

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, May 12, 1971

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

Prayer by Brigadier Alfred Davey of Augusta.

The journal of yesterday was read and approved.

The SPEAKER: The Chair would request the indulgence of the House this morning for just a few minutes of ceremony which we must participate in, in the public interest. The Chair would ask the Sergeant-at-Arms at this time to escort the gentleman from Farmington, Mr. Hawkins, to the rear of the Hall of the House in order that he may escort Miss Ruth McCleery, the Miss Maine of 1971, to the rostrum.

Whereupon, Mr. Hawkins of Farmington escorted Miss Ruth McCleery to the rostrum. (Applause, Members rising)

The SPEAKER: Miss Maine is the daughter of Mr. and Mrs. Robert L. McCleery of Farmington. She has green eyes, brown hair and is five feet five inches tall. She is twenty years old and a sophomore at the University of Maine in Orono, majoring in psychiatry with a goal of being a psychiatric social worker. She also works part-time as sales representative for Overseas Airlines.

In addition to winning the title of Miss Maine in 1971, Miss McCleery has also held the title of Maine Dairy Princess and is this year's Ski Maine Queen. Her many hobbies are hiking, skiing, swimming, boating, and horseback riding.

Tomorrow Miss McCleery will be leaving for Miami, Florida where she will represent the State of Maine in the Miss U.S.A. Pageant. One of her costumes at the Pageant will be a hiking outfit, a sport she is promoting and a sport which is growing in Maine, as it naturally should with the many fine trails we have and the terminus of the Appalachian Trail.

Miss McCleery is visiting the Legislature today in her capacity as Miss Maine 1971, as part of a promotional campaign by the State to encourage Maine citizens to va-

cation travel within the State of Maine.

A vacation travel booth staffed by members of the Department of Economic Development is set up at the Augusta State Armyory today where literature, buttons and bumper stickers will be given to those visiting the booth. At 11:45 this morning Governor Curtis will sign the following Proclamation, and the Chair will read the Proclamation.

Whereupon, the Speaker read the Proclamation relative to the "Stay with Maine" program.

The SPEAKER: And I am sure the Members of the House offer their congratulations to this young lady who is the Miss Maine of 1971 and pray that she may get full recognition at the Pageant at Miss U.S.A. (Applause)

Miss RUTH McCLEERY: First I would like to thank you all, the Members of the House, for inviting me here today and I hope as your ambassador to Miami that I may promote the State and show them what you Mainers are like with our grand hospitality and our wonderful being. So thank you very much. (Applause)

Miss McCleery was then escorted from the Hall of the House.

Conference Committee Report

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

Bill "An Act Establishing an Open Season on Moose" (H. P. 1237) (L. D. 1686) reporting that they are unable to agree.

(Signed)

PARKS of Presque Isle
BOURGOIN of Fort Kent
FINEMORE

of Bridgewater
—Committee on part of House
ANDERSON of Hancock
HOFFSES of Knox
MINKOWSKY

of Androscoggin
—Committee on part of Senate
Report was read and accepted and sent up for concurrence.

Papers from the Senate Reports of Committees Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs

reporting "Ought not to pass" on Bill "An Act Providing Funds for Wildlife Upland at Pine Point, Scarborough" (S. P. 459) (L. D. 1377)

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

Ought to Pass in New Draft

Report of the Committee on Transportation on Bill "An Act relating to Relocation Assistance in State Highway Projects" (S. P. 506) (L. D. 1502) reporting same in a new draft (S. P. 573) (L. D. 1717) under title of "An Act relating to Relocation Assistance and Land Acquisition in State Highway Projects" and that it "Ought to pass"

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft read twice and tomorrow assigned.

Ought to Pass

Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act relating to Maine Department, The American Legion" (S. P. 536) (L. D. 1616)

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

In the House, the Report was read and accepted in concurrence, the Bill read twice and tomorrow assigned.

Divided Report

Majority Report of the Committee on Veterans and Retirement on Bill "An Act relating to Retirement of Penal and Correctional Institution Personnel" (S. P. 352) (L. D. 1018) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. THERIAULT of Rumford
DOW of West Gardiner
CURTIS of Bowdoinham
SIMPSON of Millinocket
PRATT of Parsonsfield
HAYES of Windsor
LEWIN of Augusta
VINCENT of Portland
— of the House.

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

Report was signed by the following members:

Messrs. ANDERSON of Hancock
BERNARD
of Androscoggin
Mrs. CARSWELL
of Cumberland
— of the Senate.

Mr. JUTRAS of Sanford
Mrs. LINCOLN of Bethel
— of the House.

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

In the House: Reports were read.

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

The Bill was given its two several readings.

Committee Amendment "A" (S-145) was read by the Clerk and adopted.

Senate Amendment "B" (S-155) was read by the Clerk and adopted in concurrence and the Bill assigned for third reading tomorrow.

Non-Concurrent Matter

Bill "An Act relating to Size Limit of Trout" (S. P. 548) (L. D. 1687) on which the House voted to insist on May 10 on its former action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A" and House Amendment "A" in non-concurrence on May 6.

Came from the Senate with that body voting to further insist on its former action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A" in non-concurrence, and asking for a Committee of Conference with the following Conferees appointed on its part:

Messrs. HOFFSES of Knox
ANDERSON of Hancock
BERNARD
of Androscoggin

In the House:

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

Mr. BROWN: Mr. Speaker, I move that we insist and join in a Committee of Conference.

The SPEAKER: The gentleman from Oakland, Mr. Brawn, moves that the House insist and join in a Committee of Conference. Is this the pleasure of the House?

(Cries of "No" and "Yes")

The Chair will order a vote. All those in favor of insisting and joining in a Committee of Conference will vote yes; those opposed will vote no.

A vote of the House was taken.

80 having voted in the affirmative and 28 having voted in the negative, the motion did prevail.

Non-Concurrent Matter

Bill "An Act Establishing a State-wide Open Deer Season" (H. P. 906) (L. D. 1250) which was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "B" in the House on April 28.

Came from the Senate recommitted to the Committee on Fisheries and Wildlife in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. Porter.

Mr. PORTER: Mr. Speaker and Members of the House: My poor little darling has got so tangled up that it looks as if we are going to be able to hunt only on Sundays and nights. Therefore I move that we concur with the Senate and send this back to the Committee.

Whereupon, the House voted to recede and concur.

Petitions, Bills and Resolves Requiring Reference

The following Bills, approved by a majority of the Committee on Reference of Bills for appearance on House Calendar, were received and referred to the following Committees:

Education

Bill "An Act Increasing Indebtedness of Ellsworth School District" (H. P. 1316) (Presented by Mr. McNally of Ellsworth)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Provide One Property Tax Rate for the Unorganized Territory" (H. P. 1317) (Presented by Mr. Martin of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

Orders

Mrs. Boudreau of Portland presented the following Order and moved its passage:

WHEREAS, the sun is growing hot

WHEREAS, flowers are out but we are not

WHEREAS, picnic tables gleam in the sun

But legislative business remains to be done,

THEREFORE, BE IT ORDERED, and we expect many votes,

The gentlemen may now remove their coats.

The Order received passage. (Applause)

The SPEAKER: The Chair would announce that this is the decision of all of the ladies in the House.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, does the House have in its possession L. D. 675, An Act to Amend the Laws Relating to Forcible Entry and Detainer?

The SPEAKER: The answer is in the affirmative. Bill "An Act to Amend the Laws Relating to Forcible Entry and Detainer," Senate Paper 220, L. D. 675, is in the possession of the House.

Mr. ROLLINS: I now move that the House reconsider its action of yesterday whereby it voted to recede and concur with the Senate.

The SPEAKER: The gentleman from Dixfield, Mr. Rollins, moves that the House reconsider its action of yesterday whereby it receded and concurred with the Senate.

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

Mrs. BAKER: Mr. Speaker and Members of the House: I arise in opposition to the motion. This bill was debated at length yes-

terday for the second or third time and I think you are all aware of the merits of the bill, and we passed it by a 20-vote margin yesterday. Therefore I hope you will vote no on the reconsideration motion.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: This bill would take some of the discretion away from the judge in determining the length of time that a landlord cannot use his leased premises.

Suppose you have an example of four tenants and four apartments and three of them get along very well, and the other one does not get along with them. If this bill passes it will take 30 days plus five days notice, or more than 35 days at the very minimum to remove the tenant from the landlords' apartment.

It seems to me this is unfair. The landlord cannot remove the tenant for 35 days, whereas the tenant can leave and move to New Hampshire or Connecticut or leave the apartment at any time.

I hope you will vote to reconsider.

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

Mr. KELLEY: Mr. Speaker and Members of the House: This is the sixth time that we have debated and argued this particular bill and it will be the sixth time we are going to vote on it.

Most of the arguments against the bill have been directed, not towards the merits but towards the bad character of tenants as a class. You have heard how tenants damage property, how tenants never pay rent and how tenants discriminate against the landlords. But if those who have argued against the bill would analyze the merits of the bill, I think they would realize that this bill does not prohibit the landlord from leasing his property; it only prohibits the landlord from fraudulently leasing his property to cut short the 30-day notice period.

They would also realize that the bill provides a new remedy against

the tenant who violates the law. The landlord need give only a 7-day notice if the tenant is 30 days or more behind in his rent. He need give only a 7-day notice if the tenant damages the landlord's property or creates a nuisance. And he need give only a 7-day notice if the tenant violates the law regarding the tenancy.

Again, do not vote against the bill because it is a landlord or a tenants bill. Vote for the bill because it is needed as a just bill. I would ask when the vote is taken that it be taken by roll call.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: It was said just a few minutes ago that this bill has been considered six times in this House. Well let me suggest to you that any bill that has been considered six times in the House there is some question as to whether it is any good or not; and we claim that it isn't. It was also said it was a fraudulent lease. Well this is not a fraudulent lease; we have all kinds of leases and we have remedies for it, and this time the remedy that is used to take out the undesirable landlord is the same remedy that the lawyers use in their office almost every day on some other occasions.

Now there is nobody that said any different. This is a very common and daily used system which the lawyers use whenever it involves land or conveying the land and other things. So if it is good for their business on some other angle, it should be good for this angle.

So I submit to you that we should reconsider and actually the main thing I want to say is if it has been considered this many times there is a question if it is good or not, and I believe that it isn't any good. That is why I ask you to reconsider.

The SPEAKER: 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 Dixfield, Mr. Rollins, that the House reconsider its action of yesterday 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 — Albert, Bailey, Barnes, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Brawn, Call, Carrier, Churchill, Cottrell, Crosby, Curran, Cyr, Doyle, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Faucher, Gauthier, Henley, Hewes, Jutras, Kelley, K. F.; Kelley, R. P.; Lebel, Lee, Lewin, Lewis, Lincoln, Lizotte, MacLeod, Manchester, McKinnon, McNally, Millett, Mills, Mosher, Parks, Payson, Pratt, Rand, Rocheleau, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Starbird, Susi, Theriault, Trask, Webber, Wight

NAY — Ault, Baker, Bartlett, Berry, G. W.; Birt, Bither, Boudreau, Bourgoin, Bragdon, Brown, Bunker, Bustin, Carter, Clemente, Collins, Conley, Cooney, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Dam, Donaghy, Dow, Drigotas, Farrington, Fecteau, Finemore, Gagnon, Genest, Gill, Good, Goodwin, Hall, Hancock, Hardy, Haskell, Hawken, Hayes, Herrick, Hodgdon, Immonen, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lessard, Littlefield, Lucas, Lund, Lynch, Maddox, Mahany, Marsh, Marstaller, Martin, McCloskey, McCormick, McTeague, Morrell, Murray, Norris, O'Brien, Orestis, Page, Pontbriand, Porter, Ross, Scott, Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Stillings, Tynedale, Vincent, Wheeler, White, Whitson, Williams, Wood, M. W.; Wood, M. E.

ABSENT — Carey, Clark, Cote, Evans, Fraser, Hanson, Jalbert, Santoro, Sheltra, Tanguay, Woodbury.

Yes, 57; No, 82; Absent, 11.

The SPEAKER: Fifty-seven having voted in the affirmative, eighty-two in the negative, with eleven being absent, the motion to reconsider does not prevail.

Mr. Henley of Norway presented the following Joint Resolution and moved its adoption:

WHEREAS, the citizens of Maine have expressed vital concern over the present level and means of State taxation; and

WHEREAS, such concern has created uncertainties and speculation as to future legislative action in respect to major taxation; and

WHEREAS, it is imperative that such uncertainties and confusions be resolved for the preservation of public peace and prevention of injustice to Maine taxpayers; now, therefore, be it

RESOLVED, that we the members of the Senate and House of Representatives of the One Hundred and Fifth Legislature of the State of Maine, now assembled, being ever mindful of our representative capacity and our individual and collective obligations to the people of Maine and their right to know, take this opportunity to go on record and publicly assure the citizens of this State that funds necessary to provide existing state services during this regular session or any special session of the 105th which are likely to follow will be financed without an increase in the major taxes, namely, sales, personal and corporate income tax; and be it further

RESOLVED, that the position of the Legislature in respect to taxation be clear and unequivocal by so recording this Resolution in the permanent journals of the 105th Legislature. (H. P. 1318)

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: We have this resolution before us, sponsored by the gentleman from Norway, Mr. Henley. I believe that the people of Maine are looking to us right now for just such assurances as are offered by this resolution. I hope that we can give this resolution our unanimous endorsement here now and hopefully pro-

mote a peace of mind in Maine, which would result in the retention of the income tax in the referendum vote.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: As House Chairman of the Taxation Committee I wholeheartedly support this resolution.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: In view of the fact that this order doesn't accomplish anything, I am more than happy to support it. As you well know, the Democratic caucus has already gone on record as supporting this very thing and at that point, as you well recall, the remarks that were made.

I am amazed that all of us today are going to end up supporting the gentleman from Norway, Mr. Henley.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: If I understood my friend the Minority Leader correctly, he made the statement that this doesn't mean anything, and I just have to differ with him on this. I believe this is a complete misappraisal of the sense of the resolution. What we are saying if we adopt this resolution, and saying it clearly and unequivocally — I believe the word 'unequivocal' is in the resolution, — that we are pledging ourselves to the people of the State of Maine that we won't make an increase in the major tax during this regular session or any special session of the 105th.

And that is saying something. I believe the people of Maine are listening to hear this from us. I think we should say it loud and clear and relieve a lot of misapprehension.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: The point that I was making was a rather simple point, was that we pass this order today, this expresses our views today. I don't think that we ought to forget that what we do today we can undo the next day. The people of Maine ought to be told very clearly, very clearly, and know what can possibly happen. We can all stand here today and tell ourselves we are not going to have a major tax. We can all tell ourselves that nothing is going to happen today.

But the gentleman from Pittsfield, Mr. Susi, ought not to forget, and the people of Maine ought not to forget, that the Legislature in the past couple sessions that I have been around has a certain way of reversing itself every now and then. And if the people think that we are passing a lock-proof resolution against taxes, that we are kidding ourselves and we are kidding them. This is what I was trying to point out.

Mr. Susi of Pittsfield was granted permission to speak a third time.

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: Again I would have to differ with the Minority Leader in his position. He is persisting basically in the position that nothing has been said. I contend that a lot has been said. I recognize and honor his right to speak for his party, and if he represents his party position, he appraises this resolution as a passing thing, something which we can turn over tomorrow or the next day.

Now I can speak for the leadership of the Majority Party, the Republican party in this Legislature, who has talked about this issue at length, and I say without any reservation that we have in the Republican party no such intentions to overturn this resolution. We are making the resolution after having given it considerable serious consideration. We consider it a thorough and complete commitment of the members of our party, so far as we can control, to no increase in a major tax during

this or any other session of the 105th, is something that we intend to honor. So there is a difference of viewpoint.

If the other party would like to change its position on this at any time, well that is certainly their prerogative, but we are making this very seriously.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Apparently the gentleman from Eagle Lake, Mr. Martin, is accepting this resolution somewhat with his tongue in his cheek. I am not speaking for anybody except myself, and I subscribe to the wording of this resolution; in fact I helped write it up. And I hereby put myself on record unequivocally, to come whatever will, I mean to keep the terms of this resolution. I am speaking for only one vote, but as long as I am a member of this legislature I intend to keep that commitment.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I am delighted to see this resolution before this body this morning, and we had one down in our caucus a few months ago. It was kind of a controversial little item, but the majority members of my party voted to accept it and then it was unanimously accepted. I am quite sure that the people who voted down at that caucus on that particular day are not going to bat water now; they are not going to bat water when we come back in here for the special session.

I think it is time, as members of this body, that we should guarantee the people of this state, in the position that the income tax is in on the repeal, that we do not intend to hit their pocketbooks any more at this session. And I for one will go on record for not going after their pocketbook. I think we spend enough money here as it is. We keep coming up with these little gems in Part II, and then we come back in the special session and we

are looking for more and more money. The people can't afford it.

I checked this morning, only just a few minutes ago, with the Unemployment Office in my area. There are 1,700 people unemployed in Penobscot and Piscataquis counties. These people can't stand to have any more taxes put on. They certainly can't even stand the idea that we may put any more taxes on them.

I wholeheartedly support this resolution, and I am quite sure there are a number of the members in my party that will support it and stick by their word. I am quite sure if my good friend from Lewiston was here this morning, Mr. Jalbert, he would be on his feet to guarantee the people in his area and the people that he represents, and the same for myself, that we are not going to put the whip to them again this session — not here in the regular session and we are not going to do it at the special session. The people just can't afford it and this is one guarantee that I think we should all endorse.

I don't know if there has been a roll call asked for, Mr. Speaker, but I will ask for it.

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

Mr. DAM: Mr. Speaker and Members of the House: I shall be happy to go on record this morning as voting for this resolution because I was one of the signers of the petition that was circulated within my party, the Minority Party and the Democratic Party, although we went a little further in defining the word sales tax. We even said that we would not even play around with any trade-in exemption on the automobiles. So I think we have gone a little further in defining it than what this has. But it does me good to see that the Majority Party in the House, the Republican Party, has finally decided to follow thirty-eight members of the Democratic Party in adopting this resolution.

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to correct Mr. Kelleher on a statement he made that the vote at the Democratic caucus on the no-tax resolution was unanimous. To the best of my knowledge, and personally, it was not unanimous.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: The sense of this order expresses an opinion that I have felt for a long time, and I have stated this opinion to the Governor in his office, before the Appropriations Committee, the Education Committee and also in our Democratic caucus. When I vote for this today, I am certainly doing it irreversibly.

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

Mr. HANCOCK: Mr. Speaker and Members of the House: May I inquire if a resolution such as this can be amended?

The SPEAKER: A resolution is subject to amendments.

Mr. HANCOCK: I am not going to offer one, but I think that I agree with the basic premise here, and the only suggestion that I think would even nail this down a bit further would be that we would resolve that we do not remove any of the exemptions from the sales tax, such as trade-ins as was mentioned by Mr. Dam.

The other thing that I would like to say is that I am on record in the Democratic caucus as being opposed to any increase in any of the major taxes. I am on record in my local newspaper as being opposed to any of these increases, and I don't think I have to assure any member of this House but what my word is good.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I would definitely go along with the suggestions of the gentleman who has just spoken with regard to amending this resolution in that manner.

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

Mr. NORRIS: Mr. Speaker and Members of the House: It seems as though I am all alone this morning. I think that this Legislature is making a serious mistake to lock itself into being against any of these tax increases. If the people, in their wisdom, if they have any wisdom, decide to repeal this income tax, where are you going to be if you are locked into a resolution where you can't raise any other major taxes to cover the difference? I just hope that we in our haste and in our hurry, trying to make everyone back home feel secure that want the services but some who question about paying for them, I just hope that we don't do something in haste and end up with a lot of pie in our face. I am going to vote against the resolution.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I heartily endorse this resolution this morning, but I am wondering what the purpose behind it is. Is it to lure the people of this state into a sense of false security, that we shall come back here in the 106th and if they should uphold the state income tax and you can use a sock-it-to-em attitude because they felt that the income tax should be retained on the books? Personally, I, at any time, if I come back here again, will never support another change in the income tax. And I hope that the people of this state are not lured into a state of false security and when they go to the polls in November, or whether the date will be set to repeal the income tax, they shall vote in great numbers to repeal it.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I do stand somewhat corrected this morning. Mr. Cooney was right and I was wrong, it wasn't unanimous. But if I can remember the vote down at our caucus on a similar resolution, I

think it was something like 37 to 16. So I would say the majority of my party will support this and I hope they do. We supported one in our caucus and I hope they vote this morning to support this one.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am going to have to disagree with my friend Mr. Norris this morning from Brewer, but I think that for too long we have forgotten that the government is of the people and not of the government. And if the people are reassured and then they take it upon themselves to reduce the revenue, with the opportunity they have, they should do so with their eyes wide open; and I still will support this resolution. I think its motives are honorable and it is merely to reassure the people that we are not planning any shenanigans in this session or in the special session of the 105th.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Eagle Lake, Mr. Martin, said that sometimes we change our mind on things. Sometimes we do change our mind on things, but we have never before in my history in the legislature, it goes back to sixteen years, made a pledge like this resolution. This is a firm promise, and I am certain that Republicans who vote for this will honor our promise in regard to no increase in the sales or the income tax. And I support the request for the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: There was mention made of a Democratic caucus and there were 16 members who didn't go along with that resolution. I was one of those 16, because none of us know what the future has in store for us. At the same time, I don't believe there is one person in this House who cares for any

more increase in major taxes; but nevertheless, we don't know.

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

Mr. WOOD: Mr. Speaker and Members of the House: I oppose this resolution. I hope that the time doesn't come in this session when I have to vote for more income taxes or sales tax, but when we leave this session of the legislature, the way things are looking to me now, we are going to leave the burden of operating the state government upon the people that can least afford it, and we have made no provision whatever to bring them relief — and that is the property taxpayer. Therefore, I shall not support the resolution.

The SPEAKER: The Chair recognizes the gentlewoman from Newport, Mrs. Cummings.

Mrs. CUMMINGS: Mr. Speaker and Ladies and Gentlemen of the House: I think that if the people of Maine vote down the income tax, it will be a Maine disaster, a state-wide disaster. I think that if we pass this resolution today then we will be encouraging people to think that we can get along without the income tax. I certainly oppose any raise in the income tax, but I would do everything in my power to see to it that they don't vote for it. And I hope that we do not pass this resolution.

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

Mr. FECTEAU: Mr. Speaker and Ladies and Gentlemen of the House: I hope that we do support this resolution. And if in case the people decide to repeal the income tax, we can come back here and find a new way for higher education. My people down home are not against education, but they feel that we have to change our way for the higher education. These millions of dollars that we are giving to the University of Maine is not the right way of doing it. We should raise the tuition and fix us some other plan to help these students that go to these places.

I remember about two months ago there was a certain governor in another state that feels the same

way that I do. There should be some way that these youngsters that go for higher education should feel more responsible towards their education. I think that if we loaned them the money, gave them some way of paying their own way or part of their own way, they would be better students after a while. And I hope that we do hold onto this resolution.

The SPEAKER: The Chair recognizes the gentleman from Westfield, Mr. Good.

Mr. GOOD: Mr. Speaker and Ladies and Gentlemen of the House: I am against all tax raises, but I think it is very unwise for us to lock ourselves into a position. I support what is evidently the unpopular opinion of my friend Mr. Norris.

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

Mr. GILL: Mr. Speaker and Ladies and Gentlemen of the House: I support this resolution, not only for today but for every other day during the reign of the 105th. We have been called a lacklustre type of legislature up to now, and perhaps in just cause. However, the 105th will be known as the legislature that caused the repeal of the state income tax if we do not come out and assure these people and stand behind them. Because let's face it, our original Part II budget called for \$40 million more in new spending, and I do not believe that if these needs were so great, according to our Chief Executive, that he is going to change in his position.

From the comments that I have read in the press, I believe that he would like us to close up and go home and wait until after the tax question is voted on by the people. But I have talked to a lot of people and they have a great deal of concern as to what we would do in the area of expanded services. So, therefore, I feel that if you are going to vote for this resolution you want to vote for it because you are prepared to do exactly what it says.

We have heard in the Governor's message that taxpayers do not feel close to their government

and things of this type. I feel with the passage of this resolution that it would enable us to say there, "We have said something, you can understand it and we are going to stand behind it."

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: In reading the resolution sponsored by the gentleman from Norway, Mr. Henley, I see that one of the forms of taxation that at least I would consider a major form of taxation, namely, the gasoline tax, is not mentioned in that. I would ask the gentleman, if he would care to respond, whether it was intentional to omit that or whether that was by inadvertence that the gasoline tax was omitted?

The SPEAKER: The gentleman from Brunswick, Mr. McTeague poses a question through the Chair to the gentleman from Norway, Mr. Henley, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer Mr. McTeague in this vein — I really did not think of it, to tell you the truth. If anybody cared to amend that in there, I would be perfectly willing to go along with it because I have no intention of voting for an increase in the gas tax, if that answers the gentleman's question.

While I am on my feet, I would like to make one more comment if I may relative to a few things that have been said in objection to this. We have heard and all of us have heard from constituency now and then, have been asked why we did not cut down on costs of bureaucracy in state government. We are a state which is not expanding peoplewise or economic-wise as fast as we would like. But our state government expands just as though we were increasing about ten or fifteen percent per year, and we are not.

Now what I would like to say is this, that I hope that no emergency would come up which would

create a situation such as would occur as Mrs. Cummings stated, if the people in the fall turn down the income tax. But inasmuch as we have been told time after time that we should find ways to trim down our bureaucracies and our departments at the state level, if that situation should occur and the people ask for it, then I don't know of anything else but what it would have to be trimmed down. That is all I can say.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Bernier.

Mr. BERNIER: Mr. Speaker and Ladies and Gentlemen of the House: In my opinion this is an infantile gesture that has no meaning. What were we sent here for, to predict two years ahead what we will need or to use our head and do what is absolutely needed during those two years, during that session? We are not here to look good before the voting public. We are here to do our duty, regardless of what it is. And as far as that caucus where the Democrats voted for a similar measure, I did not become involved in that gesture for publicity. I walked out on it because I will not become involved in cheap tricks.

Mr. Bragdon of Perham was granted permission to speak a third time.

Mr. BRAGDON: Mr. Speaker and Members of the House: I would like to comment in regard to the answer to the question in regard to the gas tax. Personally I would not agree with the gentleman, Mr. Henley. I would rather that the gas tax would not be mentioned in this resolution.

With regard to the way that we are supporting our state services, I think I had somewhat of a surprise — perhaps I should not have. I happened to be down in the State of New Hampshire over the weekend and I looked at that conservative paper, the Manchester Guardian, and I guess this article which I will mention at this time was in our Maine papers, so I presume you have seen it, more or less along the line that Governor Peterson was in trouble. The thing that impressed me was,

when I compared, we will say, apparently in the State of New Hampshire, which I feel probably has resources equal or superior to our own State of Maine, their total revenue available for state services was \$141 million compared, as you know, with something like \$375 million which the State of Maine found available under our present tax services at this time. Apparently they were trying to bolster their \$141 million another hundred million which was why they were not being extremely successful. I just mention this as a comparison between the two states.

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I view this resolution as nothing but a grandstand play, just as I did the resolution presented to the Democrats. I did not vote for the resolution presented to the Democratic caucus and I won't be blackmailed now.

I have two bills which are still in committee — property tax relief for the elderly and a limited medicaid bill. They total \$5.5 million, and I would be a hypocrite to vote for this resolution, as would any other member of this House who was the sponsor of major legislation.

I don't want to pass a major tax, but I will vote to fund anything that I have proposed. We can nickel and dime the people to death with patchwork taxation, but it all comes out of their pockets in the end.

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

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: This resolve would be meaningful if it had a preamble such as this — providing the state income tax be not repealed in referendum. If you had that preamble then this would be meaningful; otherwise it means nothing.

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

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

House: I could answer the question that Mr. McTeague asked regarding the gasoline tax. The gasoline tax will be on the floor, I believe, tomorrow or Friday. It has all been passed out by the Taxation Committee and that is a divided report.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I am very much troubled by this resolution, because first of all, if we look at the language of it, it refers specifically to sales and personal and corporate income tax. Now my understanding of the Constitution is that if we make any change in the personal or corporate income tax, that change would have to be submitted to the people together with the initiative which has been filed. So any pledge that we would make—I understand also that the decision has been made that we are going to allow the people to vote on the repeal of the income tax without any competing measures along with it.

So my impression is, as a practical matter, we cannot make any changes at this regular session in the personal or corporate income tax. That leaves only then the sales tax, and the question may arise whether an increase is meant to include a change in automobile trade-in and this sort of thing.

What troubles me is that the obvious purpose of this resolution is to assure the people of Maine, who are going to vote eventually on repealing or continuing our income tax, to assure the people of Maine that this is not a swinging, spending legislative session. But it seems to me that anybody who has jumped to that conclusion certainly is not following legislative proceedings to date very closely. And I don't think that it ought to require a resolution such as this to indicate to the people of Maine that we are not prepared at this time to advocate either large spending measures or large revenue measures.

What troubles me also is this, and it has been touched upon briefly by Mrs. Goodwin. The

Legislature a few days ago, this House right here voted for a change in legislative salaries. A number of us have bills calling for the expenditure of monies. And it seems to me that any person who favors this as a public relations gesture is going to be on very weak ground, indeed, if on the last day of the session when the Appropriations table is released, if their personal money bills go down the drain. I feel that we ought not to have to reassure the people of the State of Maine that we are not about to levy large, new, heavy taxes.

We do have serious problems that we are not facing up to in regard to relieving people who are paying real estate taxes and dealing with a lot of other problems in the state. And I, therefore, reluctantly must confess I am not going to vote in favor of this resolution.

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

Mr. MORRELL: Mr. Speaker and Members of the House: I don't think this is a grandstand play at all. I think it is an extraordinary step for this Legislature or any legislature to take, but I will support it because I feel that the possibility of losing the income tax could be catastrophic. And I think the freezing of the resolution as it bears on the sales tax and the personal and corporate tax is proper and that it should not be expanded.

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

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: I started for home yesterday with just about all my confidence lost in my good friend from Brewer, Mr. Norris, because of his failure, after my pleadings in the corridor, to go with me on the forcible entry bill, also my pleadings for him to try to take a different stand on the landlord-tenant bills in general. But he has restored that confidence in the stand that he has taken on this matter. And I am against this resolution and I shall give several reasons.

One reason, I have seen by serving in the Lewiston City Council for ten years that it is unwise to take a stand on something when you don't really know that you can't stay with that stand. That is what we have here. I have seen it too many times, as I told you — I have seen it too many times. And if this is a plan to put us on the spot, I don't like it.

Speaking of confidence, I suppose I could turn around and say that maybe I meant to lose confidence in my good friend from Norway, Mr. Henley. I am surprised that he should toss such a hot potato at us. But with the idea of what the public might feel on this matter, let me state what was once said by a member of the British Parliament. Somebody was reprimanding him about a certain stand, and they said to this gentleman of Parliament, "If you are not careful, you're not apt to be back next time." The gentleman of Parliament said very calmly, "I have come to Parliament to do my own thinking, and when I come up for re-election it is up to the people to do their thinking."

Now if the gentleman from Norway can't see fit to withdraw this resolution, which I feel he should, I shall just have to vote against it for the reasons that I have mentioned.

The gentleman from Mexico, Mr. Fraser, told you that 16 people in Democratic caucus voted against the resolution. I was one of the 16, Mr. Speaker. And I repeat, that one of my principal reasons for taking this stand, I have seen too much of it.

I will state one instance of the Lewiston City Council. We were asked to float a bond issue for \$300,000. Another member of the Council and I know that we had to; there was no getting out of it, so we voted. The other five members voted no. A few days later one of those five called me. He said, "George, we have got to have a special meeting." I said, "What for?" Well, he said, "We did wrong." I said, "Look, the ward one alderman and I didn't do wrong." And I said, "There was even an editorial in the news-

paper, and for the first time that editorial writer praised one of my actions." Well he said, "Be that as it may, we have got to have a special meeting and we have got to reconsider our action. The city has got to have that money." I said, "I know it. That is why I voted against the foolish move."

Now let me give another instance of this business of promising something when you shouldn't. In 1940 both presidential candidates said that they would not send a boy overseas. Well certainly they knew that if the emergency arose that there would be nothing that they could do about it. That is all I have to say. I am against this resolution. It is very unrealistic.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: After listening to the pros and cons I am wondering about many members here who have some spending bills in here, how they can vote for this resolution. On the other hand, if we do not accept this resolution we will be in a position to do something for our people, especially if the people vote for the repeal of the income tax which brought us in \$61 million. If we accept this resolution and we lose that \$61 million, the services that we are going to cut out will have to be in our institutions, our educational systems. What are we going to do about that? Something will have to be done. And I am at a loss at the present time on which way I shall go on this resolution.

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

Mr. LAWRY: Mr. Speaker, Ladies and Gentlemen of the House: This resolution is more than a transient idea. To myself, and I am sure more than a few members of this Legislature, I feel that it gives us an opportunity to express our philosophy. For one, I am not in favor of increased spending and taxes in this session, next session or sessions to come; and I shall certainly support this resolution.

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

Mr. VINCENT: Mr. Speaker, if the motion would be in order I would move that this paper be indefinitely postponed.

The SPEAKER: The gentleman from Portland, Mr. Vincent, moves that this Joint Resolution be indefinitely postponed.

The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker and Members of the House: It seems to be that most members of this Legislature are against a major tax increase. However, as I have sat here for four months, and especially now, bills seem to be passing this House that have costs on them. And we are able to have about 55 votes on these roll calls in this House against bills that mean increased spending to Maine's taxpayers out of our 151 members. And increased spending means increased taxes; they go together.

So how can members of this House vote for a no major tax increase resolution on one hand and then vote for bills requiring the need for more tax dollars from the people on the other hand? The people of this state are now demanding a straight honest answer — not a forked tongue approach. Not spending for this year 1971 in hopes that the state income tax will not be repealed by the people, and then clobbering the people of Maine with taxation in 1973 if this repeal is voted against, is questionable. Remember, increased high costs of Maine state government are present; they are just being placed in hiding for a year until the threat of this tax repeal is over, and then increased taxes from the Maine workingman from his earnings will occur, if we are going to continue the high priced, high cost government way of life.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Of course this mentions just the sales and the income tax. As a member of the Taxation Commit-

tee, there are other forms of taxes which might be more palatable. But I am delighted that a member of my party has not moved for the indefinite postponement of this bill and I surely hope that you will vote against this motion.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The remarks of the gentleman from Bath, Mr. Ross, bring the obvious thing to mind, as to whether or not this is in itself a political gimmick that is intended to be a fraud upon ourselves and the people of this state.

Let us ask ourselves a question, why is this resolution before us today? Is it the result of newspaper editorials, in the last Sunday editorial of the Maine Sunday Telegram? Is it perhaps the result of the action of the Democratic caucus and the desire of the Republicans to say that we are going to do it, us too? Is it the result perhaps of the meeting of the Republican leadership yesterday afternoon, at which time was decided that the Majority Floorleader of the Senate ought also to challenge the Governor into a debate as to whether or not any reorganizational bills were going to be decided, and whether or not any of them were going to be passed?

This resolution that we are debating today is ridiculous and the debate itself is becoming and is ridiculous. We know, and we know well, and the people of Maine ought to know well, that what we are doing today is talking for today. That the people of this state ought to know, as I have pointed out earlier to the gentleman from Pittsfield, Mr. Susi, that we can come back in a special session, repeal this very resolution, and then sock it to them. Let us not kid ourselves and let us not kid them.

As far as the gentleman from Washington County is concerned in his remarks about spending, let us ask ourselves the question and let him ask himself the question, as to whether or not he would be opposed to doing away with the Washington County institute in Machias or the University

of Maine in Machias, or whether or not he is concerned about keeping those for himself for those people in Washington County and yet voting against tax increases that will bring that type of an institute and that type of a college to anywhere else in the State of Maine.

Let us ask ourselves a very simple question, and it was pointed out very well by the gentleman from Augusta, Mr. Lund. If this passes and the income tax is repealed under this present resolution as it is worded, could we then be in a position to use the sales tax to restore some of the cuts that would have been made? No one has fully answered that question and probably no one ever will today, because that may not be the intent.

What is going to be done under this resolution about a supplemental budget? You have heard my comments about this generally, but the gentleman from Perham, Mr. Bragdon, ought to answer that question. We also ought to ask ourselves the question, if we are opposed to major taxes why should we sock it to the people by raising the gas tax? Because that is taxation as well. And it is taxation upon people that many times can least afford it.

They argue that if we pass this resolution that we can pass other taxes to pass the supplemental budget. Well who is going to pay those taxes in the end, but the same people that will have to pay any increase in income tax or in any other form of taxation? Let us not kid ourselves. If we are going to increase taxes by adding on two or five cents to the cigarette tax, by adding ten cents tax to the syrups used in the making of soft drinks, if we are going to tax these tangibles, then who is paying the taxes but the people? So we ought not to kid ourselves.

I think, in the terms that I have been here, that I have been willing to support taxes whenever I have thought that there were programs that demanded that there ought to be an increase and there was a demand for them. I know full well the purpose behind this thing, and those were probably the

reasons I made the original comments when I started this debate. For we have spent, on this resolution, close to one hour this morning. And yet, when other bills will come before us that will and can have meaning to the people of this state, we won't even take the time to look at them. So let us not kid ourselves.

If we think we can get publicity out of it, then it appears that some people are willing to use it as that avenue. It is the proper perspective of a Democratic or Republican caucus to take the position like we did. Regardless of where I stood, the majority of the members within my caucus voted for a resolution somewhat related to this. They did so in good conscience and with a desire to express their views. I respected them and I am willing to abide by their decision.

If the gentleman from Pittsfield wishes to discuss this at a Republican caucus and to have the caucus take a position, that is one thing. But trying to kid ourselves and the people of Maine, that ought to be a different matter.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: One point in the argument that my dear friend from Eagle Lake presented this morning is that should we come back in a special session that we could introduce an order to repeal this resolution. I don't know what they do in the St. John Valley but where I come from when a man gives his word we keep it. They might not do it up there, but they certainly do it in Penobscot County.

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

Mr. LEBEL: Mr. Speaker and Ladies and Gentlemen of the House: I just want to say one word. Mr. Kelleher from Bangor he says he doesn't want to support any taxes. The other day he voted on a bill to ask the people to pay \$2 million in taxes. We have already taxed the people of the State of Maine \$2 million by taking the tolls off the Bangor bridge.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: Just to keep the record straight, that little document that I presented in here was something that we call fair taxation. Now if you don't understand it, my good friend, I would be glad to explain it to you a little later. But it just evenly spread out where the tax money on that particular bill belonged. It belonged to the people of the state and not just my area. Now if you want to be funny about it, I don't think it is very funny and I don't think you are too much of a wit when you try to bring in anything like that.

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I have grown a little bit tired of the rhetoric this morning; as a matter of fact you might say I am appalled. I am opposed to any taxes, the same as the rest of you — at least so far as the interests of the people of Maine are consistent with no taxes.

I came from a district that is more than 3 to 1 Republican; I was elected really by Republicans. I supposed when the gentleman from Norway, Mr. Henley, stood up this morning that this resolution was proposed in good faith. I too have been concerned about taxes. I have appeared twice before the Taxation Committee this year and suggested to them that they undertake a study of the entire taxes of the State of Maine, because the evidence that I have dug up, in a bill that I proposed earlier and have since withdrawn, indicated the entire tax system of Maine, bar one tax, was extremely regressive.

That is something really solid that we can do, some accomplishment that we can make this year if we are really concerned about taxes. I am not so sure that there is any real concern about taxes in this Legislature when they come in here with a resolution like this, then obviously try to make it a party issue.

I was elected because I told the truth in my area. I said that I favored the income tax, that I would continue to favor it when it comes to referendum. And I intend to go on the radio this afternoon after this thing is obviously going to be passed, and I want to disclose the fraud that has come before this Legislature today.

I am not going to vote for any tax increase, just like the rest of you, but I am not going to stand here and make an idiot of myself making a grandstand play.

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

Mr. GILL: Mr. Speaker and Ladies and Gentlemen of the House: The very fine young man from Eagle Lake is concerned about the time that this is taking in debate. I assure you I will not take one tenth of the time that he has.

I would like to get back to the purpose of this resolution which I am a little shocked and appalled, and I don't think I would use the word fraud, as the gentleman just did, which I feel reflects upon the sponsor of this resolution. But I would say that the purpose of this resolution, whether you vote for it or not, stand behind the way you vote. This is all I say. And saying this has some political implications and things of this nature, this is always a great question to raise. But why don't you try to level with the people of the State of Maine, and if you agree with this vote for it; if you don't, vote against it.

But believe me, don't stand up here and raise the question of a political thing, because, as I understand it, the majority of the Minority Party have gone on record in favor of this, and I don't know what the position is of the Republican group as such, but I do resent when some people are mentioning something that a man believes, he introduced a resolution to the effect, when they say this is a fraud. And I frankly am shocked at the young man that said it. And perhaps we can excuse him because he is a young man.

And also the gentleman from Eagle Lake commented there were

bills that come through there that have some meaning to the people that are not debated as much as they should be. I agree with that gentleman. But if he says this hasn't got any concern of the people, or meaning to the people, he is not the bright young man that I believe he is.

I would also bring this back to the same thing; let's just vote on this question, let the people know how you stand on it. And don't be ashamed of it if you are going to vote against it; don't be ashamed of it if you are going to vote for it, and just vote the way you feel. But let's not have any more of this political talk. And I was quite concerned and pleased when the Minority Leader first stood up and apparently he was in favor of this thing, and I always thought he was a man of strong convictions. But yet maybe 20 or 30 minutes later he stands up and attacks the thing, in his own, in his normal manner. But I respect him for this, because it is right.

Mr. Ross of Bath moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question it must have the consent of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen: I know that this is timely, but I do think that there are some of us that have a few more words to say on this, even with the hour getting late. I think there are some of us that have some important things, or at least I feel that I

have an important point to bring out that has not been mentioned.

I think to cut debate off on a resolution as important as this is wrong. I think everyone should be heard and given a chance to express their views.

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

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: I have only one thing that makes me any madder than shenanigans like this, and that is people who move for the previous question after they have had their say and there are others who still wish to speak.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: I think that my very good friend from Brewer, Mr. Norris, has hit it right on the head. I believe from where I sit here that I saw a multitude of people get up who would like to express themselves, and I think they should be granted that right, and I certainly object to the moving of this question.

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

Mr. GILL: Mr. Speaker and Members of the House: I shall not take my five minutes out of respect for the Minority Leader, but I do feel that this question is important enough so that we should permit some further debate on it.

The SPEAKER: The Chair will order a vote. Shall the main question be put now? All in favor of the main question being put now will vote yes; those opposed will vote no.

A vote of the House was taken. 26 having voted in the affirmative and 106 having voted in the negative, the main question was not ordered.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I know why members who have had many terms here bear a certain fondness

for the Maine House. I think when it finally comes down to it we are pretty courteous to each other in spite of tempers that on occasion do flare.

Mr. Speaker, regarding the issue before us, it is really a prohibition or a pledge not to put on any major taxes. And then in the body of the resolution it goes on to define major taxes basically regarding the personal income tax, the corporate tax, the sales tax, and so on.

I have information which I believe is correct, and if my figures are in error I would appreciate it if some member would correct me, that one cent on the gasoline tax, which Mr. Finemore has advised the House will probably be before us by Committee Report tomorrow, will produce about \$10 million in the biennium.

To take an example of one of the taxes that we would pledge not to touch by this resolution, the corporate income tax in the biennium produces a little bit less than \$20 million. It is a four percent tax now, and if my computations are right, adding one percent would produce in the biennium roughly \$5 million additional.

What bothers me is this, I guess—and perhaps it is more a matter of arithmetic than politics. But how you can characterize the gasoline tax—and by omission from this resolve I would suggest that it is characterized as a minor tax, when it amounts to \$10 million in the biennium, and yet you can characterize as a major tax a one percent change in the corporate tax which produces \$5 million in a biennium, I can't understand. I don't think it is very good arithmetic, talk that one is a major tax even though it only costs the taxpayers \$5 million, and the other is a minor tax although it may cost the taxpayers \$10 million.

Perhaps the explanation for this apparent mathematical difficulty is that we here in this House, all 151 members of us, are a member of that strange and in some ways glorious but in some ways trying American breed, and if I could pronounce Latin correctly we would call a political man. I guess it is homo politicus, or something like

that. And we come up with ideas like this.

It is terrible if we have to raise any additional revenue for Part II, and if we are interested in things like property tax relief for the elderly, and other things that we can call genuine human emergencies, to raise taxes. But we know we have to, because this strange breed of person we have talked about, it is kind of a sub-breed of the breed homo sapiens, says, "I am in favor of all these good programs, I am just a little bit reluctant when it comes to paying for them."

We are not really that unique a breed though, because if we be honest about it, many of our people, people who vote for us or against us, are also of that breed. That is, they like certain programs, but they dislike all taxes. And I guess as one individual I suffer from that disease as much as any of you. But I think we know even though we feel that way that it is not possible.

Now let's talk about the gasoline tax for a second. We have had debate in this House regarding undedicating the matter and that went down to rather inglorious defeat about five to one if I recall. And there are arguments regarding pork barrelling and so on against undedicating the gasoline tax. But basically what we do with the proceeds of the gasoline tax is to give a blank check. And a one percent increase would be a blank check, as I understand it, for \$10 million in the biennium to the State Highway Commission.

What we do with the general revenue raised, of course, is we decide, subject to the feelings of our constituents, as to how it should be spent. And I can't really fathom this resolution. I have heard the sponsor say, if I am incorrect I know Mr. Henley will correct me, that he thought that perhaps he would be willing to add the one cent on the gasoline tax, and we should pledge not to increase the gasoline tax either. I think I have heard Mr. Bragdon say no, his feelings were to the contrary.

What I am really asking is this. Is this resolution all that clear, or does it depend instead on the word major tax? And does what is a

major tax depend on whether our particular ox is gored by it or not? I suggest that there is a tremendous amount of ambiguity in the resolution, and I suggest that if we pass this resolution today, and we then later in the session increase the gas tax, we are in reality violating what we said in this resolution. \$10 million is a major tax, and I would think honestly \$5 million is too.

Now let's take the gas tax and the corporate tax again, and talk about who pays them. Admittedly the trucking industry pays a significant portion of the gasoline tax, and thank goodness the tourists pay a fair amount of it too. I am in favor of both of those people contributing to our state's economy. But a good portion of the gasoline tax, as we all know, is paid by the ordinary driver. We have very little public transportation in Maine, and it pretty much means that if a man is to work he has to have a car and drive. And the fellow who makes \$85 or \$100 or \$125 a week pays just as much on the gasoline tax as the man that makes \$30,000 or \$40,000 a year.

That is what we call a regressive tax, and that is what is wrong with the sales tax. And that also is a weakness of the highway tax.

Now on the other hand, the corporate tax, it seems to me it doesn't quite fall that way. I don't think many people pay very much directly on the corporate tax. Some do, but I assume that they are fairly wealthy, and they can probably get along all right. Are we going to pass this resolution today which says — and I suspect we are — this is the reality of it the way things look. But does it make any sense to pass it today, and then go ahead and vote tomorrow to increase the taxes on the people of Maine \$10 million?

You know, although they are political people too, just like those of us we send down here, they are very far from being fools. And we are being foolish, and I think being naive if we think that by passing this resolution today, and passing a \$10 million gasoline tax tomorrow, or next week, or the week after, that we are going

to put anything over on our people. We are not. They are every bit as bright and alert as we are, and they will understand full well what we are doing. And I am afraid when they understand full well what we are doing they will think we did something rather foolish.

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I know that many of us are sitting here trying to figure out how we are going to explain our position on either side of this resolution to the people at home. No one of us here wants to raise taxes, but many of us feel that to pass such a resolution would be dishonest with the people and delude them into a false sense of security. Political considerations aside — and I realize this is difficult on a question such as this — I would ask my colleagues in the House how we can keep our word by this resolution if we return here in special session and have no revenue from the income tax.

What in good conscience would we do then if we are sincere about helping our elderly people, our poor people, or our own environment? The only way I could support this kind of a resolution is with an amendment that would assure people that we will not raise taxes if they do not lower them by repealing the income tax. And with such an amendment this resolution would constitute nothing less than blackmail of the people. As it stands, this is nothing less than blackmail of the legislature, and I support the motion of the gentleman from Portland, Mr. Vincent, to indefinitely postpone.

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

Mr. BUSTIN: Mr. Speaker and Ladies and Gentlemen of the House: Before debate closes on this issue I would like to be presumptuous enough to say a word in favor of the people of the State of Maine. The argument has been raised that if we do not pass this resolution then the people are going

to turn down the income tax. I do not believe that the people of the State of Maine are standing around thinking that we are up here plotting how to tax them against their will.

I think we have to give the people credit for making good decisions. I think that we have to in one sense have faith in the democratic process. In times of dire trouble, the people have historically made the right decisions. I do not believe the income tax is going to be repealed. I believe the people will look beyond the selfish interests of the \$40 or \$50 out of their pocketbook and will not vote to plunge their state into economic chaos.

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

Mr. DYAR: Mr. Speaker and Members of the House: On page five this morning, item 16, I have a bill that I was going to discuss if we got to it. As a part of that presentation I was going to mention a point on the Forestry District Tax of the State of Maine. I hope at the present time that the Third House is not in the corridor tacking on an amendment to this resolution which would exempt any increase in the Forestry District Tax or state Wildlands Tax.

In the past year we took in \$1,189,000 from the Forestry District Tax in the State of Maine. We took in \$1,300,000 in the state Wildland Tax. Our cigarette tax, which is a trivial tax, took in \$14,741,000. The faces on many of the Third House this morning were really beaming at my 12 to one "Ought not to pass" Report, and I hope if we are going to take action on this bill this morning that we will take action prior to the attempt to put any more amendments on it.

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

Mr. O'BRIEN: Mr. Speaker, I move this matter lie upon the table unassigned.

The SPEAKER: The gentleman from Portland, Mr. O'Brien, moves this matter be tabled unassigned.

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

Mr. ROSS: Mr. Speaker, I don't believe that we do table things unassigned in the first place. I request a vote on the question.

The SPEAKER: A vote has been requested on the tabling motion. All in favor of this matter being tabled unassigned will vote yes; those opposed will vote no.

A vote of the House was taken. 38 having voted in the affirmative and 79 having voted in the negative, the motion did not prevail.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: As the sponsor, and you might say joint author of this resolution, I am really amazed that it has brought about the type of discussion which it has produced. I would like to assure everyone that originally this had no political repercussions or intonations whatsoever. Originally I myself discussed it with some of my friends. The reason that I am completely behind it regardless of party, and I was so happy when I first thought that there were so many of the opposition party that it could be a bipartisan vote — and I still think it will be — I was very pleased.

I have been a bit disappointed by some of the opposition trying to insinuate personalities, almost insults into it. That is something that the new legislators should learn, that unless it is prefaced by something such as my good friend Mr. Jalbert brings about, by my very dear friend, that insults never really pay off on the floor of the House.

Another thing I would like to state in defense of this measure, I am not a veteran legislator. This is only my third term. But in those three sessions I have seen the cost of state government almost double. Has our production in the State of Maine doubled? Have our people doubled? Why should cost of State government double?

In this session, as I understand it, roughly the General Services budget — what is it? Around \$80

million more than two years ago? How long can we continue that, ladies and gentlemen? How long before somebody is going to take a stand and say there is where it is going to be in general?

We have a tremendous load of bonds for the size of our state, with less than a million people in it, our bonded indebtedness. Speaking of highways, my friend down here brought it up — our highway bonding has increased 1,600% in 20 years; from \$5 million to \$80 million.

As you all know by now, I am an ultraconservative. I pay my own bills. I have had to learn the hard way. I am not an educated man, and I am pretty satisfied with the life I have made. I feel that government should pay their own way.

It has been brought out in the opposition here that, how do we know what will happen in two years. We tell counties how much money they are going to get along on, and they have to get along on it. If they have an emergency they borrow money. If they have two years to get along, why cannot states get along for two years? Why is it that we are able to come back here only at a time that the chief executive decides he wants to make some money and call an emergency and vote it?

The people are very uncertain about these things. They would like to know how we stand. They know how I stand because I told them. I mean in my area. I told them on my radio program last Sunday, and I asked for comments. I haven't been blasted by anybody. I didn't tell them about this. I just told them that I was not going to vote for any increase in the sales, income tax, or any major taxation.

Now the gentleman from Augusta, Mr. Bustin, I have in part agreed with him; in part I did not. We are sent here to represent the people. We are supposed to dig into these matters. We are supposed to control them. I wonder if his constituency has hounded him like it has me, my constituency, "What can you do to keep down the cost of state government?" And every time we say we are going to do

something, we have on our platforms when we run for office, cut down the cost of state government. And what do we do? I came up here this time, and we have increased it by \$80 million in the General Services budget.

Then they talk about a Part II budget of \$40 million. I can't go back and say, "Well, I tried." This is one way I am trying. And I am not the least bit ashamed of it. I am not proud of it, and I hope that when the vote comes to indefinitely postpone that everyone will vote against that indefinite postponement.

The SPEAKER: The Chair recognizes the gentlewoman from Bangor, Mrs. Doyle.

Mrs. DOYLE: Mr. Speaker and Ladies and Gentlemen of the House: I am really somewhat amused by the remarks of the fiscally conservative members of both parties, because every moment that we stand here debating this resolve which does not or will not carry the force of law, we are spending the taxpayers' money. And I assume that that includes the income of all the members of this body. I think that we are wasting the time and money of the citizens of this great state whom we are supposed to be representing. Are we going to vote on this issue, or talk it to death? I think we are cheating our constituents by continuing this debate when we have proposed laws to pass or defeat today, and throughout the rest of the session, however long that may be.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: During this debate here today the debate has been labeled as amusing, frivolous, ridiculous. I would refute these appraisals of the debate. I believe that what we are dealing with here today is probably the gut issue of this session. We were aware of it before we came here. We are dealing with it here now this morning.

Again a couple of times from the opposite corner we have heard the claim made that we can here and now support this resolution and

come back another day, reverse our position, and "sock it to them."

Now again, in behalf of my party, the Republican party, I want to state flatly, and irreversibly, that those of us in the Republican party who would be supporting this resolution here today have no such intentions to come back here and sock it to them the second go around.

Basically I think we are dealing with an issue, are we going to in this 105th session respond to government, or respond to people. I think that sometimes we get so submerged in bureaus and department heads and all, here in Augusta, that we begin to assume their viewpoint on things and lose track of the fact that there are a million people we are representing here in Maine who at times have a pattern of thought, and I think that they have made this attitude very plain to us at this time.

They are having difficulties in their own personal affairs to make ends meet. I think that they are speaking clearly to us that they want us to hold state spending, and I personally believe that this resolution here before us this morning offers us the opportunity to stand up and be counted on this rather simple issue, which is spelled out very concisely and very clearly in the resolution. I don't believe any of us can misconstrue the meaning of the resolution.

And if, after the vote, people who have taken a certain position in relation to this resolution try to talk himself out of whatever position he has taken, I think it is just going to be a travesty on the common sense of everybody who will be listening to him, because the issue is clear. Do we respond to the attitude of the people in Maine, or are we going to disregard them and go our merry way regardless?

I hope that you will support this resolution.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I will be very brief, but if this resolution passes this morn-

ing, let the property taxpayer beware. Because it is on his overburdened shoulders that any increases are going to fall eventually; on the overburdened property, real and personal, taxpayer in the State of Maine. And I submit that this is a major tax in this state.

So just let those people beware and let this legislature beware of putting themselves in a position that may do a major disservice to the taxpayers of the State of Maine.

Mr. Ross of Bath requested a roll call vote.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from South Portland, Mr. Gill, is not in his seat at this moment. I can assure, and I would want to assure the gentleman that I was not making any attempt to bring any disparity upon any member of the House or upon any one of his party, or of any member of the Appropriations Committee when I made those remarks.

I do think that we do have to think seriously of what we are doing. I do think that this resolution was brought to us rather quickly, that none of us had much of an opportunity to review it either way. I feel that it is an important issue, that perhaps at one point or another we have to face before we leave here.

I would hope this morning that what we might do would be to refer this to the committee so that it could be reviewed by them, and their recommendations given to us. I don't think any of us have really spent any great amount of time debating the issue among ourselves or among the people back home.

So, Mr. Speaker and ladies and gentlemen of the House, I would now move that this Joint Resolution be referred to the Joint Standing Committee on Taxation.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that this Joint Resolution be referred to the Committee on Taxation.

Whereupon, Mr. Susi of Pittsfield requested a division.

The SPEAKER: A division has been requested. All in favor that this matter be referred to the Joint Standing Committee on Taxation will vote yes; those opposed will vote no.

A vote of the House was taken, 48 having voted in the affirmative and 86 having voted in the negative, the motion did not prevail.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: In the Democrat caucus I opposed this very thing. That was in the caucus. Up here we are having it on the legislative floor. I will also oppose it here, because I do not believe we should lock ourselves into any such position and create financial chaos in the State of Maine within the next six weeks.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I am going to agree with our Majority Leader — this is not a frivolous matter. This is a serious matter. And I would like to pose a question to the Majority Leader. Supposing that the income tax repeal goes through, we are standing to lose \$61 million. Now are we going to take \$20 million away from our institutions? How are we going to overcome that with this resolution?

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

Mr. SUSI: Mr. Speaker, I would like to attempt to answer this, at least as I would understand it. First, I am going to assume that by the time the people of the State of Maine deal with the question of possible repeal of the income tax they are going to be well aware of what the issue is and what the impact is going to be.

As has been said here earlier in the debate on this issue, sometimes we tend to underestimate the

people of Maine. I believe that they will become acquainted and that they will be truly concerned. Now the practical effect of the repeal of an income tax would be a reduction in the General Fund revenue of about 15%.

Now if after they have become acquainted and if after they weigh this they make this decision, regardless of the fact that we may be practically unanimous in the opinion that this would be disastrous, that it is extremely poor judgment to do it; then at that point, when they make their judgment and pass the word to us I think we have to assume that they are intelligent, that we are working as a democracy and that our first responsibility is to represent them and to then carry out what their real wishes are, and not to attempt to keep a bunch of loopholes open for us to skirt what their real intention is.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Vincent, that this Joint Resolution 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 Portland, Mr. Vincent, that this Joint 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, Baker, Bedard, Bernier, Berry, P. P.; Binnette, Bourgoin, Bustin, Call, Carter, Cooney, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dow, Doyle, Drigotas, Dyar, Fraser, Genest, Goodwin, Haskell, Herrick, Jutras, Kelley, P. S.; Keyte, Lebel, Lessard, Lucas,

Lund, Mahany, Manchester, Marsh, Martin, McCloskey, McCormick, McKinnon, McTeague, Mills, Murray, Norris, Payson, Santoro, Smith, E. H.; Starbird, Theriault, Vincent, Whitson, Williams, Wood, M. E.; Woodbury.

NAY — Ault, Barnes, Bartlett, Berry, G. W.; Berube, Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Bunker, Carey, Carrier, Churchill, Clark, Clemente, Collins, Conley, Cote, Cottrell, Crosby, Dam, Donaghy, Emery, D. F.; Emery, E. M.; Evans, Farrington, Faucher, Fecteau, Finemore, Gill, Good, Hall, Hancock, Hardy, Hawkens, Hayes, Henley, Hewes, Hodgdon, Immonen, Kelleher, Kelley, K. F.; Kelley, R. P.; Kilroy, Lawry, Lee, Lewin, Lewis, Lincoln, Littlefield, Lizotte, Lynch, MacLeod, Maddox, Marstaller, McNally, Millett, Morrell, Mosher, O'Brien, Orestis, Page, Parks, Pontbriand, Porter, Pratt, Rand, Rocheleau, Rollins, Ross, Scott, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Stillings, Susi, Trask, Tyndale, Webber, Wheeler, White, Wight, Wood, M. W.

ABSENT — Dudley, Gagnon, Gauthier, Hanson, Jalbert, Smith, D. M.; Tanguay.

Yes, 54; No, 89; Absent, 7.

The **SPEAKER**: Fifty-four having voted in the affirmative, eighty-nine in the negative, with seven being absent, the motion does not prevail.

The pending question is on the adoption of this Joint Resolution. 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 adoption of this Joint Resolution. If you are in favor of the adoption of this Joint Resolution you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Barnes, Bartlett, Berry, G. W.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Bunker, Carey, Carrier, Churchill, Clark, Clemente, Collins, Conley, Cote, Cottrell, Crosby, Dam, Donaghy, Emery, D. F.; Emery, E. M.; Evans, Farrington, Faucher, Fecteau, Finemore, Gill, Hall, Hancock, Hardy, Hawkens, Hayes, Henley, Hewes, Hodgdon, Immonen, Kelleher, Kelley, K. F.; Keyte, Kilroy, Lawry, Lee, Lewin, Lincoln, Littlefield, Lizotte, Lynch, MacLeod, Maddox, Mahany, Marstaller, McNally, Millett, Morrell, Mosher, O'Brien, Orestis, Page, Parks, Pontbriand, Porter, Pratt, Rand, Rollins, Ross, Scott, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Stillings, Susi, Trask, Tyndale, Webber, Wheeler, White, Wight, Wood, M. W.; the Speaker.

NAY — Albert, Bailey, Baker, Bedard, Bernier, Berry, P. P.; Bourgoin, Bustin, Call, Carter, Cooney, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dow, Doyle, Drigotas, Dyar, Fraser, Genest, Good, Goodwin, Haskell, Herrick, Kelley, P. S.; Kelley, R. P.; Lebel, Lessard, Lewis, Lucas, Lund, Manchester, Marsh, Martin, McCloskey, McCormick, McKinnon, McTeague, Mills, Murray, Norris, Payson, Rocheleau, Santoro, Smith, D. M.; Smith, E. H.; Starbird, Theriault, Vincent, Whitson, Williams, Wood, M. E.; Woodbury

ABSENT — Dudley, Gagnon, Gauthier, Hanson, Jalbert, Jutras, Tanguay

Yes, 89; No, 55; Absent, 7.

The **SPEAKER**: Eighty-nine having voted in the affirmative, fifty-five in the negative, with seven being absent, this Joint Resolution has been adopted.

It will be sent up for concurrence.

On motion of Mrs. Lincoln of Bethel, it was

ORDERED, that for the remainder of the session the Sergeant-at-Arms, Assistant Sergeant-at-Arms, Pages and Doorkeeper be permitted to appear on the floor of the House with their coats removed.

On motion of Mr. Curtis of Orono, it was

ORDERED, that Rev. John F. Crozier of Orono be invited to officiate as Chaplain of the House on Monday, May 17, 1971.

On motion of Mr. Hardy of Hope, it was

ORDERED, that Matthew and Michael Brown of Hope be appointed to serve as Honorary Pages for today.

House Reports of Committees Ought Not to Pass

Mr. Birt from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act Providing Educational Opportunity Grants at State Colleges for Students from Low Income Families" (H. P. 1136) (L. D. 1582)

Mr. Gill from same Committee reported same on Bill "An Act Providing for a Study to Determine Liquor Costs of the Liquor Business in Maine" (H. P. 1007) (L. D. 1386)

Mr. Shaw from same Committee reported same on Bill "An Act Appropriating Funds to Continue Regional Coordination of Services for Older People" (H. P. 930) (L. D. 1284)

Mr. Bernier from the Committee on County Government reported same on Bill "An Act Authorizing York County to Raise Money for a New County Jail" (H. P. 582) (L. D. 777)

Mr. Kelley from same Committee reported same on Bill "An Act Authorizing York County to Raise Money for the Reconstruction and Renovation of the County Court House" (H. P. 581) (L. D. 776)

Mr. Orestis from the Committee on Judiciary reported same on Bill "An Act to Ensure the Payment for Child Support" (H. P. 1055) (L. D. 1446)

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

Leave to Withdraw

Mr. Carrier from the Committee on Judiciary on Bill "An Act relating to Copies of Examinations to Practice Law Given to Appli-

cants" (H. P. 988) (L. D. 1350) reported Leave to Withdraw.

Mr. Orestis from same Committee reported same on Bill "An Act relating to Examinations for Admission to Practice Law" (H. P. 1150) (L. D. 1601)

Mr. Hewes from the Committee on Judiciary on Bill "An Act relating to Number of Examinations for Admission to the Bar" (H. P. 677) (L. D. 914) reported Leave to Withdraw, as covered by other legislation.

Reports were read and accepted and sent up for concurrence.

Referred to the 106th Legislature

Mr. Lund from the Committee on Judiciary on Bill "An Act Creating the Uniform Marriage and Divorce Act" (H. P. 965) (L. D. 1374) reported that it be referred to the 106th Legislature.

Report was read and accepted, the Bill referred to the 106th Legislature, and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Emery from the Committee on Legal Affairs on Bill "An Act Revising the Laws Relating to Logs and Lumber" (H. P. 271) (L. D. 360) reported same in a new draft (H. P. 1314) (L. D. 1722) under same title and that it "Ought to pass"

Report was read and accepted, the New Draft read twice and tomorrow assigned.

Ought to Pass Printed Bills

Mr. Bragdon from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Bill "An Act Appropriating Funds for the Completion of Renovating Kupelian Hall, Pine-land Hospital and Training Center" (H. P. 409) (L. D. 536)

Mr. Shaw from same Committee reported same on Resolve Providing Funds for Development of Fort Point State Park, Stockton Springs" (H. P. 799) (L. D. 1072)

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

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought to pass" on Bill "An Act to Abolish Claim by State Against Estates of Deceased Recipients of Aid to the Aged, Blind or Disabled" (H. P. 455) (L. D. 610)

Report was signed by the following members:

Messrs. HICHENS of York
MINKOWSKY
of Androscoggin
GREELEY of Waldo
— of the Senate.
Mrs. BERRY of Madison
Mr. DYAR of Strong
Mrs. McCORMICK of Union
Mr. CLEMENTE of Portland
Mrs. DOYLE of Bangor
Mr. LESSARD of Lisbon
Mrs. CUMMINGS of Newport
Mr. SANTORO of Portland
—of the House.

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

Report was signed by the following members:

Mrs. PAYSON of Falmouth
Mr. LEWIS of Bristol
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Payson.

Mrs. PAYSON: Mr. Speaker and Members of the House: I move that we accept the Minority "Ought not to pass" Report and would like to speak on my motion.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Payson moves that the House accept the Minority "Ought not to pass" Report. The gentlewoman may proceed.

Mrs. PAYSON: Mr. Speaker and Ladies and Gentlemen of the House: This bill refers to three groups for help financially under the Aid to the Aged, Aid to the Blind, and Aid to the Disabled Programs.

For one year ending June 30, 1970 it cost \$20 million to take care of these 15,000 people in our state. I believe the taxpayers in Maine are fair and decent when they approve the principle of helping those that need help. They have already demonstrated this

through many programs. But the taxpayer does not believe he should give his hard-earned dollars to the children or heirs of anyone, whether that person is sick, well, old, young, happy, sad, rich, poor, good, or bad.

It makes no difference if it is many dollars or only a few dollars. The taxpayer should not be forced to give a single person who does not qualify for needed help. This bill gives money to those who in no way qualify for any kind of help. In essence it sets up a year round Christmas present from the taxpayers of Maine for the heirs, and heaven only knows who they are, of the deceased.

This is a matter of principle and I sincerely hope that you will vote yes to accept the Minority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentlewoman from Newport, Mrs. Cummings.

Mrs. CUMMINGS: Mr. Speaker and Ladies and Gentlemen of the House: I voted on the Majority "Ought to pass" Report. There are many who receive aid from the State and these groups are the only ones who are penalized in the future or asked in any way to pay back. I think that it is taking away from the dignity of these people to take probably the only thing they can possibly give to their heirs is some property. And to put a lien on their property I think is unfair when we think of what happens to the other people who are also receiving aid from the taxpayers of the State of Maine. I would hope you would vote against the measure that is on the floor.

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker and Ladies and Gentlemen of the House: As a member of the Committee who signed the Minority Report, I would like to explain my reasoning although Mrs. Payson has stolen some of my thunder.

A representative from the Health and Welfare Department appeared before the Committee on the day of the hearing and produced a financial statement showing that the amount realized by the State

last year from this source amounted to about \$60,000. On further questioning, he cut it down to approximately \$30,000, stating that the paper work involved took some away from that \$60,000.

Whether it be \$30,000 or \$60,000 it doesn't appear to me that this is a frivolous amount and can be just ignored. I feel that we are here to save the taxpayers money whether it be \$30,000 or \$60,000, or whatever amount it may be, I feel that we as taxpayers are entitled to that amount.

It seems to me that we are treating our aged and recipients of State Aid very, very well, and I would hope that the Minority Report would be accepted.

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

Mr. LUCAS: Mr. Speaker and Ladies and Gentlemen of the House: I see this as simply a means of eradicating another discriminatory practice that exists within our state. What is happening here would be that a recipient of this aid would then lose all his investment over the years in a piece of property that may be his only belonging. So for all of the productive years of their lives they have paid property taxes, they have paid other taxes to the State, and then in their later years they may become blind, disabled or aged and then the State says, "No, you can't receive aid because you have been good. You have paid your taxes and you own your home. Now what we are going to do is we will give you aid if you agree in fact to give up your home when you die, and that this will be given to the State." I would hope that you would support the Majority "Ought to pass" Report.

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

Mr. MARTIN: Mr. Speaker and Members of the House: It may be an improper time for me to get up after what we have been through earlier, but the reason that I have to get up on this bill, I suppose, is because I happen to have been the sponsor of it, as a result of a request that came from the Committee on Aging.

Let me very briefly try to tell you why I happen to believe that it is a good bill. Of course if you happen to be the sponsor then obviously you always maintain that it is a good bill.

Under existing law in Maine now, in order for a person to receive Aid to the Aged, Blind or Disabled, an individual must have no more than \$500 of assets of cash other than his own home. If the person is married, then the figure is \$800. If there is any other amount of assets other than the home, for example, the farm or a property next door, then the individual is ineligible to receive Aid to the Aged.

I don't know how many of you have ever had dealings, and I am sure most of you have had, with elderly people. But they have a tremendous pride of the home which they have kept through all of the years, paid taxes and insurance, etcetera, and they resent the fact that anyone is going to tell them what they have to do with it.

Under existing law this group of people is the only group that is hit with this lien. If you take a look at the Statement of Fact and the bill itself, you will find that in the past year the State received \$225,000 of recovery money when they went after these homes. Now since we have received a great deal of federal funds when we are paying aid to the elderly, blind and disabled we have to return a portion of that back to the Federal Government.

So we returned roughly \$150,000 last year, which left roughly \$60,000 for us supposedly for our own use. Now out of this \$80,000 the State of Maine had to pay the recovery cost, that is the lawyers, the probate costs, the estate taxes, whatever is outstanding against the building. When this was finally paid off we ended up with roughly \$60,000. But what this does not take into account, is that part of the \$60,000 is used for manpower to collect the money. I asked the Department how many people were used to do nothing else but really shift paper work in order to accomplish this goal, and I can recall the figure of three or five employees. So I made the comment

at the hearing that we could save some money there.

After the hearing was over, I was informed by the Department that they didn't necessarily agree with what I said, but the way I said it, that perhaps what we ought to do is reassign these five people to go out looking for abuses of ADC and that we would find that we could save more than the money that we would lose as a result of all of this, which perhaps is not a bad idea.

I personally think from experience with old people, elderly, they resent very much the fact, as I have indicated earlier, that if they have paid taxes on what little home they have got, and I repeat little home in the sense that some people are going to argue that it could be a major home and someone get the windfall from it. In order for the person to qualify, if you know recipients of old age back home then you know that not everyone qualifies for Old Age Assistance. Anyone with stocks, insurance, with anything, any real assets, they don't qualify for Aid to the Elderly, or the Blind or Disabled, and so it doesn't apply to them.

We are talking of the person who is 65, because of loss of earning power has no other revenue, has a very small home, in most cases, and really feels that he has worked for fifty years to get what he has and all of a sudden he has to say it is gone.

It may be worth \$1,000. I can recall one instance where I went to talk to a lady who was well in her 70's and she had reached the point where she simply had no more assets and she was eligible to receive Aid to the Elderly; and she had refused. When I asked why she said, "I want to keep my little house in my name." Now the estimate of the value of that house was probably \$1,000. But to her that was what she had, and she didn't want to do away with it. And so I would hope today that you would vote against the motion made by the gentlewoman from Falmouth, Mrs. Payson, and accept the Majority Report.

The SPEAKER: The Chair recognizes the gentlewoman from Bangor, Mrs. Doyle.

Mrs. DOYLE: Mr. Speaker and Ladies and Gentlemen of the House: As is becoming more frequently the case I rise to oppose the motion of my House Chairman, Mrs. Payson from Falmouth, and support the remarks and the bill of Mr. Martin from Eagle Lake.

It was brought out in the committee hearing that less than 10% of the people on these various types of categorical aid would have an estate that would even be worth considering. The current law that we have in relation to property tax relief for the elderly, has been beneficial to very few people because of the lien provision.

As Mr. Martin so aptly pointed out, most people will not be demeaned by having a lien put on their property in order to receive aid, which really is only aid at a subsistence level if that.

Also, as Mr. Martin pointed out, the total amount of assets, casual assets, that a person can have to qualify for categorical aid is \$500 a person or \$800 a couple. In addition to that, if they have a home I think they should be entitled to keep it. This bill has been supported by our Senior Citizens groups throughout this country and throughout this state. I think if we vote against this bill it is something like voting against Mom's apple pie and it is certainly voting against the senior citizens.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: The only reason I wish the time to speak on this this morning, I am very familiar with the old people, having looked after their homes. And for once I want to agree and go along one hundred percent with the gentleman from Eagle Lake, Mr. Martin.

First off, most of the elderly's houses have liens already put on them. Once they have passed away they become town property. Again we are discriminating against the one who owns a home, because the one who owns a home must sign it over, and the one who is renting can still have \$800 for mar-

ried couples and \$500 for a single person and still get the same amount of money. Most of these people are just receiving supplement money. They are receiving Social Security and there is some other small income and they have to bring up enough money so they can live — sometimes only \$40 or \$50 a month.

Now one of the men in our tax committee made a statement that the total amount of money that was received — I believe this will go along with Mr. Martin's figures — was \$20,000 by the time all the expenses were taken out per year. I ask you if that is worth keeping five people to do. Five people's salaries come to more than \$20,000. And I have known three homes in Blaine and Bridgewater when after the old people have passed away they have taken bulldozers and bulldozed them away. I wonder if this didn't hurt them if they knew this was going to happen after they passed away.

I hope you will vote against the motion of the gentlewoman from Falmouth, Mrs. Payson.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I had already made up my mind to speak briefly on this matter in defense of the position of the lady from Falmouth before our respected legislator from Bridgewater got up and spoke. I find that my feeling is in opposition to his position. I think the philosophy behind the Minority Report of the committee is absolutely sound and I want to put it on a personal basis.

If in my old age I fall upon hard times and my children are able to support me and if they choose not to do so, I shall not have any feelings in regard to any property that I might have left if I have to call upon the state in my declining years. I should not have any qualms whatsoever if my children did not choose to take hold and help me, that what property I had should go to the state.

I think this is a sound philosophy, and I subscribe to the Minority Report of the committee.

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

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: There are other angles of this that I haven't heard discussed. One reason for getting some of this aid to the aged is if you qualify for this aid you also get medical help which it is funded by the federal government. Some people I know get their people to apply for this aid and they bank the money that comes to them for Aid to the Aged and their parents are insured under a federal program. When their parents die they bank money and repay it to the state and the lien is taken off.

Now if we vote this through, they can bank that money and when their parents die they will put it in their pockets. I support the lady from Falmouth, Mrs. Payson, in her motion.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I have a tendency this morning to agree with some and disagree with the others, and I will agree with my good friend Mr. Bragdon, in regard to his statements, and I will disagree with my Minority Leader, when he makes a statement of a thousand dollars— that little place was worth only that amount of money. I don't think that that lady fully realized that after she passed away she would have nothing to say about it, that she couldn't take that little thousand dollars home with her, as much as she prided it. And I don't think the State would take that home away from her until after she passed away, for their lien.

So I really don't think this is really too bad. And, therefore, I feel as though I will go along with Mrs. Payson in regard to her motion.

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

Mr. BARTLETT: Mr. Speaker and Members of the House: I want to go on record as agreeing with the Minority Leader from Eagle Lake, Mr. Martin. I think this is

a fine bill. And my constituents in my area, the senior citizens, are looking forward to the passage of this bill. And I will go home with my head hanging if this is not passed.

The SPEAKER: The Chair recognizes the gentlewoman from Union, Mrs. McCormick.

Mrs. McCORMICK: Mr. Speaker and Members of the House: This is a good bill and it had a good hearing. As you can see, the Majority Report was 11 to 2. We in the committee did not feel that it was fair to penalize the senior citizens by putting a lien on their property. This is one way we can help the senior citizens. We do not put liens on other welfare programs in this state, and heaven only knows, they have the majority of the cases that are around. I think this is one place that we can help the older people. And I would ask you to vote against the Minority Report and accept the Majority Report.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: As you know, I have had this problem to deal with for years. But let me say this, I own quite a bit of property in Oakland, and at a low figure I could get better than \$40,000 for this property today. Do you think if I don't have any other income or money in the bank, but I have a son and he should move in with me and get married, that I would have my taxes free and he contribute nothing, that I should get this and then after the good little taxpayer in our town has struggled to support their family that my son should get all my property after they have struggled? I don't see it this way. I would go along with the Minority Report.

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

Mr. MARSTALLER: Mr. Speaker, Ladies and Gentlemen of the House: I want to support the Minority Report of the committee here. We have heard figures on what happens at present and I can't dispute these figures. But I know of one case where a person was con-

sidering asking for this aid that was being supported by her children, and when they found out about the lien provision they kept on supporting this person because they didn't want the lien on the property.

Now I think if we take off the lien we will find that there will be hundreds of new cases come on the state that are now being supported by families that can well afford to support their parents. So I think that this has ramifications that are not indicated in the bill. That is why I support the Minority Report.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I would be remiss this morning, after my constituency, the elder citizens and some of the citizens that weren't of the elder group that met, that were very concerned with this problem, particularly this lien problem, and I would be very remiss if I didn't get up, and particularly the way I voted on the resolve this morning, I think I have a perfect right to insist that we accept the Majority "Ought to pass" Report.

Mr. Lessard of Lisbon requested a roll call vote.

The SPEAKER: A roll call has been requested. All in favor of 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 having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentlewoman from Falmouth, Mrs. Payson, that the House accept the Minority "Ought not to pass" Report on Bill "An Act to Abolish Claim by State Against Estates of Deceased Recipients of Aid to the Aged, Blind or Disabled." House Paper 455, L. D. 610. If you are in favor of accepting the Minority Report you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEAS — Ault, Bailey, Baker, Berry, G. W.; Binnette, Bragdon, Brawn, Carter, Clark, Collins, Emery, D. F.; Fecteau, Gagnon, Good, Hall, Hardy, Hayes, Henley, Hodgdon, Immonen, Kelley,

K. F.; Keyte, Lee, Lewin, Lewis, Lincoln, Lund, Maddox, Marsteller, McNally, Mosher, Page, Payson, Porter, Pratt, Rand, Rocheleau, Rollins, Scott, Shaw, Simpson, L. E.; Trask, Wight, Williams, Woodbury.

NAYS — Albert, Barnes, Bartlett, Bedard, Bernier, Berry, P. P.; Berube, Bither, Boudreau, Bourgoin, Brown, Bunker, Bustin, Call, Churchill, Clemente, Conley, Cooney, Cote, Cottrell, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dow, Doyle, Drigotas, Dyar, Emery, E. M.; Farrington, Faucher, Finemore, Fraser, Gauthier, Genest, Gill, Goodwin, Hancock, Haskell, Hawkins, Herrick, Hewes, Jutras, Kelleher, Kelley, P. S.; Kilroy, Lawry, Lebel, Lessard, Littlefield, Lizotte, Lucas, Lynch, MacLeod, Mahany, Manchester, Marsh, Martin, McCloskey, McCormick, McKinnon, McTeague, Millett, Morrell, Murray, Norris, O'Brien, Orestis, Parks, Pontbriand, Santoro, Shute, Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Stillings, Susi, Tanguay, Theriault, Tyndale, Vincent, Webber, Wheeler, White, Whitson, Wood, M. W.; Wood, M. E.

ABSENT — Birt, Carey, Carrier, Crosby, Dam, Donaghy, Dudley, Evans, Hanson, Jalbert, Kelley, R. P.; Mills, Ross, Sheltra, Silverman, Starbird.

Yes, 45; No, 89; Absent, 16.

The **SPEAKER**: Forty-five having voted in the affirmative and eighty-nine in the negative, with sixteen being absent, the motion does not prevail.

Thereupon, the Majority "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 Judiciary reporting "Ought not to pass" on Bill "An Act Concerning the Adoption of State Wards" (H. P. 1156) (L. D. 1605)

Report was signed by the following members:

Messrs. **TANOUS** of Penobscot
HARDING of Aroostook
QUINN of Penobscot
 — of the Senate.

Messrs. **HENLEY** of Norway
PAGE of Fryeburg
 Mrs. **WHITE** of Guilford
 Mrs. **BAKER** of Orrington
 Messrs. **LUND** of Augusta
CARRIER of Westbrook
HEWES of Cape Elizabeth
KELLEY of Caribou
 Mrs. **WHEELER** of Portland
 — of the House.

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

Report was signed by the following member:

Mr. **ORESTIS** of Lewiston
 — of the House.

Reports were read.

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

Divided Report

Majority Report of the Committee on Natural Resources reporting "Ought not to pass" on Bill "An Act relating to Forestry Cutting Practices for the Protection of Rivers, Streams and Lakes" (H. P. 682) (L. D. 919)

Report was signed by the following members:

Messrs. **SCHULTEN** of Sagadahoc
GRAHAM of Cumberland
VIOLETTE of Aroostook
 — of the Senate.

Mrs. **BROWN** of York
 Messrs. **SMITH** of Waterville
CURRAN of Bangor
HERRICK of Harmony
MACLEOD of Bar Harbor
AULT of Wayne

Mrs. **CUMMINGS** of Newport
 Mrs. **KILROY** of Portland
 Mr. **HARDY** of Hope
 — of the House.

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

Report was signed by the following member:

Mr. **WHITSON** of Portland
 — of the House.

Reports were read.

The **SPEAKER**: The Chair recognizes the gentleman from Harmony, Mr. Herrick.

Mr. **HERRICK**: Mr. Speaker, I move the acceptance of the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Harmony, Mr. Herrick, moves the acceptance of the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Portland, Mr. Whitson.

Mr. WHITSON: Mr. Speaker, Ladies and Gentlemen of the House: I gave this bill an "ought to pass" report because I felt that there was merit in it. All of the members of my committee, in fact, agreed that forestry cutting practices are abusive of the environment, and unregulated. This bill would provide for a control system, a system of regulations promulgated by the Forestry Commissioner.

I concurred with my committee and the Commissioner on the fact that a comprehensive set of regulations would require an appropriation to provide effectively for the enforcement, but there are agents of the Forest Commissioner in the field now and they could enforce regulations sufficiently well to discourage gross violations of the most flagrant abusive forestry practices which the Commissioner may choose, if this L. D. were adopted, to regulate.

I am also in full concurrence with the members of my committee who do feel that poor forestry practice deserves a full study. But I, unlike them, see no reason that a study of cutting practice is inconsistent with giving the Forestry Commissioner the ability to set cutting regulations restricting the most gross of cutting practices.

I urge you to vote with the enlightened Minority Report.

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

Mr. DYAR: Mr. Speaker and Members of the House: I feel somewhat like a resident of Mudville this morning when Casey struck out. But I would like to thank the gentleman from Portland, Mr. Whitson, this morning for signing the Minority Report.

I was asked if I would consider having this sent to Legislative Research for study. It was my feeling that the money it would cost to have this study, say by an engineering firm or surveying

group would run into thousands of dollars.

On two occasions the Committee on Natural Resources were invited to see first hand the destructive practices that are going on in my district. This destructive practice is not a parochial issue, it is statewide. I have been in the Allagash region in the northern part of our state, and this pillage and rape of our forests is going on. To get back home in Franklin County, Little Kennebag River, the Cupsuptic River, Eleven Mile Stream, the lakes that these are tributaries of are running mud.

The Cupsuptic River has run mud for eight years. The Little Kennebag River, which is probably one of the finest trout and salmon rivers on the eastern seaboard, has run mud for three years. The Little Kennebag Lake cleared of mud on the 23rd day of June last year. Through this siltation the fish eggs and fry are killed and the adult fish die.

It is somewhat of a ridiculous thing to go to a hearing before Inland Fish and Game Committee on deer, why we do not have deer, and hear wardens and warden supervisors and sportsmen state before the committee that the deer cover has been removed, the deer yards have been cleaned. There is no place, no cover for the deer.

This legislature in the 104th, and in this session, has been very conservation minded. They have fought oil along our coast; they have passed environmental and conservation bills. They have passed wetland bills that go along with our scenic coast. I feel it is time that we look inland and see what is going on inland. My prediction may not be true, but if this cutting practice keeps on, the people on the coast won't have to worry about oil, they can worry about siltation; siltation of dirt coming from the inland regions.

Now in earlier debate this morning I mentioned the paper companies. It is my understanding that two-thirds of the surface of this state is owned by 16 corporations and four individuals. The past two months lobbyists for these people have been working on this body

and the other body saying that this is bad legislation. They told me they would be forced to go into the courts to fight any rules and regulations the Forestry Commissioner might originate. The lobbyist for the Maine Farm Bureau Association appeared before the committee opposing this bill, saying it would hurt the small landowner.

I would like to submit this morning that the Forestry Commission was set up to help the small landowner. Nowhere in the Statute can I find where the Forestry Commissioner has any jurisdiction over the large landowners whatsoever. In Title 12, Chapter 201, Section 509, it states, that the Commissioner shall make a collection and classification of the statistics and report to the Governor each biennium as to what he sees as destructive forestry cutting practices that would destroy our forests and our watersheds. It is odd to note that the amendment passed in 1965 was amended generally to extend the Commissioner's duties to investigate the effective damage from insects and diseases in natural resources of the state.

I remember in the 104th Legislature we taxed the people in our unorganized towns and in our forestry districts some \$280,000 to spray for spruce budworm control. Now I assume that this spruce budworm was on the land owned by one of the 16 corporations in this state.

At the hearing proponents and opponents of this bill were rather reluctant to name companies who were involved in this pillage. I will name names. The biggest offender in my district is an out-of-state corporation, the Brown Company located in Berlin, New Hampshire. Seven Islands Lumber Corporation operates on these lands. They are destroying my legislative district. They are paying little in taxes.

I stated this morning the Forestry District Tax for the State of Maine was \$1,189,000; the state Wildlands Tax was \$1,300,000, for a total of \$2,489,000. This state has exploited in past history, and we have been exploited for the last

100 years by these 16 corporations.

We as legislators come down here to this House for \$2,500 a session. I visualize that the lobbying effect of this bill has cost the paper companies in Maine and New Hampshire close to \$100,000. If we the Legislature are going to run the affairs of this state, I think it is time that we started running the affairs of this state, and set up rules and regulations to protect our wildlands.

We hear the argument of multiple use of these forest lands owned by these large corporations. I wonder how many of you have met the gates or the chains across them when you want to go in on these multiple use lands, when the ponds you want to fish or the area you want to hunt may be 20 or 30 miles away. Certainly if you are a hiker you can walk that distance and do your fishing and do your hunting.

I feel that a legislative study is a waste of time, for in 48 hours I can take any member of this Legislature, in fact the entire Legislature and the entire Committee on Natural Resources, and show them what is going on in this state. As I said earlier this morning, the members of the Third House are in their glory, big smiles on their face. They were lobbying here in the halls this morning, on the floor of the House. This is probably an effort in futility. But you on the coast who are against oil, I hope in a few years will be against silt. It may take twenty years to get something on the books that will prohibit this.

They say that there is cost involved to maintain these forest lands. I am a small landowner, I get a certain amount for a cord of pulpwood. This same pulpwood cut on the large lands costs them twice as much to get into their mills. Many of my constituents and some of your constituents were in Franklin County Court this past summer, and are now under a court order stating that they cannot mention the price of pulpwood, that when they do they are price fixing.

This may be in many of your minds not germane to this subject, but I say to you this morning that

when an individual forest landowner, small forest landowner, cannot talk to his neighbor about the price of pulpwood, and can be ordered by a court order not to talk about the price because it is price fixing, and yet every major paper company in the State of Maine has practically the same price they pay for pulp — now who is the price fixer in this case?

To those in the Moosehead area I would like to give warning that I have information that 8,500 cords of soft wood will be taken out of that area this coming summer due to the fact that they can no longer send their pulp down the rivers. Possibly a year from now we can go into Greenville, Rockwood and see the devastation there that has taken place in my county and in the Allagash region.

I hope this morning you will vote against the motion to accept the Majority "Ought not to pass" Report. There are two amendments that can be added to this bill. One is in the section where I have foresters; this should be amended to members of the Forestry Department. This would cut the cost, because our foresters at the present time are going through the woodlands in the summertime checking chain saws for spark arresters, and skidders for spark arresters. They are looking for fires and carrying out their duties, and they could carry out the duties involved in this bill as well.

Nobody has said anything about skidder operations, about the use of the new machines that the companies are using which with three men can cut up to 115 cord of wood a day. These machines are destroying our forests.

It was stated at the committee hearing for every cord of wood that was cut in the State of Maine there were two cords growing. It is very strange to me that a report put out by the University of Maine last summer stated that the wood situation in the State of Maine was critical, and in seven years that the wood situation in the state would be extremely critical.

Now you can look around you when you go home, think back about what your areas look like if you live inland. You can vote

against this bill, and allow this pillage and rape to continue; or you can vote along for passage and, I hope, solve the problem.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I am not this well acquainted with the bill but I think that all of you sensed, as I certainly did, the outrage that the gentleman from Strong, Mr. Dyar, feels in connection with this problem that we have had throughout the history of the State of Maine, to my knowledge, of this state being dominated by a few interests who can completely session after session in this legislature kill any legislation which they feel is detrimental to their private interest and get enacted any legislation which is to their interest.

I feel just as outraged as Mr. Dyar does and I want to go on record. I feel that it is sad that we can't in any instance prevail against the powerful, powerful lobby representing these few interests, and that before this State of Maine moves on to the heights that it is capable of we have to break free from this control and exert our independence and start making decisions that apply to all of the State of Maine instead of just 50%, leaving 50% which is the 50% that produces the greatest net revenue, free from taxes, free from controls, and all that Mr. Dyar has told us about this morning.

I hope that in amongst you there is one or more who will join with Mr. Dyar and with me and the more and more of us who are sincerely outraged by the dominance of this group of self-seeking individuals and break free and move Maine into greater heights. I am sure that this will have to happen before we can move.

The SPEAKER: The Chair recognizes the gentleman from Harmony, Mr. Herrick.

Mr. HERRICK: Mr. Speaker and Ladies and Gentlemen of the House: L. D. 919 is a commendable effort to assure good forestry management in this state. How-

ever, the problem is much more complicated than this bill suggests.

The bill states that Forestry personnel under the direction of the Commissioner shall file complaints whenever they find situations where the ecology and conservation of timber and watersheds are endangered by destructive cutting or hauling practices.

It also states the Commissioner may restrict the cutting of timber and its removal and shall set and maintain standards to protect the ecology and conservation of watersheds, to include brooks, streams, rivers, and ponds.

It also states that the Commissioner may from time to time establish such rules and regulations as he deems necessary and desirable for the protection of forest lands and watersheds.

The final aspect of the bill that I would like to bring out is that the Forestry Commissioner would have jurisdiction over all forests in the state.

Legislation such as this should be carefully and thoroughly written, because it is regulating the manner of management on private lands of which there are approximately 17,000,000 acres, and it is dealing with Maine's largest industry; an \$800 million industry.

The details or guidelines, of regulation should be carefully spelled out. L. D. 919 does not spell out any such details. There are only broad terms, such as: ecology, conservation of timber, and watershed management. These are broad and very complicated terms. A definition of ecology is the science of the interrelationship of organisms in and to their complete environment.

Watershed management is a system of handling land resources within a drainage primarily to achieve usable runoff. A watershed may cover less than an acre, or it may be a complex of many watersheds. Our entire land surface in this state is under a watershed.

The term "good forest management" is not mentioned once in this legislation. Since cutting practices are forest management I feel a definition should be given. Forest Management is the ap-

plication of business methods and technical forestry principles to the operation of a forest property. Consider this definition for a minute. When you consider it it becomes quite evident that there is more involved than ecology and watershed management.

Before a law such as this is created I would hope that a study could be made, an in depth study and which there has not been made.

This study should encompass:

1. The land ownership patterns of forest lands
2. The number of owners
3. A review of the existing statutes
4. The impact of past and current cutting practices upon the economy of the state
5. An inventory of our forest resources, which will be coming soon by the federal source.
6. A study of the management of forest lands from a once single purpose, timber production, to the present concept of multiple use of all resource values: being timber, water, wildlife, recreation, and scenic beauty.
7. Also a study of the difference in forest management between large corporate ownerships, large private managed units, and the thousands of small woodland owners.

Just for a moment I would like to make comment on some of Mr. Dyar's statements.

He stated that the report from the University of Maine came out stating that in seven years the forests of this state would be in serious trouble.

In January 1970 I graduated from the University of Maine with a degree in Forest Utilization. What study I had and what help I gave to this study that he is referring to, to me did not indicate that our forests were in this trouble.

We are still growing more timber than is being harvested. This morning we spent an hour and a half debating taxes. Well I think there is more involved in this legislation than just protecting the environment. You are going to have to consider taxes. This is our

largest industry. An \$800 million dollar industry.

An in depth study should be made to formulate adequate legislation to regulate private land.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: I wish to commend the representative from Harmony, Mr. Herrick. I think he has done an excellent job here. I do wish to take exception with the two prior speakers. I wish to point out to this House that this was a 12 to 1 report and I don't believe that any lobby group, whether they be paper companies, or bankers or whatever they are lobbying for has the ability out here to change a committee report into a 12-1 situation. I would go so far, Mr. Speaker, as to say that there had been some lobbying on the floor of the House from House Members to have a 12 to 1 report.

I urge the acceptance of the Majority "Ought not to pass" Report.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I rise today to support the gentleman from Strong, Mr. Dyar.

I am fully aware that the bill in itself, if we are going to have it this session, would need to be amended. I think the gentleman from Harmony has made some excellent points which ought to be taken into consideration.

If you realize where I live, and probably you just wish that I would go back, if you stop and think of the towns that I represent from Allagash, St. Francis, and St. John all the way to Portage on Route 11, you realize that I have an area which covers a great deal of land in Aroostook County. I have seen what paper companies can do and cutting practices can do.

I feel that in the last couple of years there has been a serious attempt by the larger paper companies to do a better job because they know that we are here and someday somehow we may just do something to them that will force them to do the right thing. Public

pressure I think is having an effect. And if nothing else, if we accept the Minority Report today, I just think that they may get that message.

I think that if you had seen some of the woods in the Allagash area you could put a parking lot without too much trouble — you would not have to throw down any trees because there are none left to throw down after they have been in. I admit that certain companies and certain individuals that are cutting are doing what I think is a pretty decent job. But there are some, ladies and gentlemen, that it is totally unbelievable, totally unbelievable. And so today I am going to vote with the gentleman from Strong if to do nothing else but to register another protest so that someday, somehow, something is going to be done.

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

Mr. SMITH: Mr. Speaker and Members of the House: I rise very briefly to support the Minority Leader and especially the House Chairman because I want to assure this House that no member of the Natural Resources is a puppet of the paper lobbyists. As a matter of fact I can tell you that the paper lobbyists have appeared before almost every bill of the 70 odd bills that have gone before that committee. If anything their efforts are working to their detriment at this point because their paranoia is quite evident. I am intrigued this morning to hear that Mr. Dyar has some amendments which possibly could cover some of the reservation that I have about this bill. And even as a signer of the Majority "Ought not to pass" I would hope that the Members of this House would pass this out of the committee this morning and give us an opportunity to entertain these amendments that Mr. Dyar has prepared.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mr. Borgoin.

Mr. BOURGOIN: Mr. Speaker and Members of the House: When I am absent from this House I am mostly in the woods and it

is a shame just to see township after township, just the woods, a few sticks of wood standing up, that are not of any use. The rest is all broken down. You can stand on the knoll and look around for half of a mile without seeing any good trees around. It is a shame the way that the lumber companies destroy the woods.

The SPEAKER: The Chair recognizes the gentleman from Harmony, Mr. Herrick.

Mr. HERRICK: Mr. Speaker and Members of the House: I would like to state that I am in complete sympathy with Mr. Dyar's concept, his idea of what is happening in this state as far as forest management goes. There are some very flagrant practices. But even myself as a forester to go view an area that has been stripped, I cannot condemn the landowner because if I had not been there previously and seen the land and in what condition it was and in what condition the timber was, I could not make a judgment on whether this was a good forestry practice or a bad forestry practice.

To remind you of a part of the definition of forest management, I would state good forestry practices, selective cutting is not the only good forestry practice. Some areas of land require clear cutting. An example being mature old growth stands of spruce and fir. Another one being the mature old growth stand of hemlock.

None of us here can go view a stripped area and state that it is a bad forestry practice.

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

Mr. DYAR: Mr. Speaker and Members of the House: I would like to clarify through my ignorance a couple of points made by the gentleman from Harmony, Mr. Herrick.

Ecology in my mind is the birds and the bees, the fish, our wild animals, and our trees. Without them we have very little.

Our trees convert our pollution of carbon dioxide to oxygen and give us the staff of life to breathe. These same trees hold thousands of gallons of water, which give us

our water and our moisture in our air to sustain life. If he wants to attack the word ecology with his forestry degree, I will challenge him on this basis. I will also challenge the gentleman on the statement about the study at the University of Maine.

This article was in the Portland Press Herald last June or July. It stated that they were studying the use of leaves, twigs, bushes, and alders to be used in the production of paper when this critical stage in seven years came.

I am not employed by a paper company. I do not intend ever to be in the employment of a paper company because I don't believe I could get a job with them anyway on my stand. I think that he also stated that this covered the entire State of Maine. The present statutes cover the small land owner. He cannot pile brush within 25 feet of a neighbor's line. He cannot pile brush in a brook or stream or within 25 feet of it. He cannot pile his brush within 75 feet of a highway, but yet the big boys can.

I think that the arguments that have been given against this bill are probably very true. It is very humorous to me that the entire contents of this bill as written are taken from sections of the Maine statutes that pertain to the EIC, that pertain to the Soil and Water Conservation District. The reason that I drew this bill this way was so that the paper lobbyists could not come here and attack it point by point. It gives the Forestry Commissioner the right to set rules and regulations that must be promulgated by the Attorney General. It sets up a hearing commission on the Forestry Commissioner or the Commissioner of Inland Fish and Game, the Chairman of the Environmental Improvement Commission, the Chairman of the Soil and Water Conservation Commission and the Attorney General, at no cost to the taxpayers. The bill states that these people shall work at no extra pay.

I feel that if there is any doubt in our minds this morning you have got one of two alternatives. You can let the ecology, and I say the word ecology, that surrounds you

go down that muddy river, or you can vote to start some protection.

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

Mr. WHITSON: Mr. Speaker and Members of the House: As a minority of one on my committee I find myself in an unusual position in this House, when both the leader of the Republican and Democratic Party haven't spoken on my behalf and Mr. Dyar's behalf.

My committee is appalled, obviously, at the results of unregulated forestry cutting, and they decided in executive session to sign a unanimous request for a full study of forestry cutting practices and the forestry condition. After defeating this bill with a unanimous "ought not to pass," I dissented on the "ought not to pass." I don't see, unlike my committee, any inconsistencies with the acceptance of this bill and a study. This bill does nothing at all but empower the Forestry Commissioner to set forest cutting regulations. I find this reasonable. And so, Mr. Dyar and myself, as unlikely as it may seem, have become bed-fellows on this issue.

I would request the members of this House to give this bill initial approval and allow Mr. Dyar to amend this bill to make it more palatable to the members of the committee and to meet their objections. I think he deserves this opportunity.

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

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: I urge you to vote against the Majority Report, if for no other reason than to go on record as being tired of supporting aid to dependent paper companies.

Mr. Herrick of Harmony was granted permission to speak a third time.

Mr. HERRICK: Mr. Speaker, Ladies and Gentlemen of the House: Just to clear one point that Mr. Dyar brought up about the study, we are talking about two different studies I assume, by his definition of what the study he was referring to.

As far as inconsistency, that Mr. Whitson brought out, you are dealing with 77,000 land owners — approximately 77,500. Of these 77,400 are small woodlot owners. They own approximately 7.6 million acres of woodland. There are 74 owners who own 9.2 million acres of the woodland. If we are trying to get at the big paper companies and their cutting practices, I would hope that you would leave out the small land owners.

I am not a big paper company bed partner. I am a member of the Society of American Foresters and I live by a code of ethics. If I have violated these ethics, my society could sue me. I hope you will go along with the Majority Report.

THE SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker and Members of the House: I would just like to clear one point here this morning that has been overlooked. I would like to concur with Representative Hardy in his remarks. However at this time, at the hearing the Forestry Commissioner told us, as a conservative figure, this would mean ten new employees in the department.

Now we have signed a resolution here this morning that we are going on record as not raising any new taxes. This, in my mind, was one of the reasons why I signed the Majority Report. If you want to see a bureaucracy set up, a new one, this might be the vehicle that would get it started.

We feel that these practices have got to be curbed somehow. There are proper studies that have got to be made, but right now, with this bill and no accompanying amounts of money to back it up, we felt was one of the reasons that it shouldn't pass at this time. This, as I will repeat, there were ten — a conservative figure of ten new foresters needed to cover the land areas that would be involved in this bill.

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

Mr. LUCAS: Mr. Speaker and Ladies and Gentlemen of the House: I appeared on behalf of

this bill at the committee hearing as a result of a letter from a constituent from the town that I represent, the City of Portland, better known as the Forest City. It might interest you to know that the Forest City is fast becoming not a forest city for a number of reasons; it has nothing to do so much with this bill.

We have instituted within the past few years a number of measures concerning the coast, concerning the rivers, and I feel that this is an environmental issue and, therefore, would ask that a roll call be taken for this measure.

Mr. Dyar of Strong was granted permission to speak a third time.

Mr. DYAR: Mr. Speaker and Members of the House: Originally I stated that I had amendments for this bill, and one of the amendments is under section two which states the duties of foresters. I wanted to amend this out to have it duties of the Forestry Department personnel. The Forestry Commissioner felt that if he was going to use foresters to carry out this, he would have to hire ten additional personnel. As I stated, he has people in the woods now who could carry out the purpose of this bill. So I can see where there is no necessity for any new money or new personnel in this department.

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

Mr. SUSI: Mr. Speaker and Members of the House: I think that some are concerned, worried perhaps, that should this be enacted, that inasmuch as there are questions about provisions in it, there might be damage done in that we haven't crossed all the t's and dotted all the i's. From having watched this situation for a great number of years, I would like to assure you that there will be no damage done under this if we enact it, because if there is anyone that is dominated more than the legislature by these corporations it is the Forestry Department, and nothing is going to happen. So let's put it on the books and nothing will happen, and then two or six or eight years from now we can say, why didn't

anything happen? Perhaps we can get something done then.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All 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 Harmony, Mr. Herrick, that the House accept the Majority "Ought not to pass" Report on Bill "An Act relating to Forestry Cutting Practices for the Protection of Rivers, Streams and Lakes," House Paper 682, L. D. 919. If you are in favor of accepting the Majority Report you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEAS — Ault, Baker, Berube, Bither, Bragdon, Bunker, Carey, Carter, Churchill, Clark, Cote, Crosby, Cummings, Curran, Curtis, A. P.; Donaghy, Doyle, Evans, Finemore, Fraser, Hall, Hancock, Hardy, Hawkins, Hayes, Henley, Herrick, Kelleher, Kelley, R. P.; Keyte, Kilroy, Lawry, Lewis, Lincoln, Lizotte, Lynch, MacLeod, Norris, Page, Payson, Ross, Shaw, Shute, Simpson, T. R.; Theriault, Wheeler, Williams.

NAYS — Albert, Baker, Barnes, Bartlett, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Binnette, Boudreau, Bourgoin, Brown, Brown, Call, Carrier, Clemente, Collins, Conley, Cooney, Cottrell, Curtis, T. S., Jr.; Cyr, Dam, Dow, Drigotas, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Farrington, Faucher, Fecteau, Gagnon, Gauthier, Genest, Gill, Good, Goodwin, Haskell, Hewes, Hodgdon, Immonen, Jutras, Kelley, K. F.; Kelley, P. S.; Lebel, Lee, Lessard, Lewin, Littlefield, Lucas, Lund, Maddox, Mahany, Manchester, Marsh, Martin, McCloskey, McCormick, McKinnon, McNally, McTeague, Millett, Mills, Morrell, Mosher, Murray, O'Brien, Orestis, Parks, Porter, Pratt, Rand, Rocheleau, Rollins, Scott,

Silverman, Simpson, L. E.; Slane, Smith, D. M.; Smith, E. H.; Starbird, Stillings, Susi, Tanguay, Trask, Tyndale, Vincent, Webber, Whitson, Wight, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Birt, Bustin, Hanson, Jalbert, Marstaller, Pontbriand, Santoro, Sheltra, White.

Yes, 47; No, 94; Absent, 9.

The SPEAKER: Forty-seven having voted in the affirmative and ninety-four in the negative, with nine being absent, the motion does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted. The Bill was given its two several readings and tomorrow assigned.

Divided Report Tabled and Assigned

Majority Report of the Committee on Natural Resources on Bill "An Act to Provide for Protection of the Air, Water and Other Natural Resources" (H. P. 720) (L. D. 965) reporting same in a new draft (H. P. 1315) (L. D. 1723) under title of "An Act to Provide for Protection of the Environment" and that it "Ought to pass"

Report was signed by the following members:

Messrs. SCHULTEN of Sagadahoc
GRAHAM of Cumberland
— of the Senate.
Mr. WHITSON of Portland
Mrs. CUMMINGS of Newport
Mrs. KILROY of Portland
Mrs. BROWN of York
Mr. SMITH of Waterville
— of the House.

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

Report was signed by the following members:

Mr. VIOLETTE of Aroostook
— of the Senate.
Messrs. CURRAN of Bangor
HERRICK of Harmony
HARDY of Hope
AULT of Wayne
MacLEOD of Bar Harbor
— of the House.

Reports were read.

(On motion of Mr. Susi of Pittsfield, tabled pending acceptance of either Report and specially assigned for Friday, May 14.)

Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought not to pass" on Bill "An Act relating to Public Utilities Providing Gas Service and Valves on Their Distribution and Service Lines" (H. P. 946) (L. D. 1305)

Report was signed by the following members:

Messrs. MOORE of Cumberland
VIOLETTE of Aroostook
— of the Senate.
Mrs. BERUBE of Lewiston
Messrs. MARSH of Hampden
BARTLETT
— of South Berwick
SHUTE
— of Stockton Springs
MOSHER of Gorham
TYNDALE
— of Kennebunkport
CONLEY
— of South Portland
RAND of Yarmouth
— of the House.

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

Report was signed by the following members:

Mr. MARCOTTE of York
— of the Senate.
Messrs. WILLIAMS of Hodgdon
EMERY of Auburn
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: Now this bill has to do with natural gas. It really affects only a few cities. Most of the problems are in the City of Auburn, where I think they have a problem with natural gas explosions.

Now I don't stand before you as an expert on natural gas. In view of what took place here this morning, I might qualify as an expert on hot air such as we keep floating around here. However, I think this is too stale to make a dangerous explosion. Therefore, I now move that we accept the Minority "Ought to pass" Report.

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

The Chair recognizes the gentleman from Auburn, Mr. Emery.

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: This bill was presented in the interest of public safety. Sheets have been distributed containing various news items pertaining to this bill. Each item is a valid instance of gas leaks as reported in Auburn and Lewiston since the first of this year.

I do not know of how many leaks that were reported in other cities of the state during this period, but if their conditions are the same as the one we live under, I feel that we need this bill in law more than ever. I would remind this House of the fatalities occurring in the City of Lewiston last year, and of the tragic gas explosion in the Red Bank district of South Portland several years ago, not to mention the numerous horrendous explosions attributed to gas leaks in other states throughout the country.

In my area alone, the gas utility serves approximately 8,200 customers per year via 104 miles of gas mains. In the City of Auburn, as of 1970, approximately 1,790 gas services were in use. In the City of Lewiston approximately 3,160 services were in use at the same time. Gas meters in use were found to number 8,200 approximately.

As I stated before, in other states grievous gas explosions have taken place, many irreplaceable lives lost. And millions of dollars of property damage have occurred.

I thank the good Lord that in my area we have been fortunate and have been spared these horrors that others have gone through. Three lives are gone forever from this earth, and I feel that if this bill had been statutory law a long time ago, those people would still possibly be here today. The toll could have been greater. Many knowledgeable people have stated that we are only sitting on the top of a vast bomb, awaiting one spark to set it off. To explain — a short time ago, we had a report of a gas leak in Auburn at a private home; the percentage of gas that had concentrated in that house was 30 percent. For the benefit of the members of the House that do not understand the

percentage of gas in relation to explosions, the danger point lies from zero to fifteen percent. When a house has 30 percent it will not blow up. The danger comes when a house is being vented. At zero to fifteen percent all it needs is one spark to set it off.

Many of our public schools, public buildings, private homes and businesses have had the same type of thing happen to them. Fortunately we have not had any serious problems in Auburn yet, but many dangerous gas readings have taken place.

The history of our area in itself, as pertains to gas mains, shows that until very recently we had manufactured gas under low pressure; today it is natural gas with a tendency to rise. Whereas manufactured gas is heavier than air, it tends to go down. This gas is distributed through mains that are cast iron in a majority of cases, laid in the ground before the turn of the century. Repairs to those mains that leak occur daily. Our streets resemble gopher holes, pockmarked with gas company's patches where leaks have existed.

This bill deals with valves, and the operating stem or mechanism. The reason for this section is so that in case of fire or natural disaster firemen or other concerned people could readily shut off gas service or lines.

Another section refers to shocks to the mains, and another to location accessibility. No longer is it feasible to bury stem or mechanism in the ground where only but a few select people know their location or place them in a basement where they could be inaccessible in case of fire. I feel that this bill should become law; not just part of the PUC regulations amended.

I could cite many cases in which shut-off valves would have come in handy. In Auburn last winter we had a shoe factory burn down, the Standard Shoe Company. This plant burned for a day and a half because the firemen were unable to locate the valve to shut the gas off. After the fire was over we found the valve was in the basement, and it was kind of late after the place was totally in flames,

to shut the gas off. We pumped water for a day and a half on that fire.

Recently in my area up to an hour or more delay has been experienced whenever an emergency situation has developed. This could be fatal in the case of fire, as the first five minutes at a fire are the most important.

I would like to mention that the Maine Fire Chiefs' Association supports this bill. I would ask that you allow this bill to have its required readings in order that an amendment may be offered that would take care of the objectionable features that came up in the committee hearing, primarily the major cost to the utility.

The SPEAKER: The pending question is on the motion of the gentleman from Hodgdon, Mr. Williams, that the House accept the Minority "Ought to pass" Report on Bill "An Act relating to Public Utilities Providing Gas Service and Valves on Their Distribution and Service Lines," House Paper 946, L. D. 1305. All in favor of accepting the Minority Report will vote yes; those opposed will vote no.

A vote of the House was taken.

98 having voted in the affirmative and 14 having voted in the negative, the motion did prevail.

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Public Utilities reporting "Ought not to pass" on Bill "An Act relating to Complaints Against Public Utilities" (H. P. 1175) (L. D. 1633)

Report was signed by the following members:

Mr. MOORE of Cumberland
—of the Senate.

Messrs. BARTLETT
of South Berwick
MARSH of Hampden
CONLEY

of South Portland
Mrs. BERUBE of Lewiston
Messrs. MOSHER of Gorham
SHUTE

of Stockton Springs
WILLIAMS of Hodgdon

TYNDALE

of Kennebunkport
RAND of Yarmouth

—of the House.

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

Report was signed by the following members:

Messrs. VIOLETTE of Aroostook

MARCOTTE of York

—of the Senate.

Mr. EMERY of Auburn

—of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

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

Whereupon, on motion of Mr. Kelley of Caribou, tabled pending the motion of Mr. Williams of Hodgdon to accept the Majority Report and specially assigned for Friday, May 14.

Passed to Be Engrossed

Bill "An Act Restricting the Sale or Use of Detergents Containing Phosphate" (S. P. 564) (L. D. 1702)

Bill "An Act relating to Emergency Authority of Public Utilities Commission Relative to Motor Vehicles for Hire" (S. P. 571) (L. D. 1715)

Bill "An Act relating to Annual Fee for Town Forest Fire Wardens" (H. P. 178) (L. D. 236)

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

Bill "An Act to Eliminate the Waiting Period for Eligibility under Unemployment Compensation" (H. P. 268) (L. D. 357)

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

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: We debated this item yesterday and we did have quite a good deal of absenteeism on the vote. Some have indicated to me that they wished they had been

present to have their vote registered, so I am going to review the argument against this bill again very briefly and then make a motion to indefinitely postpone the bill.

We have hit the employers of the state very substantially at this session, first with the minimum wage increase, then we hit them with unemployment insurance extension, which is very substantial. As a matter of fact, it will have an impact of close to \$4 million—\$4,500,000 as a matter of fact is the estimated impact.

Now we had a great discussion this morning as to various attitudes regarding taxation. You are, in effect, with this bill that we are considering now, you are taxing the employers of the state an additional million dollars a year, as the estimated impact, to correct some imagined hardship which, in my view, does not exist.

We currently have one of the most liberal laws in the United States in regard to waiting periods. The person unemployed for five weeks is compensated for all of the weeks. If his period of unemployment is shorter than that he only has a one week waiting period for which he is not compensated. The waiting period was put in the law initially to try to hold the cost of unemployment insurance somewhere within a reasonable limit and we are now among the ten most liberal states in the Union, and if we pass this we would move into the select circle of the three or four most liberal states in the Union.

I think it is an unwarranted imposition on the employers of the State of Maine, and I hope that you will join with me this morning to indefinitely postpone this measure.

The SPEAKER: The gentleman from Houlton, Mr. Haskell, moves the indefinite postponement of L. D. 357.

The Chair recognizes the gentleman from Auburn, Mr. Emery.

Mr. EMERY: Mr. Speaker and Members of the House: I oppose this motion and when the vote is taken I ask for a roll call.

I question as to the number of employers that would be involved.

I know that most unions pay well above and they take care of any period that would apply to these people that would be concerned under this bill, because most unions give at least a minimum of two weeks vacation. And this bill here would only apply in an instance whereby a company paid one week and the second week you were out, well these people don't get paid and this bill would make sure that they do get paid. It doesn't make the period that they could receive unemployment benefits any longer. They still get their minimum 26 weeks, regardless if they start immediately or a week later.

I don't think this is a tax on the public, and I know it is a tax on the private sector; imagine the hardships. There are going to be hardships because if somebody doesn't have a week's pay coming in there are going to be some hungry children, and we are going to see people down in the various towns applying for support that week. There are going to be costs to the town welfare fund.

We want to speak about the unemployment and this and that and so forth and the Security Commission. I believe that a lot of the opposition is not coming so much from the private sector as is coming from the Commission because they don't want to process these claims.

I have had claims down in my area go as long as seven months before they go their benefits, and maybe a little bit better related to the bill in particular; but these are the facts. The unions in this state haven't voiced any major objection to this bill. Very few people in the private sector oppose this.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All 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 Houlton, Mr. Haskell, that Bill "An Act to Eliminate the Waiting Period for Eligibility under Unemployment Compensation," House Paper 268, L. D. 357, 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 — Bailey, Baker, Bartlett, Berry, G. W.; Bither, Bragdon, Brawn, Brown, Bunker, Carrier, Carter, Clark, Collins, Crosby, Cummings, Curtis, A. P.; Donaghy, Dow, Emery, D. F.; Evans, Finemore, Gagnon, Hall, Haskell, Hawkens, Henley, Hewes, Hodgdon, Immonen, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Littlefield, MacLeod, Maddox, Marsteller, McCormick, McNally, Millett, Morrell, Mosher, Page, Parks, Payson, Porter, Pratt, Rocheleau, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Stillings, Susi, Trask, Wight, Wood, M. W.; Woodbury.

NAY — Albert, Barnes, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Bustin, Call, Carey, Churchill, Clemente, Conley, Cooney, Cote, Cottrell, Curran, Curtis, T. S., Jr.; Cyr, Dam, Doyle, Drigotas, Dyar, Emery, E. M.; Farrington, Faucher, Fecteau, Fraser, Gauthier, Genest, Good, Goodwin, Hancock, Herrick, Jutras, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lebel, Lesnard, Lucas, Lynch, Mahany, Manchester, Marsh, Martin, McCloskey, McKinnon, McTeague, Mills, Murray, Norris, Orestis, Pontbriand, Rollins, Ross, Simpson, T. R.; Slane, Smith, D. M.; Starbird, Tanguay, Theriault, Tyndale, Vincent, Webber, Wheeler, Whitson, Wood, M. E.

ABSENT — Ault, Birt, Dudley, Gill, Hanson, Hardy, Hayes, Jalbert, Lawry, Lizotte, Lund, O'Brien, Rand, Santoro, Sheltra, Smith, E. H.; White, Williams.

Yes, 61; No, 71; Absent, 18.

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

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

Bill "An Act Repealing the Prohibition Against Public Dancing on Sunday" (H. P. 855) (L. D. 1180)

Bill "An Act to Amend the Ogunquit Village Corporation Charter to Equitably Allocate School and Other Common Costs with the Town of Wells" (H. P. 1092) (L. D. 1480)

Resolve Providing Funds for Improvement of West Quoddy Head State Park Access Road (H. P. 410) (L. D. 537)

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

Amended Bills

Bill "An Act Increasing Salaries of Official Court Reporters" (S. P. 171) (L. D. 523)

Bill "An Act relating to Payments for Sustenance during Rehabilitation under Workmen's Compensation Law" (S. P. 319) (L. D. 933)

Bill "An Act Establishing a Human Rights Commission" (H. P. 507) (L. D. 659)

Bill "An Act relating to Permits by Sheriffs to Tow Unregistered Motor Vehicles" (H. P. 830) (L. D. 1121)

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

The following matter was taken from the table out of order by unanimous consent:

HOUSE ORDER Propounding Questions to the Justices relative to the Constitutionality of (H. P. 1305) (L. D. 1711) Bill "An Act Permitting Trials for Petty Offenses Without a Jury"

Tabled — May 11, under the Rules.

Pending — Passage.

Thereupon, the Order received passage.

Passed to Be Enacted

An Act relating to Electrical Inspection (S. P. 567) (L. D. 1708)

An Act relating to Benefits for Widows of Coastal Wardens and Fish and Game Wardens (H. P. 217) (L. D. 284)

An Act Eliminating Restriction on Unemployment Benefits for Military Retirees (H. P. 623) (L. D. 833)

An Act to Correct an Ambiguity in Procedure for Recording Municipal Charters and Amendments (H. P. 815) (L. D. 1088)

An Act Providing for Prescription of Generic Drugs Rather Than Brand Names (H. P. 879) (L. D. 1200)

An Act relating to Planning Board Vacancies (H. P. 966) (L. D. 1326)

An Act to Set Reasonable Fees for Recording and Issuing Certain Documents (H. P. 1031) (L. D. 1418)

An Act to Clarify the Law Relating to Nonvoters Speaking at Town Meetings (H. P. 1075) (L. D. 1467)

Resolve relating to Retirement and Pension of Norman F. Hanson of Eliot (H. P. 794) (L. D. 1070)

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

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

HOUSE DIVIDED REPORT — Majority (7) "Ought to pass" — Minority (5) "Ought not to pass" — Committee on Labor on Bill "An Act relating to Applicability of Workmen's Compensation Law to Employers of One or More Employees." (H. P. 601) (L. D. 803)

Tabled — May 10, by Mr. Good of Westfield.

Pending — Acceptance of either Report.

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

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

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

Mr. HENLEY: Mr. Speaker and Members of the House: I oppose the acceptance of the "Ought to pass" Report. I have been opposing this type of a bill for three sessions. I feel that all of these bills are aimed at the employer of one or two employees are almost discriminatory because the employer of that type has to go through a lot of red tape and a lot of paper work which he is not set up to do. It really does impose quite a problem on them. And I don't see any reason why we should go down and really put our feet down on the employer of one or two employees.

I am not going to talk any more on it. I just will oppose it and I want a division when we vote on it. I hope we will reject the "Ought to pass" Report and accept the "Ought not to pass" Report.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: Employment by an employer carries with it an obligation, and protection of these employees is that obligation of the employer, whether he employs one person or a hundred.

Now discrimination—I didn't want to use the word discrimination—but discrimination is certainly what is being done at the present time with these people who are employed—one, two or three. In this case, the exploitation of these people is discrimination in its purest form, and I ask your support for these people by voting in favor of this bill.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: As our law stands now, we have the exemption set at three regarding Workmen's Compensation. We have an exemption which I believe is set at four regarding unemployment compensation. As you know, we are now faced with a federal requirement in taking the unemployment compensation down to one.

Although we don't have the power, in a practical sense, to disregard the federal requirement, if I had a choice between this legislation, that is taking Workmen's Compensation down to one and taking unemployment compensation down to one, I would opt to take Workmen's Compensation down to one for this reason: You can't argue that the very small employer, for example the law office with one secretary, is not as likely to have unemployment as a large employer who runs a mill or a shoe shop. But when you are talking about injury, it doesn't matter whether there is no fellow employees or whether there are a hundred or a thousand. A man who is injured is just as injured even though he is a single employee as if he had a thousand fellow employees.

What it means when he is injured without Workmen's Compensation is, in a very practical sense, he has no remedy whatsoever. He has no remedy to replace his wages, he has no remedy to pay his medical costs. And the end result of this all as regarding medical costs is that you and I pay the medical costs because he goes to a hospital, and I hope the hospitals, and I think the hospitals, don't refuse care but they have to absorb it. And they absorb it and it goes into the general cost of running the hospital, uncollectable bills, and we are the ones, the other people who go to the hospital who pay Blue Cross and Blue Shield, are the ones who end up paying for it.

And he has no income. And again, we have kind of made the decision that we won't allow the injured man who can't work due to disability, or if he was killed on the job, we wouldn't allow his widow and children to starve, so we have to provide them with welfare. This perhaps is at least some small portion of the AFDC rolls.

Does this make any sense? Or does the idea make sense, which is the fundamental idea behind Workmen's Compensation, that in the work situation there will be some injuries? Good safety practices can cut them down, but in spite of the best safety

practices in the world, some people will be injured at work and some will be killed. These bills, Mr. Speaker, whether it is for wage replacement or the medical bills are going to be paid one way or the other. They are either going to be paid by the particular employers of the people injured or they are going to be paid by us as members of society and as taxpayers.

Regarding the alleged administrative difficulty of the small employer of Workmen's Compensation, I would suggest it isn't so difficult. Number one, you are not involved with any governmental agency like you are in unemployment compensation, no reports to Augusta or Washington, nothing like that. All you have to do is call up your friendly independent insurance broker and say, "I have got one employee. Send me a workmen's comp policy. What's the premium. I won't say that is easy; it is never easy to part with a nickel or a dollar. But there is no great amount of administrative bookkeeping connected with the employer who has one employee getting Workmen's Compensation coverage. It is about as difficult as it is to buy a homeowner's policy on your house. You call up your agency — you know my house, send me a policy for \$15,000 or \$20,000 or whatever the amount is.

The main point I would like to make though is this. Number one, we are being unfair as a state to injured people and to their widows and children, if they are killed, if we don't provide this coverage.

Number two, if we don't provide it, we are only fooling ourselves because the taxpayers pay for it in the long run.

Mr. Speaker, if the request has not already been made, I ask when the vote is taken on this that it be by roll call.

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

Mr. HENLEY: Mr. Speaker and Members of the House: Just a few words in answer to Mr. s McTeague. I don't imagine being a lawyer, having a nice clean office, a pretty secretary and so on, that he has ever been involved

in the outdoor type of employment where he has had to employ one or two people and then call up his friendly insurance office and say, "I've got an employee. I want an insurance policy." I suggest that he try it sometime and he would find that there would be problems. Or if you run a lumber job, or you have something that you are going to reconstruct or anything like that, then you are going to have your problems. You can buy it to be sure. But to go back to the basic issue, it seems to me that we are losing sight of the fact of people's independence. What did we do fifty years ago? We depended upon ourselves; now we are depending upon Poppa all the time.

We started insuring under Workmen's Compensation Act and paying in on it because they started in with group insurance in industries and so forth. And so it got down to the point of where we were making arrangements for Workmen's Compensation for small groups.

Now there is nothing under the sun to stop employees from buying insurance and there is nothing under the sun for the employer to help pay for it when there is one or two or three employees. And that is what in a good many cases they are doing. Aside from that why it is just a policy involved. We are more and more trying to do everything for everybody all the time, and it is getting to be rather nauseous when we are going to tell every businessman just how he is going to run his business all the way down through.

The SPEAKER: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Members of the House: I have been asked by numerous farmers to oppose this. Please don't think that I am pleading for myself. We have to pay Workmen's Compensation because through parts of the year we have Canadian apple pickers. However, we only have one outside, year-round help. We do hire our own son, but it costs us about \$1100 a year for the two full time with the part-time help that we have. And the farmers believe

that they could be taken care of by the Farm Liability. Therefore I would ask that you vote against the Majority Report.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: Very very briefly I would like to suggest to the gentleman from Brunswick, Mr. McTeague, that this dollar or two he has mentioned, in woods work is eight and one-half cents on a dollar. So if you have three employees it comes to \$24,000 a year, which is about the average, it is \$2,040 it will cost you for insurance. I wonder if this is just a dollar or two out of your pocket.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: This bill was presented to the committee and debated a year ago. And the key factor at the time, and the one that the committee attempted to meet by a compromise, was the fact that the situation Mr. Finemore just described, that if you do insist on extending Workmen's Compensation down to employers with one employee, you are going to very effectively put the small woods operators out of business, because the rates for Workmen's Compensation are so high that for all practical purposes your one, two or three man operation of cutting pulp in the state would be out of business.

Now at the last session this objection was attempted to be met by making an alternative available to small employers of carrying a liability insurance. This failed of passage, as I recall it. But the problem does still remain, and because of the very high rates in woods operation, if you do extend this down to employers of single employee, you are going to put out of business your small woods operators.

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

Mr. BARTLETT: Mr. Speaker and Members of the House: I just want to go on record as in favor

of this bill. I am connected with the Water District in my home town and we only employ two people, but we wouldn't dare not to have Workmen's Compensation on these two men. I can't see as this is going to be discriminatory in any way, and I just simply want to go on record as being in favor of the Majority Report.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: There has been such a variety of comments—I know that they have been friendly but perhaps we could call them criticisms on this bill, I would like to try to answer a few of them. I am certain that it is impossible in the short time to answer all of them.

First of all regarding the comments on the secretaries in my office, I would ask my Republican friend Mr. Morrell of Brunswick to back me up on this. We are blessed with a blonde, a brunette and a redhead and I don't think you will find three finer looking girls in any law office in the town of Brunswick or the State of Maine.

On the particular objections raised, Mrs. Berry expresses concern as a farmer, as a person concerned with agriculture. I would suggest, Mr. Speaker, that under our Workmen's Compensation Law, Title 39, Section 3, Sub-Section 4 that agricultural employees are not required, regardless whether they have one or three or thirteen, to be covered under the Workmen's Compensation Law. There is a special provision in there for what is called an employer's liability; and this law, Mrs. Berry, does not change the requirement regarding farmers at all.

About the more fundamental and basic point that the cost may be high in some industries. And it is true that I am blessed now with the very, I guess, unriskey occupation of a part-time politician and occasionally a part-time lawyer. I have done things in the past — I have been an industrial painter and a merchant seaman — and I know there are riskey jobs that have a higher risk than lawyers.

Let me suggest this, though, where the risk is high, and it does vary, for example a secretary in an office I think roughly the cost is perhaps \$20 to \$30 a year. If you get involved in some high risk industries, and certainly cutting pulp is one of them, you may be involved in a premium cost of in the hundreds of dollars per year. I don't deny this. These are facts, we can check them out. But let me suggest this to you that where the premium cost is high, it is high because you are dealing with a riskey industry. Where the premium cost is high, people are getting hurt, and people are getting killed, and they are not being compensated under the Workmen's Compensation Law. You and I, as taxpayers, are paying for it with AFDC and subsidizing hospitals, and every other way.

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

Mr. MORRELL: Mr. Speaker and Members of the House: I just wanted to mention that we have got enough girls in my own office so that I neither know anything about or observe Mr. McTeague's girls.

The SPEAKER: The pending question is on the motion of the gentleman from Millinocket, Mr. Simpson, that the House accept the Majority "Ought to pass" Report on Bill "An Act relating to Applicability of Workmen's Compensation Law to Employers of One or More Employees." House Paper 601, L. D. 803. If you are in favor of accepting the Majority Report you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Bartlett, Bedard, Bernier, Berube, Boudreau, Bourgoin, Bustin, Call, Churchill, Clem-

ente, Conley, Cooney, Cote, Curran, Curtis, T. S., Jr.; Cyr, Dam, Doyle, Drigotas, Dyar, Emery, E. M.; Farrington, Faucher, Fecteau, Fraser, Gagnon, Genest, Good, Goodwin, Hayes, Hewes, Jutras, Kelley, P. S.; Kilroy, Lessard, Lewin, Lucas, Lynch, Marsh, Martin, McCloskey, McCormick, McTeague, Mills, Morrell, Murray, Orestis, Pontbriand, Rollins, Ross, Shute, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Starbird, Stillings, Tanguay, Theriault, Vincent, Webber, Wheeler, Whitson, Wood, M. E.; Woodbury.

NAY — Albert, Bailey, Baker, Barnes, Berry, G. W.; Berry, P. P.; Binnette, Bither, Bragdon, Brawn, Brown, Bunker, Carey, Carter, Clark, Crosby, Cummings, Curtis, A. P.; Donaghy, Dow, Emery, D. F.; Evans, Finemore, Gauthier, Hall, Hancock, Hardy, Haskell, Hawkens, Henley, Herrick, Hodgdon, Immonen, Kelley, K. F.; Kelley, R. P.; Keyte, Lebel, Lee, Lincoln, Littlefield, Lizotte,

MacLeod, Mahany, Manchester, Marstaller, McKinnon, McNally, Millett, Mosher, Norris, Page, Parks, Payson, Porter, Santoro, Scott, Shaw, Silverman, Susi, Trask, Tyndale, Wight, Wood, M. W.

ABSENT — Ault, Birt, Carrier, Collins, Cottrell, Dudley, Gill, Hanson, Jalbert, Kelleher, Lawry, Lewis, Lund, Maddox, O'Brien, Pratt, Rand, Rocheleau, Sheltra, Smith, E. H.; White, Williams.

Yes, 65; No, 63; Absent, 22.

The SPEAKER: Sixty-five having voted in the affirmative, sixty-three in the negative, with twenty-two being absent, the motion does prevail.

Thereupon, the Bill was given its two several readings and tomorrow assigned.

On motion of Mr. Susi of Pittsfield,

Adjourned until eight o'clock tomorrow morning.