and adopted and the Bill passed to be engrossed as amended and sent to the Senate.

Bill "An Act relating to the Four Corners Community School District" (H. P. 1145) (L. D. 1586)

Bill "An Act relating to Vacancies in the Trustees of Mapleton Sewer District" (H. P. 1234) (L. D. 1550)

Bill "An Act relating to the Administration of Welfare Programs" (H. P. 1271) (L. D. 1672)

Bill "An Act relating to Escape of Prisoners Following Removal from a State Institution or County Jail for Appearance in Court" (H. P. 1272) (L. D. 1673)

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

Third Reader Tabled and Assigned

Resolution Proposing an Amendment to the Constitution Providing for Apportionment of the House of Representatives into Single

Member Districts (H. P. 1238) (L. D. 1524)

Was reported by the Committee on Bills in the Third Reading and read the second time.

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

Mr. BIRT: Mr. Speaker, I am working on an amendment to this and I would hope that somebody would table it for me until the next legislative day.

Whereupon, on motion of Mr. Susi of Pittsfield, tabled pending passage to be engrossed and specially assigned for Tuesday, April 20.

Amended Bill

Bill "An Act relating to the Regional Care Facility for the Severely and Profoundly Mentally Retarded at Bangor" (S. P. 297) (L. D. 854)

Was 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 Senate Amendment "A" and sent to the Senate.

Passed to Be Enacted

An Act to Authorize Cumberland County to Raise Money for a Bridge at Harpswell (S. P. 172) (L. D. 524)

Was 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.

Enactor

Tabled and Assigned

An Act relating to the Color of School Buses no Longer Used for School Purposes (S. P. 210) (L. D. 643)

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

(On motion of Mr. Lebel of Van Buren, tabled pending passage to be enacted and specially assigned for Wednesday, April 21.)

An Act relating to Discrimination under the Personnel Law Because of Age or Physical Disability (S. P. 420) (L. D. 1235)

Was 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.

Enactor

Tabled and Assigned

An Act to Amend the Municipal Public Employees Labor Relations Law (H. P. 420) (L. D. 547)

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

On motion of Mr. Bustin of Augusta, under suspension of the rules, the House reconsidered its action of April 9 whereby the Bill was passed to be engrossed as amended by Committee Amendment "A".

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action of April 8 whereby Committee Amendment "A" was adopted; and on further motion of the same gentleman a Committee Amendment "A" was indefinitely postponed in non-concurrence.

The same gentleman then offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-146) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. BUSTIN: Mr. Speaker, just a word of explanation, the only reason that this had to be done, it is the same amendment. It is simply that it was discovered that the amendment was attached to the wrong section of the law and this was simply to avoid going through it on the Omnibus bill.

Whereupon, on motion of Mr. Lee of Albion, tabled pending adoption of House Amendment "A" and specially assigned for Wednesday, April 21.

An Act relating to Uniforms for Full-time Deputy Sheriffs (H. P. 839) (L. D. 1151)

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

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

Mr. BINNETTE: Mr. Speaker, I now move that the rules be suspended for the purpose of reconsideration of engrossment.

The SPEAKER: The gentleman from Old Town, Mr. Binnette, moves the rules be suspended for the purpose of reconsideration of engrossment. Is there objection?

(Cries of "Yes")

The SPEAKER: The Chair will order a vote, which requires a two-thirds vote to suspend the rules. All in favor of suspending the rules will vote yes; those opposed will vote no.

A vote of the House was taken.

78 having voted in the affirmative and 30 having voted in the negative, the rules were suspended.

On further motion of Mr. Binnette of Old Town, the House reconsidered its action of April 9 whereby the Bill was passed to be engrossed.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-145) was read by the Clerk.

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

Mr. NORRIS: Mr. Speaker, I move indefinite postponement of House Amendment "A" and would speak briefly to my motion.

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves the indefinite postponement of House Amendment "A", and the gentleman may proceed.

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: This is one little go around every year, or every two years in Penobscot County with a vendetta against one department or another department. As I read the bill over, I see that every county in this bill has been granted an increase in uniforms, and everything went along fine, the committee heard it, and the testimony was heard; everyone agreed. And then on the last day with the mighty axe, my dear friend Joe Binnette swings in his amendment again to whack away at the sheriff's department.

I don't think it is fair to them. I don't think it is fair to the citizens of Penobscot County to have

this type of representation. So I would hope that you would let Penobscot County go along with the rest of the state and indefinitely postpone this amendment, and then pass the bill to be enacted. Thank you very much.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: We all know what the duties are of a sheriff's department. And I can say this, last session Penobscot County had 12 deputy sheriffs, that is full-time deputies; and I think they were well dressed.

And another thing is this, that if you are going to dress up four more, you are going to have four more men. So I feel as though they got a full complement, and that is why I put this amendment in. And I therefore hope that you members will vote along with me.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I wholeheartedly support this amendment. We have 12 deputies in Penobscot County, and this amendment will take care of these 12. I don't anticipate hiring any more, or being a part of those people that do want to hire some more.

While I am here, I may tell you that if you take a little time to look in the library you will find one fact that you might not know. This little state of ours, Maine, has more police protection per acre than any place in the whole world, any place in the whole world, I mean that. And we have more per capita than any place in the United States. When I say per capita, I mean more per thousands of people living in the state. We have more police protection than any place in the United States. And the facts are in the library just below you to substantiate what I am saying.

We have as much as 50 per cent more than some states, and 250 percent more than some of the southern states. So I think it is time that we stopped hiring sheriffs and deputies and burden the people further of my county. And so I would like to call to your attention just once more, even with

this amendment we will dress the 12 sheriffs we have if they can't afford it. They get a pretty good pay, but I am willing to see that they are not on the streets naked, and I will help dress the 12 of them. But I am not willing to dress any more. Thank you.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Enfield is very magnanimous this morning. He would like to dress the sheriffs. I think it is very nice of him.

I would direct his attention to the newspapers instead of the library if he thinks that the crime rate is low in the State of Maine. There are several murder trials pending, cars stolen, property stolen all of the time. So regardless of what it says down in the library we are still faced with a crime problem in the State of Maine. And as long as we drag our feet and hold back against the sheriff's departments, if that is the law enforcement method we are going to use, and against the judges, and against the courts, we are going to get just exactly—as I said two years ago—what we pay for. Thank you very much.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I support Mr. Binnette's motion this morning, or this afternoon. We have only got 12 men up there. We haven't got 16. We are not going to hire any more. We haven't got it in the budget, so I don't know where they are going to get the money that Mr. Norris might suggest they might get for four more people. It is not there. We are going to hire them. We don't need this additional four uniforms, and I know it is not a great amount of money, but it is a little saving to our county.

I am quite sure before we get done this session that my good House Chairman is going to tell this House how much money that we did save the people in various

counties this year. I wholeheartedly support that amendment.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am sorry that I didn't mention that, I intended to, about the crime rate in this state. Even with all this per capita overpopulation of police forces, it is true they are not doing a very good job, because we still have one of the highest in the state of robberies and what have you, murders and so forth.

So it is my opinion that they are sort of a useless tool. And so for that reason I don't want to hire any more. I am sorry, I intended when I was on my feet the first time to tell you that in spite of all this more per capita and more per acre business, we still have one of the highest crime rates in the nation. So obviously they are not doing a very good job. So he is only substantiating what I am telling you.

Mr. Norris of Brewer was granted permission to speak a third time.

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: To be very brief and answer my friend Mr. Kelleher, I understand that the Superior Court Judges, some of them now have ordered that there be an extra deputy in the court, armed when court is in session. Now you can clothe him or not, or you can put him in the budget or not, do any way you want to. But he is going to be there, and before you get through you are going to have to pay for him. Thank you very much.

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

Mr. WIGHT: Mr. Speaker and Members of the House: Just to clear the record in this matter as it was heard before my committee, these do not mean that they have four new deputies. I understand that in some counties they have three sets of uniforms for each of these gentlemen. And I fear that perhaps this amendment may take away the summer uniforms that the sheriffs must be in to enforce the law. Thank you.

The SPEAKER: The Chair will order a vote. All in favor of indefinite postponement of House Amendment "A" will vote yes; those opposed will vote no.

A vote of the House was taken. 64 having voted in the affirmative and 46 having voted in the negative, the motion did prevail.

Thereupon, the Bill was passed to be engrossed.

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

An Act relating to Staffing Committees of the Legislature (H. P. 1250) (L. D. 1571)

Was 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:

HOUSE DIVIDED REPORT — Majority (8) "Ought to pass in new draft" — Minority (5) "Ought not to pass" — Committee on Judiciary on Bill "An Act Prohibiting Personal Liability of School Board Members" (H. P. 6) (L. D. 6) — New Draft (H. P. 1252) (L. D. 1578) under new title "An Act to Indemnify Public Officials and Employees of the State of Maine" — In House, Reports and Bill indefinitely postponed.

Tabled — April 14, by Mrs. Wheeler of Portland.

Pending — Motion of Mr. Hardy of Hope to reconsider.

Thereupon, on motion of Mr. Hardy of Hope, retabled pending his motion to reconsider indefinite postponement and specially assigned for Tuesday, April 20.

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

Bill "An Act Creating the Cumberland County Recreation Center" (S. P. 404) (L. D. 1221) — In Senate, passed to be engrossed.

Tabled — April 14, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: Yesterday afternoon after the session the Cumberland County delegation had a meeting, and we feel that there are some amendments that should be offered to this particular bill. I would therefore respectfully ask that somebody table this for two legislative days.

Thereupon, on motion of Mr. Cottrell of Portland, retabled pending passage to be engrossed and specially assigned for Wednesday, April 21.

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

Bill "An Act Prohibiting Use of Motor Vehicles on Frozen Surface of Part of Sasanoa River" (H. P. 843) (L. D. 1155)

Tabled — April 14, by Mr. Bailey of Woolwich.

Pending — Passage to be engrossed.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

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

Bill "An Act Providing for Records of Sales of Used Merchandise" (H. P. 490) (L. D. 631) — Committee Amendment "A" (H-115) adopted.

Tabled — April 14, by Mr. Scott of Wilton.

Pending — Passage to be engrossed.

On motion of Mr. Smith of Dover-Foxcroft, under suspension of the rules, the House reconsidered its action of April 13 whereby Committee Amendment "A" was adopted.

The same gentleman then offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-135) was read by the Clerk.

Whereupon, on motion of Mr. Carter of Winslow, tabled pending adoption of House Amendment "A" to Committee Amendment "A" and specially assigned for Wednesday, April 21.

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

SENATE REPORT — "Ought to pass" in New Draft — Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973" (S. P. 102) (L. D. 230) — New Draft (S. P. 533) (L. D. 1577) under same title. — In Senate, Report accepted and Bill passed to be engrossed.

Tabled — April 15, by Mr. Bragdon of Perham.

Pending — Acceptance in concurrence.

Thereupon, the "Ought to pass" Report was accepted in concurrence, the New Draft read twice and assigned the next legislative day.

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

SENATE REPORT — "Ought to pass" in New Draft — Committee on Natural Resources on Bill "An Act to Create the Saco River Environmental Advisory Committee" (S. P. 209) (L. D. 642) — New Draft (S. P. 544) (L. D. 1661) under same title. — In Senate, Report accepted and Bill passed to be engrossed.

Tabled — April 15, by Mr. Simpson of Standish.

Pending — Acceptance in concurrence.

Thereupon, the "Ought to pass" Report was accepted in concurrence, the New Draft read twice and assigned for third reading the next legislative day.

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

Bill "An Act to Amend the Act to Prevent the Pollution of the Waters of Sebago Lake" (H. P. 201) (L. D. 268)—In House, Minority "Ought not to pass" Report accepted. In Senate, Majority Report reporting "Ought to pass" in New Draft (H. P. 1258) (L. D. 1617) accepted and Bill passed to be engrossed in non-concurrence.

Tabled—April 15, by Mr. Porter of Lincoln.

Pending—Further consideration.

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

Mr. SUSI: Mr. Speaker, I move this item be tabled for one day.

Whereupon, Mr. Simpson of Standish requested a division.

The SPEAKER: A division has been requested on the tabling motion. All in favor of this matter being tabled for one legislative day pending further consideration will vote yes; those opposed will vote no.

A vote of the House was taken. 82 having voted in the affirmative and 25 having voted in the negative, the motion did prevail.

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

Mr. NORRIS: Mr. Speaker, under enactors, I would now move that we reconsider our action whereby we enacted item number 5, An Act relating to Uniforms for Full-time Deputy Sheriffs, and hope you all vote against me.

The SPEAKER: The gentleman from Brewer, Mr. Norris, now moves that the House reconsider its action whereby it enacted item 5, An Act relating to Uniforms for Full-time Deputy Sheriffs, House Paper 839, L. D. 1151. All in favor of reconsideration will say aye; those opposed say no.

A viva voce vote being taken, the motion did not prevail.

On motion of Mr. Porter of Lincoln,

Adjourned until Tuesday, April 20, at nine o'clock in the morning.