

MAINE STATE LEGISLATURE

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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**Monday, May 24, 1971**

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

Prayer by the Rev. Mr. Paul Bowen of Orland.

The members stood at attention during the playing of the National Anthem by the Nokomis Regional High School Band of Newport.

The journal of the previous session was read and approved.

Conference Committee Report

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

Bill "An Act Providing for Records of Sales of Used Merchandise" (H. P. 490) (L. D. 631) reporting that the House recede from passage to be engrossed; recede from adoption of House Amendment "A" and indefinitely postpone same; adopt Conference Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "A"; that the Senate recede and concur with the House.

(Signed)

CARTER of Winslow

LUND of Augusta

HENLEY of Norway

— Committee on part of House.

HICHENS of York

KELLAM of Cumberland

JOHNSON of Somerset

— Committee on part of Senate.

Report was read and accepted. The House receded from passage to be engrossed and receded from adoption of House Amendment "A". House Amendment "A" was indefinitely postponed. Conference Committee Amendment "A" (H-322) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Conference Committee Amendment "A" in non-concurrence and sent up for concurrence.

**Papers from the Senate
Tabled and Assigned**

From the Senate: The following Order:

WHEREAS, there is serious public concern as to the ad-

ministration and operation of our mental institutions; and

WHEREAS, there is continuing evidence of inability to recruit and retain professional and nonprofessional staff; and

WHEREAS, there is substantial evidence of sagging morale among dedicated employees to the extent there is reason to believe patient care may suffer; and

WHEREAS, the Baumgarten Report of 1968 brings serious problems to light, with recommendations for change; and

WHEREAS, the public responsibility towards patients in the care and custody of these institutions demands compassionate care of the highest quality and the full protection of the constitutional and civil rights of those committed to our care; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee of the Legislature on Health and Institutional Services be authorized to study, review and analyze the operations, rules, regulations, procedures and programs of the Department of Mental Health and Corrections as they pertain to our mental institutions to ascertain that department appropriations are being administered in an effective and productive manner for the welfare of the citizens of Maine; and be it further

ORDERED, that said standing committee shall serve without compensation, but shall be reimbursed for their actual expenses incurred in the performance of their duties under this Order within the limits of funds provided herewith; and be it further

ORDERED, that this special committee report its findings and recommendations to the 106th Legislature; and be it further

ORDERED, that all departments and agencies of State Government shall cooperate with the said standing committee and are directed to provide such technical and other assistance as the committee deems necessary or desirable to carry out the purposes of this Order, including but not limited to personnel and staff as a part of their regular employment; and be it further

ORDERED, that the said standing committee shall have the authority to employ professional and clerical assistance as they deem necessary within the limits of funds provided; and be it further

ORDERED, that there is allocated to said standing committee from the Legislative Account the sum of \$1,000 to carry out the purposes of this Order. (S. P. 598)

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: We have two orders that follow one another, I think, on the calendar that we ought to pay some interest to. This first one, in my particular views, poses two problems. One, it says that we are going to have a standing committee after the Legislature adjourns without a responsibility of that particular committee being under anyone's direction. In the past session what we did was to have the Appropriations Committee be a standing committee for the duration of the two years but have it in effect be under the direction of the Legislative Research Committee. That is the first problem.

The second problem I think is one even more serious and it is one which says that the report shall go to the 106th Session. Now for those of you who have been here more than one term I would remind you what happens when we come back at the 106th or whatever the next session happens to be.

The problem that existed at the time the order was passed has probably gone. The people that were on the study committee probably have not returned or gone to the other body. I would suggest that if we are going to pass this order that we amend it to say that the report shall be at the next special session. I suspect that we are going to have one, whether we like it or not.

And so I would suggest that perhaps someone might table the order so that the amendment to the order could be made, and then at that point perhaps the order could be passed.

Whereupon, on motion of Mrs. Payson of Falmouth, tabled pending passage in concurrence and specially assigned for Wednesday, May 26.

Tabled and Assigned

From the Senate: The following Order:

WHEREAS, it is the duty of the Department of Health and Welfare to adopt rules and regulations to carry out laws passed by the Legislature; and

WHEREAS, the 1964 Revised Statutes relative to the operation of institutions demands rules and regulations to carry out the letter of this law; and

WHEREAS, the State Department of Health and Welfare has compiled six separate sets of rules and regulations beginning the first draft December 6, 1965 and completing the sixth draft December 1, 1969; and

WHEREAS, no set of rules and regulations have been adopted or issued after the effective date of the new laws, relating to Title 22, sections 3, 5, 6, 42, 1811, 1812-A, 1813, 1814, 1815, 1816, 1817-B, 1820, 1820-A and 1221, as amended; and

WHEREAS, the issuance of up-to-date rules and regulations is in the best interest of the health and well-being of the people of the State of Maine, particularly the ill and elderly; now, therefore, be it

ORDERED, the House concurring, that the Department of Health and Welfare is directed to adopt the sixth set of proposed rules and regulations, dated December 1, 1969, pending the approval of such proposed rules and regulations by the Attorney General; and be it further

ORDERED, that said Department of Health and Welfare is directed to issue approved rules and regulations to institutions under departmental supervision. (S. P. 600)

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I think this order requires some very careful study and very careful consideration before we pass it. For that reason I would hope that someone would table this for two days until we have time to look it over.

Whereupon, on motion of Mr. Shaw of Chelsea, tabled pending passage in concurrence and specially assigned for Wednesday, May 26.

Tabled and Assigned

From the Senate: The following Order: (S. P. 601)

ORDERED, the House concurring, that the following be recalled from the Governor's Office to the Senate: Bill, "An Act relating to Transportation of Seriously Injured People Directly to a Hospital" (H. P. 1051) (L. D. 1443)

Came from the Senate read and passed.

In the House, the Order was read.

(On motion of Mr. Martin of Eagle Lake, tabled pending passage in concurrence and tomorrow assigned.)

Reports of Committees Ought Not to Pass

Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act relating to Removal of Certain Municipalities from the Forestry District" (S. P. 500) (L. D. 1460)

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

Leave to Withdraw

Report of the Committee on Taxation on Bill "An Act to Provide One Property Tax Rate for the Unorganized Territory" (S. P. 502) (L. D. 1501) reporting Leave to Withdraw.

Came from the Senate read and accepted.

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

Covered by Other Legislation Tabled and Assigned

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Bond Issue in the Amount of \$750,000 for Student Housing at Washington County Vocational-Technical Institute at Calais" (S. P. 430) (L. D. 1244) reporting Leave to Withdraw, as covered by other legislation.

Came from the Senate read and accepted.

In the House, the Report was read.

(On motion of Mr. Mills of Eastport, tabled pending acceptance of Report in concurrence and specially assigned for Wednesday, May 26.)

Referred to Next Legislature

Report of the Committee on Natural Resources on Bill "An Act Reclassifying Part of the Waters of Presumpscot River, Cumberland County" (S. P. 559) (L. D. 1699) reporting that it be referred to the 106th Legislature.

Came from the Senate with the Report read and accepted and the Bill referred to the 106th Legislature.

In the House, the Report was read and accepted in concurrence and the Bill referred to the 106th Legislature in concurrence.

Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act to Provide for Hospitalization of Those Addicted or Habituated to Dangerous Drugs" (S. P. 317) (L. D. 931) reporting same in a new draft (S. P. 596) (L. D. 1758) under title of "An Act Expanding the Definition of 'Mentally Ill Individual' to Permit Hospitalization of Persons Suffering from the Effects of the Use of Drugs" and that it "Ought to pass"

Report of same Committee on Bill "An Act Authorizing the Piscataquis County Treasurer to Pay over a Portion of the Funds from the Estate of Joseph Masteika to Certain Heirs of Joseph Masteika" (S. P. 318) (L. D. 932) reporting same in a new draft (S. P. 595) (L. D. 1757) under same title and that it "Ought to pass"

Report of same Committee on Bill "An Act relating to the Preparation of List of Prospective Jurors" (S. P. 477) (L. D. 1531) reporting same in a new draft (S. P. 594) (L. D. 1756) under same title and that it "Ought to pass"

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

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

Ought to Pass

Report of the Committee on State Government reporting "Ought to pass" on Bill "An Act relating to Powers and Duties of Personnel of the Forestry Department" (S. P. 411) (L. D. 1226)

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.

Ought to Pass with Committee Amendment

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for Drug Abuse" (S. P. 341) (L. D. 1012) reporting "Ought to pass" as amended by Committee Amendment "A" (S-191) submitted therewith.

Report of the Committee on Legal Affairs on Resolve to Reimburse Ida M. Reiss of Andover for Well Damage Resulting from Highway Construction (S. P. 281) (L. D. 815) reporting "Ought to pass" as amended by Committee Amendment "A" (S-189) submitted therewith.

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

In the House, Reports were read and accepted in concurrence, the Bill read twice and the Resolve read once. Committee Amendment "A" to each was read by the Clerk and adopted in concurrence, and tomorrow assigned for

third reading of the Bill and second reading of the Resolve.

Divided Report

Majority Report of the Committee on Transportation on Bill "An Act Creating a Medical Advisory Board for Medical Criteria and Vision Standards for Motor Vehicle Drivers" (S. P. 414) (L. D. 1230) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. GREELEY of Waldo
JOHNSON of Somerset
KELLAM of Cumberland
— of the Senate

Messrs. WOOD of Brooks
CROSBY of Kennebunk
HALL of Windham
LEE of Albion
DUDLEY of Enfield
KEYTE of Dexter
FRASER of Mexico
BARNES of Alton
McNALLY of Ellsworth
— of the House.

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

Report was signed by the following member:

Mr. LEBEL of Van Buren
— 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".

In the House: Reports were read.

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

The Bill was given its two several readings.

Committee Amendment "A" (S-192) was read by the Clerk and adopted in concurrence and the Bill assigned for third reading tomorrow.

Final Report

Final Report of the following Joint Standing Committee:

Agriculture

Came from the Senate read and accepted.

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

Non-Concurrent Matter

Bill "An Act Permitting the Liquor Commission to Issue Liquor Licenses to Public Golf Courses" (S. P. 450) (L. D. 1296) on which the House accepted the Minority "Ought to pass" Report of the Committee on Liquor Control and passed the Bill to be engrossed as amended by House Amendments "A" and "B" in non-concurrence on May 18.

Came from the Senate with that body voting to insist on its former action whereby the Majority "Ought not to pass" Report was accepted, and asking for a Committee of Conference with the following Conferees appointed on its part:

Messrs. SHUTE of Franklin
HICHENS of York
FORTIER of Oxford

In the House: On motion of Mr. Curtis of Bowdoinham, the House voted to insist and join the Committee of Conference.

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act relating to Closed Season and Minimum Size of Coho Salmon" (H. P. 1328) (L. D. 1742) which was passed to be engrossed in the House on May 18.

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

In the House: On motion of Mr. Kelley of Machias, tabled pending further consideration and tomorrow assigned.

Messages and Documents

The following Communication:

The Senate of Maine
Augusta, Maine

May 21, 1971

Hon. Bertha W. Johnson
Clerk of the House
105th Legislature
Dear Madam Clerk:

The Senate voted to Insist and Join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Contracts of Teachers with Municipalities" (S. P. 183) (L. D. 535). The President appointed the following members of the Senate to the Committee of Conference:

Senators:

CHICK of Kennebec
JOHNSON of Somerset
DANTON of York

The Senate voted to Insist and Join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Vacation and Sick Leave of Certain Employees of Highway Department" (H. P. 1063) (L. D. 1454). The President appointed the following members of the Senate to the Committee of Conference:

Senators:

JOHNSON of Somerset
ANDERSON of Hancock
MARTIN of Piscataquis
Respectfully,

(Signed)

HARRY N. STARBRANCH

Harry N. Starbranch
Secretary of the Senate
The Communication was read and ordered placed on file.

The following Communication:

State of Maine
House of Representatives
Office of The Clerk
Augusta, Maine

May 21, 1971

Honorable David J. Kennedy
Speaker of the House
105th Legislature
Sir:

I have accepted the resignations of Mrs. Catherine M. Fenderson, Secretary to the Clerk and Miss Lynda M. Ouellette, Journal Copy Clerk.

To fill the vacancies created by the resignations, I have appointed Mrs. Judith R. Gidney, Secretary to the Clerk and Mrs. Laurel A. Stevens of Augusta, Journal Copy Clerk.

Respectfully,

BERTHA W. JOHNSON

(Mrs.) Bertha W. Johnson

Clerk of the House

The Communication was read and ordered placed on file.

Orders

Mr. Martin of Eagle Lake presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the following be recalled from the Governor's Office to the House: Bill, "AN ACT to Improve

the Procedure for Correcting Vital Statistics." (H. P. 808, L. D. 1081) (H. P. 1360)

The Joint Order was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mrs. Kilroy of Portland, it was

ORDERED, that Rev. Royal J. Parent of Eagle Lake be invited to officiate as Chaplain of the House on Tuesday, May 25, 1971.

On motion of Mr. Farrington of Old Orchard Beach, the House reconsidered its action of May 21 whereby Bill "An Act relating to Boarding Kennels or Pet Shops," House Paper 1336, L. D. 1752, was passed to be engrossed.

On further motion of the same gentleman, tabled pending passage to be engrossed and specially assigned for Wednesday, May 26.

On motion of Mr. Porter of Lincoln, it was

ORDERED, that Mr. Fraser of Mexico be excused from attendance until Friday of this week because of illness in the family.

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Suspension of Motor Vehicle Operator's License for Speeding Violation" (H. P. 1151) (L. D. 1602) the Speaker appointed the following Conferees on the part of the House: Messrs. HEWES

of Cape Elizabeth
GAGNON of Scarborough
CALL of Lewiston

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Contracts of Teachers with Municipalities" (S. P. 183) (L. D. 535) the Speaker appointed the following Conferees on the part of the House: Messrs. FINEMORE

of Bridgewater
SHAW of Chelsea
DUDLEY of Enfield

On the disagreeing action of the two branches of the Legislature on

Bill "An Act relating to Vacation and Sick Leave of Certain Employees of Highway Department" (H. P. 1063) (L. D. 1454) the Speaker appointed the following Conferees on the part of the House: Messrs. BARNES of Alton
MCNALLY of Ellsworth
LEE of Albion

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 Appropriating Funds to Provide for Night Pay Differentials for State Employees" (H. P. 1010) (L. D. 1389)

Mr. Gill from same Committee reported same on Bill "An Act to Provide for Night Pay Differential for State Employees" (H. P. 518) (L. D. 681)

Mr. Wood from the Committee on Transportation on Bill "An Act Establishing a Motor Vehicle Branch Office in the City of Ellsworth" (H. P. 405) (L. D. 518) reported "Ought not to pass", as covered by other legislation.

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

Leave to Withdraw

Mr. Ross from the Committee on Election Laws on Bill "An Act relating to Form and Arrangement of Ballots in General Election" (H. P. 588) (L. D. 783) reported Leave to Withdraw.

Mr. Henley from the Committee on Judiciary reported same on Bill "An Act to Establish the Traffic Court" (H. P. 1153) (L. D. 1603)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Barnes from the Committee on Transportation on Bill "An Act relating to Long-term Semi-permanent Registration Plates for Certain Semitrailers" (H. P. 576) (L. D. 752) reported same in a new draft (H. P. 1357) (L. D. 1773) 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 Bill

Mr. Brawn from the Committee on Legal Affairs reported "Ought to pass" on Resolve to Reimburse Mrs. Edward L. Libby of Kennebunk for Displacement Costs Because of Property Taken by State (H. P. 715) (L. D. 960)

Report was read and accepted, the Resolve read once, and tomorrow assigned.

Ought to Pass with Committee Amendment Tabled and Assigned

Mr. Scott from the Committee on Business Legislation on Bill "An Act Revising the Laws Relating to Credit Unions" (H. P. 580) (L. D. 775) reported "Ought to pass" as amended by Committee Amendment "A" (H-323) submitted therewith.

Report was read.

(On motion of Mr. Trask of Milo, tabled pending acceptance of Report and specially assigned for Wednesday, May 26.)

Mrs. Baker from the Committee on Judiciary on Bill "An Act to Create a Commission to Prepare a Revision of the Criminal Laws" (H. P. 1211) (L. D. 1658) reported "Ought to pass" as amended by Committee Amendment "A" (H-324) submitted therewith.

Mr. Kelley from same Committee on Bill "An Act relating to the Enforcement of Money Judgments" (H. P. 850) (L. D. 1137) reported "Ought to pass" as amended by Committee Amendment "A" (H-325) submitted therewith.

Reports were read and accepted and the Bills read twice. Committee Amendment "A" to each was read by the Clerk and adopted, and tomorrow assigned for third reading of the Bills.

Divided Report

Majority Report of the Committee on Health and Institutional Services on Bill "An Act Permitting Indian Homes to be Licensed as Foster Homes" (H. P. 650) (L. D. 881) reporting same in a new draft (H. P. 1358) (L. D. 1774) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. MINKOWSKY
of Androscoggin
HICHENS of York
GREELEY of Waldo
— of the Senate.
Mrs. CUMMINGS of Newport
Mrs. BERRY of Madison
Mrs. PAYSON of Falmouth
Mr. LEWIS of Bristol

— of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (H. P. 1359) (L. D. 1775) under same title and that it "Ought to pass"

Report was signed by the following members:

Mrs. DOYLE of Bangor
Messrs. LESSARD of Lisbon
DYAR of Strong
SANTORO of Portland
Mrs. McCORMICK of Union
Mr. CLEMENTE of Portland

Reports were read.

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

Mrs. DOYLE: Mr. Speaker, I move the acceptance of the Minority Report on this bill and would speak to my motion.

The SPEAKER: The gentlewoman from Bangor, Mrs. Doyle, moves that the House accept the Minority Report in new draft.

The gentlewoman may proceed.

Mrs. DOYLE: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 881, "An Act Permitting Indian Homes to be Licensed as Foster Homes," is a very important piece of legislation for our Indian citizens.

When the original draft was presented at the public hearing, the only opponents to it were two employees of the Department of Health and Welfare. Many Indians from all three reservations testified for the bill, as well as some off-reservation Indians, and some non-Indian professionals who have worked for many years with Maine Indians. Historically, there has been distrust of the Department of Health and Welfare by the Indian people because of alleged and proven instances of discrimination.

When Indian children come into foster care and are placed in the

custody of the Department of Health and Welfare, they are always removed from their home communities and usually placed in white homes far removed from their culture and customs. This procedure inevitably results in behavior problems, a sense of alienation on the part of the child, and often lifelong delinquency and psychological damage. However, the department contends that reservation homes do not meet minimal standards, and removing the children from their native environment is in the best interests of the children.

Many Indian families would be willing to care for Indian children whose natural parents are unable to do so. On several occasions when Indian families have requested applications for foster home licensure, either the request has been denied, without any inspection or interview, or a cursory fire inspection has been made showing some infractions of the minimal standards. This is interesting and really impossible for the department to justify, since seventeen homes were built at the Dana Point Reservation in 1957 and eleven at the Pleasant Point Reservation in 1959 with Indian trust fund money, under the direction and supervision of the Department of Health and Welfare at a cost of \$8000-\$9000 per unit. These homes had no basements and no central heat. The company which built these homes went bankrupt soon after, and a professional engineer estimated the actual value of these homes at only \$3500 to \$4000 each. Now the department contends that these buildings do not meet their own minimum standards for the safety of children.

Miss Meredith A. Ring, Supervisor of Indian Education, has stated that when she assumed responsibility for Indian schools in 1969, none of the schools met state fire regulations. One school, all of which by law shall be inspected annually, had not been inspected since 1961. From 1961 to 1966 it was the same Department of Health and Welfare, which is now so concerned about the safety of Indian children, which was re-

sponsible for the maintenance of Indian schools.

Figures from the Department of Health and Welfare, which were submitted to the Committee on Health and Institutional Services at our request, indicate that there are currently 33 Indian children in foster care, five of whom are apparently residing with relatives off the reservations. The remainder are in non-Indian homes. Incidentally, this information had been denied to an Indian who was working as a consultant to the State Department of Indian Affairs — clearly an example of the discriminatory practices of Health and Welfare.

Many foster children are living in substandard or unlicensed foster homes, partly due to the fact that Health and Welfare makes no obvious attempt to recruit suitable homes and families, and apparently because it is more interested in minimum standards than in a warm, loving atmosphere. I would suggest to the committee that has been charged with investigating the Department of Health and Welfare that special attention be given to the entire foster home licensing procedure.

L. D. 1775, the Minority Report, a redraft of L. D. 881, is good legislation which places the responsibility for selecting appropriate reservation homes for licensure with the Tribal Governors and Councils. Off-reservation Indian children do not have to be placed in reservation homes unless they or their natural parents so request and with the consent of the foster home licensee.

On the other hand, L. D. 1774, the Majority Report, is totally unacceptable as it only gives lip-service to the Indian people and states that the department "shall consider . . . facilities . . . recommended by the Governor and Tribal Council," but does not say that it must take any action on such consideration. This form of the bill was drafted by the Department of Health and Welfare.

Therefore, I move the acceptance of the Minority Report.

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

Mr. DYAR: Mr. Speaker and Members of the House: As a signer of the Minority Report, I would like to point out one thing. This will give the tribes, actually, municipal home rule. The Tribal Council will be able to decide on the facilities and recommend to the Department of Health and Welfare where these Indian children should be placed.

At the present time only 33 children who are off the reservation are in white homes and are away from the culture and the tribal customs. I feel that the Tribal Council should have the ability to recommend homes on the reservations that they feel would be in the best interest of the children of the tribe when they need to be put in foster homes.

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

Mrs. CUMMINGS: Mr. Speaker and Members of the House: As a signer of the other report, I would like to explain that I feel that the Commissioner of Health and Welfare, when a child is put up to go into a foster home, he becomes the total responsibility of the Commissioner. Now the Commissioner has certain standards that a home must maintain in order to be licensed to take these foster children. There are the fire standards, there are health standards, there are the sanitary standards, and he is not required, or cannot, actually, put these children into any home unless it is licensed to take foster children by maintaining these standards.

The other bill would say that as long as the Governor and the Tribal Council of the Indian tribes okayed a foster home, that then these children should stay there. I think it is putting too much of a responsibility on the Commissioner. After all, these children are his legal responsibility, and I don't think it is fair to ask him to put these children into homes that are really not safe.

Now we did have many families that came and testified, and if we are ruled by our hearts, naturally we want those children to be brought up by members of their tribes. But on the same token, we

cannot see them put into homes that are not safe. Should there be a fire and some of these children lose their lives when they are put into homes that are not up to standard, then the Commissioner is responsible, and I don't think he should be given this responsibility.

I would like to see you vote against the present motion.

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

Mrs. PAYSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out an error in L. D. 1774 and 1775. They are each reported out of committee as a Majority Report. This is not true. The Majority Report should have been labeled out of the committee on L. D. 1774, I believe. If you will look in the calendar it looks as if it is correct, but the L. D. as printed is incorrect.

I would like to say something about L. D. 1774, the Majority Report out of committee. It was a feeling of some of the members of our committee, the majority of them, that this was an excellent way to approach this problem whereby we have children who have been placed by the Department of Health and Welfare, who are listed as Indian children, in boarding homes which are off the reservation. As they mature and seek their true identity, they go back to the Indian Reservation and find that they have been brought up in the white culture, which is foreign to their Indian culture.

It was therefore our feeling that it was advisable, if possible, to have those children have an opportunity to live within homes which would be selected by the Governor and Tribal Council among their own people. And from there they could go on out with the rest of the world if they wanted to. But at least they would know what their background was and hopefully would appreciate it for a fine thing which it has been.

Further, we felt that there should be some check on these Indian homes. It should not be left up to the Governor and Tribal Council. Only the Department of

Health and Welfare has the responsibility, as Mrs. Cummings, the gentlewoman from Newport reported to you, to maintain standards for all boarding homes in this state. And it is up to us also to support the department in this relationship between a state agency and the people whom it is serving.

I would therefore like to say that I hope that you will vote against the motion which was made to accept the Minority "Ought to pass" Report, and I hope that you will vote no.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: We have a difference of opinion here on two bills, but the 1775 is the one that is approved by members of the Department of Education. This is something they have been trying to do to correct some of these inefficiencies on the reservations that have existed for years. This has been a matter of programming for the past eight years.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from Bangor, Mrs. Doyle, that the House accept the Minority Report on Bill "An Act Permitting Indian Homes to be Licensed as Foster Homes," House Paper 1359, L. D. 1775. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 59 having voted in the affirmative and 52 having voted in the negative, the motion did prevail.

Thereupon, the New Draft was read twice and tomorrow assigned.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Address of Grantees on Deeds and Affixation of Real Estate Transfer Tax Stamps" (H. P. 1088) (L. D. 1477)

Report was signed by the following members:

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

Messrs. LUND of Augusta
KELLEY of Caribou
PAGE of Fryeburg

Mrs. WHEELER of Portland
Mrs. WHITE of Guilford

Messrs. CARRIER of Westbrook
ORESTIS of Lewiston

— of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. HENLEY of Norway

Mrs. BAKER of Orrington

Mr. HEWES of Cape Elizabeth
— of the House.

Reports were read.

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

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

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

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

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to that motion and hope you will vote against it. This was such a good bill that the first section, one half of it has already been enacted into law and signed by the Governor. So the only part we are concerned with is the second part of the bill which is requiring real estate transfer stamps to be attached to deeds before they are recorded in the registry of deeds.

At the hearing there was testimony that only 22 per cent of the deeds recorded do have the stamps attached to them at that time. Maybe the stamps are going to be added later, but only 22 percent were on the deeds at the time of the recordation of the deeds.

As I understood from Ernest Johnson, his telephone conversation, subsequently this bill, if everyone did buy stamps it would mean a quarter of a million dollars per year to the state. It seems to me

that if some people are going to abide by the request that stamps be attached to their deeds, that everyone should. Therefore I hope you will eventually vote for the bill, after defeating the pending "ought not to pass" motion.

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

Mr. FINEMORE: Mr. Speaker, could I ask a question through the Chair of the gentleman, Mr. Hewes?

The SPEAKER: The gentleman may pose his question.

Mr. FINEMORE: Mr. Speaker, I would like to ask Mr. Hewes if he said tax deeds? Tax deeds don't require stamps.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, poses a question through the Chair to the gentleman from Cape Elizabeth, Mr. Hewes, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. HEWES: Mr. Speaker, in answer to the gentleman's question, if I said tax deed, I meant the transfer stamp being attached to any deed.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: One of the most important keys to equitable taxation and property values is a statement of actual facts when the transfers are made as to the value.

There was a bill before the legislature, L. D. 1292, that went before the Judiciary Committee and it came out a unanimous "ought not to pass." It did not concern itself with stamps, but it did state a declaration of value would be made in duplicate, and the register of deeds would forward both copies to the state tax assessor and he would send one copy back to the assessors. This would be a way of really starting to get true values on properties in the State of Maine. And I don't know why it was reported out a unanimous "ought not to pass." But the Taxation Committee is going to report out a redraft of a bill that will

have something to this effect in that bill.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: From what I know of this subject, I would support the observations of the previous two speakers. I think that it is important that we have the stamps affixed to these deeds prior to their getting into a public office, so that we will know what the values are on these properties. I just have a feeling that those who oppose this being made a part of the law are doing it for very selfish, underhanded reasons. And I would hope that you would support it and give a tool for fair assessment here in Maine.

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

Mr. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill. As a former selectman and assessor, I found that it was very convenient and most helpful to have the stamps placed on the real estate transfers when they were picked up at the registry of deeds. I believe it was up possibly two years ago, the law was changed whereby the stamps were no longer necessary at the time of filing the real estate transfer. I notice that the committee was too generous with their report, but I still feel that this is a very very good bill, very essential, particularly to assessors in order to arrive at a legitimate and fair value of property in their assessing. I would hope that the Minority Report would be accepted.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I support the previous speakers. There is no other area in this state in which so much hanky panky is going on and one that needs to be straightened out. I support these gentlemen firmly.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: Anyone who has tried to struggle with the great problem in our property taxation field realizes and knows that this is the first and most important key in this struggle to improve our property taxation system. It would be a great help, **for instance, in clearing up the great confusion about our state subsidies to education.** They are not accurate. It is a by guess and **by gosh situation in a sense,** and I hope that all will realize that a bill like this could be very helpful.

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

Mr. McNALLY: Mr. Speaker and Members of the House: This happens to be the bill that two lawyers came into my office for before I started down here today. They said, "Are you going to get down to the House in time this afternoon?" I said, "I hope so." And they said, "Well you want to watch this bill." They said, "This is a bill whereby that if it is passed it will make it a little easier for the taxation people to come up into the courthouses and look and see how many stamps have been affixed to the deeds, and that will be what the value of the property is, regardless of whether it had been sold for twice what it was worth, or whether it had been sold for half of what it was worth." And since they were both pretty good attorneys and I sort of believed in some of the things they say, I am going to vote for the "ought not to pass" on this.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly. In our area if it happens to be lower than the assessed value of the assessor, they certainly don't hesitate to say you were very lucky to have bought it at a lower price. So apparently this is a one way street. It really doesn't establish the true value of property.

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

Mr. CARRIER: Mr. Speaker and Members of the House: First and foremost I wish to say that those of us who have signed the "Ought not to pass" Report was not because of selfishness or being underhanded. As a matter of fact, as far as I am concerned, that never even entered the consideration.

Now at the hearing most people were not against the first part of the bill which is deleted. But many of the registers of deeds were here. They were at the hearing; there were many of them. And they were all against the second part of the bill. And this is what we passed on "ought not to pass."

Now Mr. Norris actually has hit the problem here, the fact that none of them, as far as the assessors go, city assessors, I am not worried about them. If they can't go out and assess a house on their own and use their own procedures and come out with a decent, reasonable, fair value, I don't think they should be in the job in the first place.

And the second place is, this putting the stamps on if you do happen to pay lower than what the—let's say a low price, if they consider it a low price then they will not use that figure, but if you happen to overpay for the place, they will use the figure. So therefore I submit to you that any local assessor that knows what he is doing, he doesn't need any stamps to give him any indication as to what the place is worth. And actually, as far as—most people will agree—as far as property goes, the value of property, you are actually arriving at a different value. You use different methods to assess for taxes, and you also use different methods as far as saying what the selling price is, or what the fair market value is. So actually you have a double standard.

Now I don't think, in the first place—another thing that was brought up in the committee is the fact that under no circumstances does the law say that you have to record a deed at any time. Now I know that this is not probably the most prudent way to do things, but there are many people

who do not record the deeds and there are reasons, and they can be suggested by lawyers as reasons why not to record a deed at a certain time or not to record it at all.

Under the present law there is also a penalty if you put the stamps on the deed anyway. So actually I think it is more of a nosey affair on the part of the people who want this put on at recordation in order for them to find out what you paid for your property.

I submit to you that this is not a good bill. I think there are many many reasons why it should not pass, and probably the best reason is the fact that there was all kinds of people, registers of deeds from all over the state that came and actually spoke against this bill.

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: In other words, after I have heard the testimony here today, if I am given a piece of property, there are no stamps affixed, and the assessors are going to give me my taxes free. And there is something else about this here that doesn't quite add up. If I have to buy a piece of property out here for \$1,000 and I know this piece of property is worth \$10,000 and I sell this piece of property for \$10,000, then the stamps I have affixed is \$10,000 on the income tax, I will win, I will not have to pay it. This is to protect me.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: There are some people here today who are not acting like assessors, assessors who have had experience, not one but two or three, because all we use this for is a guideline. We have always used it in my town and several towns around me use it for a guideline.

We have these reports come to us every month that tells us all the transfers, but they have been very unfair. We had one piece of property we actually found out it

was transferred for \$30,000 and it carried \$20,000 worth of stamps. But this is not the right way to do it. We believe they should be able to put the right amount of stamps on.

I hope you will go along with this Minority Report.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly, I would like to answer my friend Mr. Carrier. I am usually on his side, but this time I am not. I signed the "Ought to pass" Report, but I would like to answer him relative to the registers of deeds who were at the hearing and objected. I think it is almost customary for local registers of deeds and town clerks and all of that type of group of employees and officials to object to any law which is going to add responsibility to their jobs. And that was exactly what this would do.

I am not versed enough in registry's affairs to go into this deeply. I just felt that if the law states that we should affix the proper stamps to transfer, I don't see any reason why we shouldn't do it under the law and do it right.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Page.

Mr. PAGE: Mr. Speaker and Members of the House: I think this is a very simple thing. This is a matter really of whether or not you want the price you paid for a property, or a price that you sold a property for, to be of public record. This is what this does when it is put on before the deed is recorded. This is very simple. I have been an assessor for many years but I am not now. I don't think this is as important to assessors at it has been made out to be here.

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

Mr. LEWIS: Mr. Speaker and Members of the House: I would like to remind the members of the House that the State Department of Taxation uses this method in order to come up with a state valuation for every municipality

in the state. Every two years a representative from the Department of Taxation visits municipalities and he will pick out a cross section of the deed transfers, throwing out the lower ones, throwing out the very top ones, throwing out any that involves relationship between the parties involved, and as a result, your state valuation is fixed by this method and also your school subsidy is certainly fixed by this method.

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Carrier, that the House accept the Majority "Ought not to pass" Report on Bill "An Act relating to Address of Grantees on Deeds and Affixation of Real Estate Transfer Tax Stamps," House Paper 1088, L. D. 1477. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

50 having voted in the affirmative and 69 having voted in the negative, the motion did not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted and the Bill read twice.

Committee Amendment "A" (H-326) was read by the Clerk and adopted and the Bill assigned for third reading tomorrow.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Resolution Proposing an Amendment to the Constitution Raising the Municipal Debt Limit from Seven and One-half to Fifteen Percent (H. P. 83) (L. D. 123)

Report was signed by the following members:

Messrs. QUINN of Penobscot
KELLAM of Cumberland
— of the Senate.

Messrs. FECTEAU of Biddeford
EMERY of Rockland
SILVERMAN of Calais
BRAWN of Oakland
CURTIS of Bowdoinham
CROSBY of Kennebunk
COTE of Lewiston
— of the House.

Minority Report of same Committee on same Resolution reporting that the same new draft (H.

P. 1041) (L. D. 1099) under title of "Resolution Proposing an Amendment to the Constitution Providing for Regulation of Municipal Borrowing by the Legislature", which was formerly reported "Ought to pass"

Report was signed by the following members:

Mr. CLIFFORD
— of Androscoggin
— of the Senate.

Messrs. NORRIS of Brewer
SMITH
— of Dover-Foxcroft
— of the House.

Reports were read.

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

Mr. NORRIS: Mr. Speaker, I move that the House accept the Minority "Ought to pass" Report.

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

The Chair recognizes the gentleman from Kittery, Mr. Hodgdon.

Mr. HODGDON: Mr. Speaker and Ladies and Gentlemen of the House: Before any vote is taken on this measure I would like to clarify if possible what has taken place with this bill. The original L. D. 123 was heard by the State Government Committee. The Constitution says that the Legislature shall regulate the indebtedness of the municipalities within the state. When this law was written we did not have school districts, we did not have sewer districts, we did not have water districts. Consequently, at the present time there is a great deal of confusion as to what legally constitutes the debt of the municipalities.

There are at the present time three communities within the state that find themselves in hard straits because of the way the law is presently written, because of the fact that they have school, sewer or water districts. The State Government Committee went into some depth on this. They contacted the representatives from these three communities, they contacted Maine Municipal Association, and they contacted the Attorney General's office.

The result of all these conferences was a new draft. That new draft came out of the State Government Committee with a unanimous "Ought to pass" Report. For some reason the other body saw fit to recommit it to another committee.

Under the present setup, it is the opinion of the Attorney General's office that the present 7½% would be frozen until such time as a new bill could be drafted and presented to this Legislature. Provisions have already been made for the Attorney General's office, the representatives of the three communities in the state which are presently hard up because of the present legislation, and the new draft would be presented including percentages for schools, sewers and water districts at either the special or next regular session of this Legislature.

There has been considerable time put into this bill, considerable thought given to it, and there is complete agreement with the three municipalities which are mostly affected; and I would urge you to go along with the Minority Report.

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

Mr. EMERY: Mr. Speaker and Members of the House: I rise in opposition to the "Ought to pass" Report. The 7½% indebtedness limitation is a safeguard in our Constitution, which is designed to prevent municipalities from overspending. Now while it is true that many municipalities in the state have approached their limit and find it very difficult to fund extra projects in their areas, let me remind you that this is how it was designed.

The tax burden in many municipalities is approaching the point where the citizens can no longer afford to pay any more. I have received several phone calls on this matter in my own area and people are against changing the present system. Now the redraft of this bill would permit the Legislature to set the indebtedness limitation, as I understand it, in each municipality. I don't think that that would be a very wise idea.

Now I have heard the term 'home rule' bandied about in the Legisla-

ture and in committee all session long. It seems to me that when the Legislature takes over the responsibility for determining the indebtedness limitation of each municipality this is a very flagrant violation of home rule.

I think we would be very wise to defeat this measure and accept the Majority "Ought not to pass" Report. As you will see, the Legal Affairs Committee voted 9 to 3 "ought not to pass," and I am sure that the member that wasn't present would also have signed "ought not to pass."

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: My reason for voting "ought not to pass" on this bill is this. If you take off the limitation, as the redraft calls for, it means it is wide open until such time as the Legislature — the next session or any other time — puts another debt limit.

What I wanted to see and would have been in favor of, if we could draw up an amendment to this bill so as to keep the 7½%. But if the municipality under its home rule wished to change their debt limit, then by a vote of the municipality could do so in referendum and then come to the Legislature and say, "Our community wishes to change its debt limit to 15%, 10%, or 12%," whatever percentage it would have voted for, as drafted by the municipal officers, and then the Legislature could honor that demand of that municipality.

And that is the way I would like to see it handled, but into a Constitutional Amendment, it is kind of hard I guess to put the type of thinking that I had into words; and for that reason we passed out the bill this way and they said, "Well, maybe we can come up with some amendment on the floor of the House or in the other body which will take care of this little bill."

So for that reason and at this time I voted the "ought not to pass" report and I probably — I see there are other people here who would like to speak who are

not present this afternoon and maybe it would be a good idea for someone to table this bill and we probably can come up with some amendment to satisfy everyone.

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

Mr. HODGDON: Mr. Speaker and Ladies and Gentlemen of the House: May I read to you from page two of L. D. 1099, a clause that was put in there by the Attorney General's office: "and the amendment shall become effective at such time as laws enacted by the Legislature regulating municipal borrowing power shall become effective."

The reason that clause was put in there was the simple fact that was brought out by the gentleman from Lewiston, Mr. Cote, that the present 7½% will be retained as the top limit of the bond capacity of any municipality until such time as a new law is enacted.

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

Mr. HEWES: Mr. Speaker and Members of the House: It seems to me this is a sensible bill. Being realistic many communities have sewer districts, school districts, or what have you, so that they can borrow money above the 7½% limit. SAD's, as I understand it, have 12½% limits in borrowing right now. Why should they have 12½% when the municipalities only have 7½%? I hope that you will accept the pending "Ought to pass" Report.

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

Mr. EMERY: Mr. Speaker and Members of the House: One more point that I would like to make. It is, if municipalities find it necessary to raise additional tax revenues they can also increase the percentage valuation. I still feel that this measure is unwise at this time and when the vote is taken, Mr. Speaker, I would ask for the yeas and nays.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House:

Apparently the gentleman from Rockland, Mr. Emery, while maybe old in mind is extremely young in experience. There is just so much that you can raise the municipal valuation to. We in the City of Waterville are currently at 88% and we are going to 100%. We are well within our limit. We are not one of the three communities that have been referred to by Mr. Hodgdon of Kittery.

I support this "Ought to pass" Report. I appeared before the committee originally and mentioned to them that those communities that had sewer, water and school districts could easily be assessed a penalty, if you will, of 2½% for each district that they had, so that this would reduce them to the point or the level of 7½% for their municipal needs.

Keeping the bill alive will give Mr. Cote any chance that he wants to put on amendments, which go on usually at third reading. I would certainly hope that you would support the "Ought to pass" Report.

The SPEAKER: 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 Brewer, Mr. Norris, that the House accept the Minority "Ought to pass" Report on Resolution Proposing an Amendment to the Constitution Providing for Regulation of Municipal Borrowing by the Legislature, H. P. 1041, L. D. 1099. If you are in favor of accepting the Minority Report you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Bailey, Baker, Bedard, Bernier, Berube, Boudreau, Bourgoin, Brown, Bustin, Carey, Churchill, Clark, Clements, Collins, Cote, Cottrell, Cummings, Curtis, A. P.; Cyr, Donaghy, Dow, Doyle, Drigotas, Dyar, Evans,

Farrington, Faucher, Finemore, Gagnon, Genest, Gill, Good, Goodwin, Hanson, Haskell, Hawken, Herrick, Hewes, Hodgdon, Jutras, Kelley, P. S.; Kelley, R. P.; Kilroy, Lebel, Lee, Lewis, Lincoln, Littlefield, Lund, Lynch, MacLeod, Maddox, Manchester, Marsh, Martin, McKinnon, McNally, Millett, Mills, Morrell, Murray, Norris, Orestis, Pontbriand, Rand, Ross, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Stillings, Susi, Tanguay, Trask, Vincent, Webber, Wheeler, Whitson, Wood, M. W.

NAY — Ault, Barnes, Bartlett, Berry, G. W.; Berry, P. P.; Birt, Bither, Bragdon, Brawn, Bunker, Call, Carrier, Carter, Conley, Cooney, Crosby, Dam, Emery, D. F.; Emery, E. M.; Fecteau, Gauthier, Hall, Hardy, Hayes, Henley, Immonen, Kelleher, Kelley, K. F.; Keyte, Lawry, Lessard, Lewin, Lizotte, Marstaller, McCormick, Mosher, Page, Parks, Payson, Porter, Pratt, Rocheleau, Rollins, Shaw, Shute, Theriault, Tyndale, Wight, Williams.

ABSENT — Binnette, Curran, Curtis, T. S. Jr.; Dudley, Fraser, Hancock, Jalbert, Lucas, Mahany, McCloskey, McTeague, O'Brien, Santoro, Scott, Sheltra, Silverman, Starbird, White, Wood, M. E.; Woodbury.

Yes, 81; No, 49; Absent, 20.

The **SPEAKER**: Eighty-one having voted in the affirmative, forty-nine in the negative, with twenty being absent, the motion to accept the Minority "Ought to pass" Report does prevail.

The Chair would further rule that this Resolution reported that the same new draft which was formerly reported "Ought to pass" and passed to be engrossed is now engrossed.

Whereupon, on motion of Mr. Cote of Lewiston, tabled pending his motion to reconsider whereby it was passed to be engrossed and specially assigned for Wednesday, May 26.

Divided Report Tabled and Assigned

Majority Report of the Committee on Taxation reporting "Ought to pass" on Bill "An Act Increas-

ing the Gasoline Tax" (H. P. 403) (L. D. 516)

Report was signed by the following members:

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

Messrs. CYR of Madawaska
COLLINS of Caribou
DRIGOTAS of Auburn
ROSS of Bath
— of the House.

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

Report was signed by the following members:

Messrs. COTTRELL of Portland
DAM of Skowhegan
McCLOSKEY of Bangor
MORRELL of Brunswick
FINEMORE
— of Bridgewater
TRASK of Milo
— of the House.

Reports were read.

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

Mr. COLLINS: Mr. Speaker and Members of the House: There is some information being prepared for distribution to the members of the House. I understand there may be an informational caucus on this item. I would therefore request that somebody table this for two legislative days.

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

Mr. HODGDON: Mr. Speaker, I move that this matter be tabled for two legislative days.

Whereupon, Mr. Vincent of Portland requested a division.

The **SPEAKER**: The gentleman from Kittery, Mr. Hodgdon, moves that this matter be tabled and specially assigned for Wednesday, May 26, pending the acceptance of either Report. A division has been requested on the tabling motion. All those in favor of the motion to table will vote yes; those opposed will vote no.

A vote of the House was taken.

100 having voted in the affirmative and 23 having voted in the negative, the motion did prevail.

Passed to Be Engrossed

Bill "An Act Clarifying the Laws Relating to Corporations without Capital Stock" (S. P. 327) (L. D. 986)

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

Third Reader Tabled and Assigned

Bill "An Act to Correct Certain Errors and Inconsistencies in the Fish and Game Laws" (S. P. 591) (L. D. 1749)

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

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

Mr. BOURGOIN: Mr. Speaker and Members of the House: This is a bill that makes corrections in inconsistencies. I would like that you would take notice on page three of the bill, Section 12. Previously the Commissioner of Fisheries and Wildlife was authorized to control the fishing in the State of Maine and had not been authorized on any of the hunting or trapping. This incorporates part of Senator Sewall's bill which set up any district areas to be managed by the Commissioner, so at a later date I might bring this up again.

(On motion of Mr. Martin of Eagle Lake, tabled pending passage to be engrossed and tomorrow assigned.)

Bill "An Act Relative to the Discharge of Mercury into Waters of the State" (S. P. 593) (L. D. 1750)

Bill "An Act Providing for a Low Income Allowance" (H. P. 575) (L. D. 751)

Bill "An Act Amending the Maine Sanitary District Enabling Act" (H. P. 683) (L. D. 924)

Bill "An Act Broadening the Sales and Use Tax Exemption on Water and Air Pollution Control Facilities" (H. P. 862) (L. D. 1186)

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

Third Reader Amended

Bill "An Act to Provide Certain State Level Land Use Controls" (H. P. 1125) (L. D. 1543)

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

Mr. Martin of Eagle Lake offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-334) was read by the Clerk and adopted. The Bill was passed to be engrossed as amended and sent to the Senate.

Bill "An Act relating to the Conduct of Hearings Required by the State's Environmental Laws" (H. P. 1246) (L. D. 1555)

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

Third Reader Tabled and Assigned

Bill "An Act to Make Municipal Planning Legislation Consistent with Home Rule" (H. P. 1338) (L. D. 1754)

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

(On motion of Mr. Emery of Auburn, tabled pending passage to be engrossed and specially assigned for Wednesday, May 26.)

Bill "An Act relating to an Airport Commission for Knox County" (H. P. 1351) (L. D. 1767)

Bill "An Act relating to the Powers and Duties of the Environmental Improvement Commission" (H. P. 1352) (L. D. 1768)

Bill "An Act relating to Division of Real and Personal Property by the Court under a Decree of Divorce" (H. P. 1353) (L. D. 1769)

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

Third Reader Tabled and Assigned

Bill "An Act Regulating Roadside Clear Cutting Practices" (H. P. 1354) (L. D. 1770)

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

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

Mr. MARSTALLER: Mr. Speaker, Ladies and Gentlemen of the House: This bill which regulates roadside clear cutting practices allows people to cut the wood to build a house or to raise beans, but they can't cut the wood for the sake of cutting wood and raising more wood. And there are some constitutional questions that have been raised about this bill, and we are waiting for an opinion. I hope somebody will table this bill so we can get this opinion.

Thereupon, on motion of Mr. Hardy of Hope, tabled pending passage to be engrossed and tomorrow assigned.

Bill "An Act relating to Habitual Offenders of Motor Vehicle Laws" (H. P. 1355) (L. D. 1771)

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

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

Mr. LEBEL: Mr. Speaker, Ladies and Gentlemen of the House: I feel that we don't need this bill. I think we have enough laws right now on the books to take care of all the offenders. So I would hope that this bill would be indefinitely postponed.

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

Mr. HEWES: Mr. Speaker and Members of the House: I would oppose the indefinite postponement motion. This bill is one that came from the Maine State Highway Safety Commission, sponsored at their request. I have in my hand here petitions signed by 2,281 people who have indicated that they support the bill. It is a habitual offender bill by which any person in a five-year period has been convicted of ten or more offenses — ten offenses in five years — they would lose their license for a full year, or if they have been convicted of three serious convictions, such as drunken driving or reck-

less driving or driving while impaired, something of that nature. I feel that in view of the carnage on the highways, that a bill such as this, that takes the license from the habitually reckless or poor driver, is a good bill and I hope you will defeat the pending motion.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Van Buren, Mr. Lebel, that this Bill be indefinitely postponed. If you are in favor you will vote yes; if you are opposed you will vote no.

A vote of the House was taken. 13 having voted in the affirmative and 83 having voted in the negative, the motion did not prevail.

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

Amended Bills

Bill "An Act Appropriating Funds for Drug Rehabilitation in York County" (S. P. 206) (L. D. 639)

Bill "An Act Creating a New Business Corporation Act" (S. P. 293) (L. D. 1093)

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.

Third Reader Tabled and Assigned

Bill "An Act relating to Amount of Annual Excise Tax on Railroads" (S. P. 369) (L. D. 1108)

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

(On motion of Mr. Smith of Dover-Foxcroft, tabled pending passage to be engrossed and specially assigned for Wednesday, May 26.)

Third Reader Amended

Bill "An Act to Authorize Bond Issue in the Amount of \$3,850,000 for Student Housing at Central Maine Vocational Technical Institute, Eastern Maine Vocational Technical Institute, Washington County Vocational Technical Institute, and the Maine Maritime

Academy, Site Improvements at Washington County Vocational Technical Institute, Heating and Air Conditioning Shop and Laboratory at Southern Maine Vocational Technical Institute, Completion of School Building at Peter Dana Point Reservation and Multi-Purpose Buildings for Penobscot and Passamaquoddy Reservations" (H. P. 175) (L. D. 233)

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

Mr. BRAGDON of Perham offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-329) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. BRAGDON: Mr. Speaker and Members of the House: The purpose of this amendment is simply to change the date when the bond issue is to be voted upon. The purpose of changing this date is to have it not conflict with the vote on the income tax referendum. I hope you will go along with the amendment.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" and sent to the Senate.

Bill "An Act Providing Funds for the Maine Law Enforcement Planning and Assistance Agency" (H. P. 834) (L. D. 1130)

Bill "An Act Providing Funds to Expand Homemaker Services in the Department of Health and Welfare" (H. P. 836) (L. D. 1132)

Bill "An Act relating to the Payment of Dues to Grower Organizations by Handlers and Processors of Farm Products" (H. P. 927) (L. D. 1281)

Bill "An Act relating to Excise Tax on Motor Vehicles" (H. P. 1196) (L. D. 1647)

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.

Emergency Measure Tabled and Assigned

An Act relating to Testing of Private Water Supplies by Department of Health and Welfare (H. P. 1264) (L. D. 1668)

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

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

Mrs. BERRY: Mr. Speaker and Members of the House: I would just like to note that this bill does not have any price tag on it as to what Health and Welfare will charge. This would be up to them. This is why some of us voted against it in our committee.

Thereupon, this being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 89 voted in favor of same and 26 against.

The SPEAKER: The Chair recognizes the gentleman from Dixmont, Mr. Millett.

Mr. MILLETT: Mr. Speaker, I would ask that the vote be taken by the yeas and nays and in view of the rather slight attendance this afternoon I would suggest that someone might table this for one day.

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.

Whereupon, on motion of Mr. Birt of East Millinocket, tabled pending passage to be enacted and tomorrow assigned.

Constitutional Amendment Failed of Final Passage

Resolution Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteed Loans for Housing for Indians (H. P. 402) (L. D. 515)

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

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I do not wish to debate this at any great length, but I would like to remind you of some of the things that were brought out the other day.

Normally when you have got a mortgage on a house you also have a mortgage on the land; in other words, if the mortgage is defaulted you can sell the house and the land it is on. Under the circumstances these lands, if there was a default, the State would have nothing to come back on because the land belongs to the Indians, and therefore we would have no claim on it.

So you are mortgaging something that you know you will never be able to have a control on. Banks won't do it; savings and loan associations won't do it; I don't think we should ask the taxpayers to do it.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: That is the reason why it is being asked for. The Indians do not own their land. They are wards of the State. If they want to improve the house they are living in, the lands around them, or anything of that sort, they cannot do this because they can't get financial backing other than from the State. That is the purpose in asking for this bill.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: After the experience with the Maine Sugar Industries I am somewhat gun-shy of state guaranteed loans in general, and this one in particular. I had intended to quietly vote against it without making these comments, but I still will vote against it after making these comments.

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

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

House: I would like to remind you all that this received an overwhelming majority "Ought to pass" Report and it is a bill which comes in answer to the peculiar situation that Indians are in, where they may very well have a good job, may have an interest in providing for themselves and their families a good home — perhaps even building it themselves, but are unable to get bank financing. And this would pledge the credit of the State up to just one million dollars to give them loans for housing construction.

And I think that rather than have some other massive government program, to allow them to use their own individual initiative to produce their own housing under this program, I think it is a wise idea and I think we ought to give it final passage.

This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken. 59 voted in favor of same and 61 against.

Mr. Martin of Eagle Lake requested a roll call vote.

The SPEAKER: 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 Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Other than what has already been said in favor of this legislation today, let me remind you that whatever criteria that the Legislature would want to oppose, we would do so at the next session of the Legislature. In other words, we are not in effect granting them the right to go out and get the money.

The Constitutional Amendment would have to be voted on by the people and then at that point enabling legislation would have to be passed by us. Now to what extent we would want to give them

those loans, to what amount of money we would want those loans to be covered, that would be up to the 106th Legislature. And so I think today we ought to give the people of Maine an opportunity to vote on whether they want to do this for the Indians. So I would ask you to vote yes on the Constitutional Amendment.

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

Mr. KELLEY: Mr. Speaker and Members of the House: I would just like to say that it was not native Indians that introduced the sugar beets in the State of Maine.

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

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: I have seen some of the maneuvers of some of the local banks around here trying to collect money on buildings built on land that the fellow that built the building didn't own. And they might just as well throw their money away. We are supporting the Indians, the reservation Indians to the tune of better than \$5,000 a head, giving them the money and the relief, and I don't think that this particular bill needs to be passed.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, let me say that of course I am not speaking in behalf of the banks. None of them are particularly happy with the stands that I have taken in the four sessions that I have been here, and I suspect they will be no happier when I get through this session.

To the gentleman from Southport, Mr. Kelley, in reference to the sugar beet industry and the Canadian Indians, of course the Indians did not participate in that endeavor, it was the native Aroostook population that was involved in it. And perhaps the gentleman may indicate that the two are similar. But let me point out that we had a problem back in 1952 when the people of the agricultural station in Presque Isle started experimenting with those with the as-

sistance of then Congressman Clifford McIntyre of Perham and of course some other people were also involved. So I would suggest that if there were problems created, we ought not to blame them on the Indians.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I too was speaking for the people, not for the banks. And I am sure that there isn't one of you here who hasn't been spoken to by your constituents and say, "Why don't you do the voting down there instead of giving it back to us?"

Now I well know that we have to send constitutional amendments to them, but I don't think that this is one that they need to have. We should settle it here ourselves.

The SPEAKER: The yeas and nays have been ordered. The pending question is final passage of Resolution Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteed Loans for Housing for Indians, House Paper 402, L. D. 515. This being a Constitutional Amendment a two-thirds vote of the House is necessary. If you are in favor of final passage you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Bedard, Bernier, Berry, P. P.; Boudreau, Bourgoin, Brawn, Bustin, Call, Clark, Clemente, Collins, Cooney, Cottrell, Cummings, Dow, Doyle, Drigotas, Dyar, Emery, E. M.; Farrington, Fecteau, Gagnon, Genest, Good, Goodwin, Herrick, Jutras, Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lebel, Lessard, Lewis, Littlefield, Lynch, Marsh, Martin, McKinnon, Millett, Mills, Murray, Norris, Orestis, Rollins, Shute, Simpson, L. E.; Slane, Smith, D. M.; Smith, E. H.; Stillings, Tanguay, Theriault, Vincent, Wheeler, Whitson.

NAY — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Berube, Birt, Bither, Bragdon, Brown, Bunker, Carrier, Carter, Churchill, Cote, Crosby, Curtis, A. P.; Dam, Donaghy, Emery, D. F.;

Evans, Faucher, Finemore, Hall, Hanson, Hardy, Haskell, Hawken, Hayes, Henley, Hewes, Hodgdon, Immonen, Kelley, K. F.; Lee, Lewin, Lincoln, Lund, MacLeod, Maddox, Manchester, Marsteller, McCormick, McNally, Mosher, Page, Parks, Payson, Pontbriand, Porter, Pratt, Rand, Rocheleau, Ross, Scott, Shaw, Simpson, T. R.; Susi, Trask, Tyndale, Webber, White, Wight, Williams, Wood, M. W.

ABSENT — Binnette, Carey, Conley, Curran, Curtiss, T. S., Jr.; Cyr, Dudley, Fraser, Gauthier, Gill, Hancock, Jalbert, Kelleher, Lawry, Lizotte, Lucas, Mahany, McCloskey, McTeague, Morrell, O'Brien, Santoro, Sheltra, Silverman, Starbird, Wood, M. E.; Woodbury.

Yes, 57; No. 66; Absent, 27.

The **SPEAKER**: Fifty-seven having voted in the affirmative and sixty-six having voted in the negative, with twenty-seven being absent, the Resolution fails of final passage.

Sent to the Senate.

Passed to Be Enacted

An Act Appropriating Funds to Provide Services for Handicapped Persons in Rehabilitation Centers (H. P. 254) (L. D. 336)

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

Enactor

Tabled and Assigned

An Act to Make Allocations from Bond Issue for Construction, Planning and Equipment of Pollution Abatement Facilities (H. P. 287) (L. D. 387)

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

(On motion of Mr. Bragdon of Perham, tabled pending passage to be enacted and specially assigned for Wednesday, May 26.)

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)

Was reported by the Committee on Engrossed Bills as truly and

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

Enactor

Indefinitely Postponed

An Act relating to Safety Barriers on the Maine Turnpike (H. P. 619) (L. D. 830)

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

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

Mr. **MARSTALLER**: Mr. Speaker and Ladies and Gentlemen of the House: This act that is before us is a proposed safety measure. Now since the discussion on this bill the other day, I have had occasion to ride over most of the Maine Turnpike and the New Hampshire Turnpike. In the discussion the other day the indication was given that the New Hampshire Turnpike has this safety guardrail the total length. And I observed that this was not the case. In fact I measured the distance from the traffic circle in New Hampshire, going south, it is six and one half miles along the New Hampshire Turnpike before you come to the guardrail in the center. And then it is seven miles from there where there is a guardrail in the center to the end of the New Hampshire Turnpike. So approximately half the New Hampshire Turnpike has this safety barrier.

Now there is also said to be some question about this barrier where there is a depression in the middle of the highway. And on part of the New Hampshire Turnpike, this safety barrier, where there is a depression, is right near the left travelled lane. In other words, if you were crowded in passing, at some point there is not a car widths difference between the paved portion of the left lane and this barrier, because it is not down in the center of the dividing strip. And I question very much whether having this in this position is really a safety measure. I think until we have more information on this and the applicability of this on the Maine Turnpike for the full length, that

we ought to postpone this bill. So I move the indefinite postponement of this bill and all of its accompanying papers.

The SPEAKER: The gentleman from Freeport, Mr. Marsteller, moves that L. D. 830 be indefinitely postponed.

The Chair recognizes the gentleman from Biddeford, Mr. Lizotte.

Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: We have got this good piece of safety for our people and I am sure that we will continue to support the same.

In the last paragraph of the Attorney General's office which I noticed, he says "Nothing contained in the foregoing statement should be considered in any way comments upon the merits of the proposed legislation which I interpret to be good legislation."

I will only add this in all sincerity. All of us here who make use of the Maine Turnpike occasionally or use it daily, remember the day when you vote for this safety item, the life you save may be your own. And if you never use the Maine Turnpike and probably never will, please remember this, since I commute daily on the Maine Turnpike, the life you save may be my very own.

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

Mr. VINCENT: Mr. Speaker, Ladies and Gentlemen of the House: We have heard quite a bit of lengthy debate on this, and the recent debate brought in the merits of the New Hampshire Turnpike and the safety barrier or lack of safety barriers in New Hampshire. I don't think that the New Hampshire Turnpike should be brought under discussion when we are talking about our own Maine Turnpike. I would hope that Maine could go further than New Hampshire to make their turnpike a lot safer than the New Hampshire one.

I would also point out that the dividing strip between the two roads on the Maine Turnpike is wider than that of the New Hampshire one.

When the vote is taken I would request that it be taken by the yeas and nays.

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 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 Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, I would pose a question to anybody in the House who might answer. What will the cost be of the installation of these safety guardrails and what would the cost be on the maintenance and annual upkeep?

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, poses a question through the Chair to any member who may answer if they choose.

The Chair recognizes the gentleman from Biddeford, Mr. Lizotte.

Mr. LIZOTTE: Mr. Speaker and Members of the House: As for the cost, it was pointed out to me that it would be approximately \$35,000 per mile. But as I have said before, we are not concerned when we are measuring dollars with human lives. I sincerely hope that you will support this bill and not vote for the indefinite postponement.

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

Mr. VINCENT: Mr. Speaker and Members of the House: I find the \$35,000 a little difficult to accept, due to the fact that the estimate was originally around a metal guardrail, and as this thing has been amended anything could be put in there, anything from shrubs and trees to hedges to metal guardrails.

I would also maintain that over 500 accidents have occurred on this Turnpike and with one good head-on collision you could cover the cost of several miles of that stretch with the claims of insurance on both sides with a head-on collision. A collision resulting in the death of several people in one or another car could result in hundreds of

thousands of dollars in claims on one party or another or several parties. Over a period of time their net savings, resulting from damages incurred and the deaths along the turnpike, that is the main thing, preventing deaths along the turnpike, would more than compensate for the cost of putting in a center guardrail.

I would hope that you would continue to go along and support the guardrail on the turnpike.

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

Mr. JUTRAS: Mr. Speaker and Members of the House: To answer the question that Mr. Hewes had a moment ago, I believe the other day that same question was posed and I answered it, having heard the first debate, \$186,000 for every five miles, and that amounted to about \$3.5 million dollars with a single guardrail all the way. Since that time an amendment has been put in that they want double guardrails, so that would make it about \$7 million.

And while I am on the floor, I have observed from Augusta to York the guardrails that are already in existence, and they have them at the necessary and salient points where they need these guardrails, near the bridge abutments and some dangerous places. They have guardrails. The engineers knew what they were doing and I believe that someone has failed to consult the good judgment of the engineers in this matter.

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

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: I can remember when this turnpike was started and they were running around selling bonds to anybody that had fifteen cents to put the money into. When they got rolling they were all losing money on it and a lot of these people weren't getting interest on their bonds. Since the business there has picked up, they have done fairly well and I think they have improved the turnpike as much as they could for the money they had available.

Now I can't see how we can order them to put on an expense like this, because they would have to go upon the cost of travelling on the turnpike or else they would have to forfeit paying on some of the bonds, which would be, as far as I am concerned, bad faith for this Legislature.

This was one of the reasons I refused to vote for the Power Authority, because I figured as soon as they got the Power Authority started someone in this Legislature would start tinkering with the blooming thing. No matter how well they were doing, before they got done they would be in the red so badly that we would have to pay for the whole works.

I don't think this is a good bill. I don't think we should vote for it. I would go along with the indefinite postponement.

The SPEAKER: The Chair recognizes the gentlemen from Alton, Mr. Barnes.

Mr. BARNES: Mr. Speaker and Members of the House: I would like to call attention to the chart that was placed on our desks last week. I expect probably everybody has mislaid it, but if you will note that the accident rate from Augusta to Bangor on I-95 is 190 and the accident rate on this piece of turnpike in question is 139. The number of accidents on the Augusta to Bangor I-95 was 328 for a distance of 172,184 vehicle miles; whereas they had over twice as many miles on the turnpike and their number of accidents was less than twice as many as it was there. In other words 507. The accident rate was very much higher from Augusta to Bangor. I hope you will postpone the bill.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Crosby.

Mr. CROSBY: Mr. Speaker and Ladies and Gentlemen: Unlike a lot of you people here this afternoon, I have the privilege of driving over the turnpike twice a week, and since the snow has gone I can see marked improvement. The Turnpike has been very busy installing guardrails in the places which the engineers have specified as danger points.

I think it is an imposition and perhaps we are discriminating against this Authority by asking them to spend \$3.5 million, when I also at times take Route 201 and 95 down from Gardiner to Brunswick. And if you will note, you have exactly the same condition existing on that road as you do on the turnpike, a narrow median strip, and the only barrier that I have found is a piece of chicken wire stuck in the middle of the median strip down around the Desert of Maine, and no guard-rails whatsoever in any other part of it.

So I don't think that we should force an Authority, such as the Turnpike Authority, to spend \$3.5 million when they are already doing what they have been told is necessary to do to protect life and property on the pike.

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

Mr. LIZOTTE: Mr. Speaker and Members of the House: In answer to Mr. Crosby from Kennebunk, who is from my section of the state, I am very surprised that he would not favor such a bill. And my last thought would be it would be discriminating against anyone. I am strictly interested in saving human lives and I definitely think that this is one proper way of doing so.

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

Mr. VINCENT: Mr. Speaker and Ladies and Gentlemen: I would remind you that the Maine Turnpike has a fence running down both sides of the turnpike for the entire length, and it certainly costs a lot more than the center barrier being proposed to be erected.

The SPEAKER: The yeas and nays have been ordered. The pending question is on the motion of the gentleman from Freeport, Mr. Marsteller, that An Act relating to Safety Barriers on the Maine Turnpike, House Paper 619, L. D. 830, be indefinitely postponed in non-concurrence. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEAS — Ault, Baker, Barnes, Bernier, Berry, G. W.; Berry, P. P.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Call, Collins, Crosby, Cummings, Curtis, A. P.; Donaghy, Dyar, Evans, Finemore, Gagnon, Gill, Hall, Hanson, Hardy, Haskell, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Jutras, Kelley, K. F.; Kelley, R. P.; Keyte, Lee, Lewin, Lewis, Lund, MacLeod, Maddox, Marsh, Marsteller, McCormick, McKinnon, McNally, Millett, Morrell, Mosher, Norris, Page, Payson, Porter, Pratt, Rand, Rollins, Scott, Shaw, Shute, Simpson, L. E.; Simpson, T. R.; Susi, Trask, White, Wight, Williams, Wood, M. W.

NAYS — Bailey, Bartlett, Bedard, Berube, Boudreau, Bourgoin, Bustin, Carey, Carter, Churchill, Clark, Clemente, Conley, Cooney, Cote, Cottrell, Cyr, Dam, Dow, Doyle, Drigotas, Emery, D. F.; Emery, E. M.; Farrington, Faucher, Fecteau, Genest, Good, Goodwin, Hawkens, Kelleher, Kelley, P. S.; Lawry, Lebel, Lessard, Lincoln, Littlefield, Lizotte, Lynch, Manchester, Martin, Mills, Murray, Orestis, Parks, Pontbriand, Rochelleau, Ross, Sheltra, Slane, Smith, D. M.; Smith, E. H.; Stillings, Tanguay, Theriault, Tyndale, Vincent, Webber, Wheeler, Whitson.

ABSENT — Albert, Binnette, Carrier, Curran, Curtis, T. S., Jr., Dudley, Fraser, Gauthier, Hancock, Jalbert, Kilroy, Lucas, Mahany, McCloskey, McTeague, O'Brien, Santoro, Silverman, Starbird, Wood, M. E.; Woodbury.

Yes, 69; No, 60; Absent, 21.

The SPEAKER: Sixty-nine having voted in the affirmative, sixty in the negative, with twenty-one being absent, the motion to indefinitely postpone does prevail.

Sent up for concurrence.

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

Mr. MARSTALLER: Mr. Speaker, I now move that we reconsider our action whereby we indefinitely postponed this bill and I hope that you vote against me.

The SPEAKER: The gentleman from Freeport, Mr. Marsteller now moves for reconsideration.

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

Mr. GILL: Mr. Speaker and Members of the House: I would rise to support the gentleman from Freeport who has asked for reconsideration. However, I would stop there. I would ask you to vote to reconsider this matter. This is always a doubtful way of killing a bill and in one way I am glad that he has approached it. He has got a lot more courage than I have. **With such a close vote I would not think it was a wise move.**

However, I would like to at least have three or four of you change your position on this bill so that it could be reconsidered and then it could be placed upon the table for a day, so that you could give it a little more thought. Therefore, I do support the motion to reconsider, only I would suggest that you vote yes.

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

Mr. SMITH: Mr. Speaker, I would ask that this item be tabled for one legislative day.

Whereupon, Mr. Susi of Pittsfield requested a division.

The SPEAKER: The gentleman from Waterville, Mr. Smith, moves that the motion to reconsider be tabled for tomorrow. A division has been requested. All in favor of the motion to table will vote yes; those opposed will vote no.

A vote of the House was taken. 45 having voted in the affirmative and 80 having voted in the negative, the motion to table did not prevail.

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

Mr. GILL: Mr. Speaker, I would like to address a question to the Majority Floorleader. Would he explain his position as that of the Majority Floorleader or as an individual? Because I notice that he took a great number of Republicans with him.

The SPEAKER: The gentleman from South Portland, Mr. Gill, poses a question through the Chair to the gentleman from Pittsfield, Mr. Susi, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. SUSI: Take your choice.

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

Mr. EMERY: Mr. Speaker and Members of the House: I hesitate to belabor this point. Last weekend I drove to Washington, D. C. and on the way back I saw a very severe traffic accident that had occurred on Interstate 95 in New Jersey. There is a median guardrail. I think that if the guardrail hadn't been there the accident would have been much more severe, because the vehicle was stopped after breaking through the guardrail in the median. It did not cross into the other lane. Anyone that has driven on that road knows that the traffic is very very heavy. It would have involved many more than just two cars I feel.

I hope that you will support the motion to reconsider and help save a few lives on the Maine Turnpike.

The SPEAKER: The pending motion is on the motion of the gentleman from Freeport, Mr. Marsteller, that the House reconsider its action whereby it indefinitely postponed this bill. The Chair will order a vote. If you are in favor of the motion to reconsider you will vote yes; if you are opposed you will vote no.

A vote of the House was taken. 63 having voted in the affirmative and 65 having voted in the negative, the motion to reconsider did not prevail.

Enactor

Tabled and Assigned

An Act to Revise Laws Relating to Aviation (H. P. 620) (L. D. 802)

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

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I have just received a letter from the Attorney General dealing with item seven. It raises questions which I don't have the answers to and I would hope that someone would move that this be tabled

for one day so that we can deal with this thing.

Whereupon, on motion of Mr. Porter of Lincoln, tabled pending passage to be enacted and tomorrow assigned.

An Act relating to Enforcement Options under the Environmental Laws (H. P. 821) (L. D. 1095)

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

An Act relating to the Operation of Motor Vehicles (H. P. 828) (L. D. 1119)

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

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

Mr. LEBEL: Mr. Speaker, Ladies and Gentlemen of the House: This bill came out of the committee 7 to 6 "ought to pass," and I voted "ought not to pass." I was on the minority side. This bill says here "any person driving a vehicle on the way or in any other place." "In any other place" means even on your own property, private property. This allows the police to trespass. Now he must have a permit from the judge to trespass on any private property. Also, it is imposing the motor vehicle laws on private property, which I think is unconstitutional.

Changing the law from private law to public law I think it must need approval from the courts. I am not sure, but I would like to find out all these questions. Presently you can operate a motor vehicle without the registration on a private property, and a kid can drive a motor vehicle or a tractor on a farm without a license. And I think if this bill passed through you won't be able to do it.

So I hope that some of these questions would be answered if possible and I do hope this bill would be indefinitely postponed.

The SPEAKER: The gentleman from Van Buren, Mr. Lebel, moves that L. D. 1119 be indefinitely postponed.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I didn't expect to have to debate this bill. It is a departmental bill. It is a bill put in to assist the law in a situation which has developed recently because of these huge parking areas, shopping centers, and etcetera. It seems that the law has been quite vague relative to the authority of police in controlling traffic in these private areas.

The Statement of Fact on this bill is practically explanatory. "The purpose of this bill is to allow for legal action against reckless or improper driving of motor vehicles in areas other than public ways." Now if anybody feels that the police are going to chase them down into the north forty to find out if they are driving their tractor too fast. I think that is a little bit farfetched.

The purpose of this is definitely just to control these areas where automobiles normally enter and go out and park and move about. These big areas which at times are practically deserted except for a few cars, and then some hot-rodders get in there and they create accidents, they clip a few parked cars, and the police are a little bit doubtful as to their jurisdiction.

That is the only purpose of this bill. It had no objection in committee, and I hope that you will think twice before voting for indefinite postponement, because that will leave the police with no recourse.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Gagnon.

Mr. GAGNON: Mr. Speaker, Ladies and Gentlemen of the House: This is a definite problem, not only for law enforcement who can't enter these areas and do any enforcing, but also in the insurance business because the police can't get in there to possibly try to determine if there was negligent actions involved. It seems to me if all these questions were unanswered, they should have been asked in committee rather than waiting until the enactment stage

before this comes out. I would think that this would be a reasonable measure and I would hope that everyone would go along with it.

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

Mr. LEE: Mr. Speaker and Members of the House: I would say that these questions were all asked at the committee and were all answered to the satisfaction of me. This looked to me like it was a necessary piece of legislation.

Mr. Lebel did ask the question, "Could a cop come in on his own property and arrest him if he was dangerous driving there," and I guess the answer was "Yes. If he was dangerous driving he should be arrested."

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

Mr. LEBEL: Mr. Speaker, Ladies and Gentlemen of the House: Last year we had a bill similar to this only it was not worded just the same. The way it was worded was that he could take care of the parking lots. That bill two years ago was voted down. I don't think the state should take care of the parking lots, policing the parking lots. We are going a little too far. I think if the big shopping centers want a police on their own property, it should be with their own, not let us pay for it. Two years ago that same bill was killed, and I hope we do it again this year.

The SPEAKER: The Chair will order a vote. All in favor of indefinite postponement of An Act relating to the Operation of Motor Vehicles, House Paper 828, L. D. 1119, will vote yes; those opposed will vote no.

A vote of the House was taken.

41 voted in the affirmative and 68 voted in the negative.

Thereupon, Mr. Lebel of Van Buren requested a roll call.

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 Portland, Mr. Whitson.

Mr. WHITSON: Mr. Speaker and Members of the House: It just occurs to me that the passage of this bill will affect persons who have taken their motor vehicles off road areas because they are intending to drive in a reckless fashion. I know that several of the young men in my neighborhood have created a drag strip, an off-road drag strip on their own property. And I would pose a question through the Chair, would this prohibit their using their automobiles on their own property so as to escape establishing a danger on the highway?

The SPEAKER: The gentleman from Portland, Mr. Whitson, poses a question through the Chair to any member who may answer if they choose.

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

Mr. LEE: Mr. Speaker and Members of the House: I am very sure the bill does exclude drag strips and race areas.

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

Mr. WHITSON: Mr. Speaker, I would request that this bill be tabled for two legislative days.

The SPEAKER: The gentleman from Portland, Mr. Whitson, moves that this matter be tabled for two legislative days.

Whereupon, Mr. Henley of Norway requested a division on the tabling motion.

The SPEAKER: A vote has been requested on the tabling motion. All in favor of tabling for Wednesday, May 26 will vote yes; those opposed will vote no.

A vote of the House was taken.

37 having voted in the affirmative and 81 having voted in the negative, the motion did not prevail.

The SPEAKER: The yeas and nays have been ordered. The pending question is on the motion of the gentleman from Van Buren,

Mr. Lebel, that An Act relating to Operation of Motor Vehicles, House Paper 828, L. D. 1119, be indefinitely postponed. All in favor will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Albert, Ault, Bedard, Berry, P. P.; Berube, Bourgoin, Carrier, Carter, Clemente, Cote, Cottrell, Doyle, Dyar, Emery, E. M.; Faucher, Fecteau, Gauthier, Genest, Hardy, Hayes, Herrick, Jutras, Kelley, P. S.; Lebel, Marsh, Marsteller, Martin, McCormick, McKinnon, Murray, Orestis, Pontbriand, Rand, Rochelleau, Shute, Slane, Smith, D. M.; Tanguay, Theriault, Vincent, Wheeler, Whitson, Williams.

NAYS — Bailey, Baker, Barnes, Bartlett, Bernier, Berry, G. W.; Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Bunker, Bustin, Call, Carey, Churchill, Clark, Collins, Conley, Cooney, Crosby, Cummings, Curtis, A. P.; Cyr, Dam, Donaghy, Dow, Drigotas, Emery, D. F.; Evans, Farrington, Finemore, Gagnon, Gill, Good, Goodwin, Hall, Hanson, Haskell, Hawkens, Henley, Hewes, Hodgdon, Immonen, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lee, Lessard, Lewin, Lewis, Lincoln, Littlefield, Lund, Lynch, MacLeod, Maddox, Manchester, McNally, Millett, Mills, Morrell, Mosher, Norris, Parks, Payson, Porter, Pratt, Rollins, Ross, Scott, Shaw, Simpson, L. E.; Simpson, T. R.; Smith, E. H.; Stillings, Susi, Trask, Tyndale, Wight, Wood, M. W.

ABSENT — Binnette, Curran, Curtis, T. S., Jr.; Dudley, Fraser, Hancock, Jalbert, Lizotte, Lucas, Mahany, McCloskey, McTeague, O'Brien, Page, Santoro, Sheltra, Silverman, Starbird, White, Wood, M. E.; Woodbury.

Yes, 44; No, 85; Absent, 21.

The SPEAKER: Forty-four having voted in the affirmative and eighty-five having voted in the negative, with twenty-one being absent, the motion does not prevail.

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

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

An Act relating to Fees for Plates for Dealers in Motorcycles and Boat Trailers (H. P. 1005) (L. D. 1367)

An Act to Repeal Obsolete Laws and Correct Errors and Inconsistencies in the Motor Vehicle Laws (H. P. 1064) (L. D. 1471)

An Act Defining Home-made Farm Tractors under the Motor Vehicle Law (H. P. 1106) (L. D. 1512)

Finally Passed

Resolve Providing a Pension for Widow of Clyde Walker of Hallowell (H. P. 319) (L. D. 419)

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

Mr. MORRELL: Mr. Speaker, I would ask if the House has in its possession L. D. 1735?

The SPEAKER: The Chair would answer in the affirmative. House Paper 1323, L. D. 1735, An Act relating to the Distribution of Certain Taxes to Municipalities, which was passed to be enacted the last legislative day.

On motion of Mr. Morrell of Brunswick, the House reconsidered its action of May 21 whereby the Bill was passed to be enacted.

Mr. MORRELL: Mr. Speaker and Members of the House: The Attorney General has raised a small question here and would like to have an amendment put in, so I would ask that somebody table this for two days so that we could get that in and re-present it.

Thereupon, on motion of Mr. Porter of Lincoln, tabled pending passage to be enacted and specially assigned for Wednesday, May 26.

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

SENATE DIVIDED REPORT — Report "A" (6) "Ought to pass" in New Draft — Report "B" (5) "Ought not to pass" — Report "C" (1) "Ought to pass" — Committee on State Government on Bill "An Act relating to Legislative Counsel or Agents" (S. P. 13) (L. D. 41)—New Draft (S. P. 586) (L. D. 1739) under same title.

Tabled — May 20, by Mr. Martin of Eagle Lake.

Pending — Motion of Mr. Donaghy of Lubec to accept Report "B" in non-concurrence.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I feel that this is a rather important bill in this session. I believe that the people in Maine are looking for us to deal with the area that this bill does deal with. You notice that it has come out with three reports. As I understand Report "A", the "Ought to pass" Report in new draft provides that the legislative agents would be required to account for their expenses, basically.

Report "B" is "Ought not to pass" and the motion at the present time is to accept Report "B", and that would do nothing in the area of legislative counsel agents. And the third is Report "C", "Ought to pass," which would provide for adoption of the bill as it was originally written and which has been adopted by the other body.

Now the Report "A" apparently, which would provide that the legislative agents would have to account for their expenses, could be skirted very easily by increasing the compensation to the legislative agent, say by \$500 or \$1,000 and he would be allowed no expenses and then he would not be accountable under the law if we were to adopt it with Report "A".

If we were to support the motion that is now before us we would be just throwing up our hands and giving up in this field, and I think that people are expecting more from us than this.

Report "C", "Ought to pass" in the original form would require that these agents report salary

and expenses both and by their clients, as I understand it. Now this can be skirted too. I am sure that we all recognize that it can, but making the clients responsible in this instance perhaps is our best chance to put a control on this area and I personally believe that this would be our best opportunity to deal with the field which in my opinion needs to be dealt with.

So I would hope that you would vote against the adoption of Report "B" so that we could accept Report "C", "Ought to pass," and hopefully do something in this area during this session.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support Representative Susi, that we vote against Report "B". I think also that this is a very important piece of legislation, and I think that we as legislators should try to be consistent in our thinking. We have requested by order that we be provided with a "snoop book," which is a copy of all salaries of the state employees, and I don't think that a request or the law that would form part of Report "C" would be detrimental to anybody.

Now I don't mean to imply or cast any aspersions on anyone or on any particular party, but I think this is merely a piece of legislation which has a right of the public to know attached to it. I think this is a reasonable request, and I would hope that you would vote against Report "B". Mr. Speaker, when the vote is taken, I ask for the yeas and nays.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I think I would prefer Report "B". I think that we are blowing up all out of proportion the demand of the people to know just how much lobbyists are paid, and so forth. Lobbyists are part of private industry.

I do not see any connection between the information on income of lobbyists and the income of tax supported state employees. We are

directly responsible for raising and appropriating funds for state employees. We are answerable to our electorate for that. We are not answerable to the salaries of people employed to, as they put it, protect the interests of private industry.

I suppose that probably, or possibly, I may be branded as speaking as a tool for the lobbyists; but you can bet your sweet dollar I am not. I am just saying that it is really none of our business. I don't see as it matters if the lobbyists are sent down here by an industry—and if he will work for \$10 a week that is his business and the industry's. If it is felt that the situation is critical and important enough so that they send their third vice president, who happens to be drawing a salary of \$50,000 a year, that is still their business.

I tell my people back home that lobbyists do not have horns and tails, that when I need information from various industries I usually know where I can get it. I usually know where I can double check it. I think you will find a good many times that this bogeyman of a lobbyist is created right here. We have hassled back and forth here. When we find that a bill isn't going good we blame the lobbyists, not ourselves.

You all know, as well as I do, that a good many of the people working for industry, protecting their interests here — of course they have interests here. Industry has to send people here, just the same as farmers have to come down here to protect their interests. Of course, they come down and they don't get paid large salaries but that is still beside the point. That is their business.

I shall not vote for any legislation which is going to demand by law that private industry state just how much they are paying someone to represent them before this legislature. And I feel that it is rather small potatoes to make such a big issue out of it.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I am not looking for a

bogeyman behind each bench out in the corridor, or expecting one when someone stops and talks to me. I am not headline hunting as some of the folks that I know quite well can be rightly accused of doing.

I use the lobbyists myself. I hope at times I am nearly as smart as they are, and I mean just that. That I use their knowledge for the benefits of my constituents. And I would think that you could do the same.

As far as snooping into what they make, I don't think that is any of our business. They are registered here as being lobbyists, and I think we would be awfully stupid if we didn't know why they were here, or let them change our vote to the detriment of our constituents. And I think we would be admitting that if we make such a hullabaloo over this mess. I hope that you will accept Report "B".

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: Let's review what we have done here this afternoon. First we killed a bill to save lives; then we passed a bill that we can go onto private lands, invasion I call it; and now we are trying to get into the private lives of certain individuals who are called lobbyists.

I think it is wrong for us to do that. And if these lobbyists are doing anything wrong I think we should report them to the authorities that be who run this House, and that they should be censured for doing so, if they are doing it.

I have lived with lobbyists here for 20 years, and I have yet to see where a lobbyist has done wrong. And for that same purpose I hope that Report "B" is accepted.

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

Mr. MARSTALLER: Mr. Speaker and Members of the House: As one of the members of the committee that signed Report "A", or the new draft of this bill, I would like to explain my position.

There seems to be a great deal of interest in this particular sub-

ject, and I think this report, or the redraft of the bill which asks for a filing of the expenses, is a compromise in dealing with this situation. And that even though this might be circumvented, or any other law we might pass might be circumvented, I think that the filing of the expenses by the employer of the agent — not the agent himself, by his employer — would certainly give any indication of an undue amount of money being spent for lobbying purposes, because it would certainly indicate time and other expenses.

I think this is a reasonable compromise, and I hope you will vote against Report "B" and adopt this compromise bill.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: This subject is a fairly complex one, if you get into the details of it, but the basic principles, I think, are simple. Do we or do we not wish to have disclosure of the manner in which the lobbyists are spending their funds during this legislative session, if they are spending funds during the session?

I would suggest to you that Report "A", while it may be described as a compromise, is completely useless in its application. Because it will not even require anybody to wink at the law in order to circumvent it. All the employer or the lobbyist will have to do is to state to his employee, the lobbyist, your salary will be so much. There will be no allowance for expenses.

This means that the lobbyist will then take as a deduction on his income tax return the reasonable and necessary expenses, including entertainment and so on. And the people who wish to check these reports will learn nothing.

So I would suggest that if you don't want to do anything in this area, let's do nothing, but not kid ourselves that we are doing something. If we wish to do something, I would suggest that we vote against the pending motion, vote against the Report "A," so we can vote in favor of the "ought to

pass" on the original bill. The only way that you will be able to find out whether there are abuses is to be able to examine not only the expenses but also the compensation that accompanies the expenses. And then if somebody wants to circumvent that, they will have to violate the law to do so.

I think that the public and the legislature has a legitimate interest in knowing how the money being paid the lobbyists is being spent. And that is the essential question that we should decide here. I would therefore hope you vote against the pending motion and then in favor of the "Ought to pass" Report.

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

Mr. HODGDON: Mr. Speaker, Ladies and Gentlemen of the House: In this session I must admit that I have had a couple of occasions to confront lobbyists, and not always happy insofar as some of the bills that I introduced have been seriously lobbied against. However, that is beside the point. The point I would like to bring to your attention this afternoon is the fact that we are now wanting to shackle private industry, people who are being paid to protect the interest of private industry. And that the same time we are sitting here with both eyes closed in regard to the amount of money — and when I say money I would refer it as public funds — that the department heads of the State of Maine are using to influence the votes of this Legislature on their pet bills.

Until such time as this Legislature would see fit to clamp down on the hundreds of thousands of dollars of public funds that department heads are spending to lobby bills, I for one am not ready to put the clamps on private industry.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I have not looked with any real design, I think, in trying to get a headline as to whether or not I was going to be speaking for or

against this bill. But I must say that those people back home, and those people that I have met in the streets, have expressed their concern about the fact that the lobbyists do not have to report anything about the amounts of money that they spend.

Now some of us may argue that the lobbyists are all pure and they are all white, and they do no wrong. And I tend to agree with that statement most of the time. But the public, I think, are saying to us: If there is nothing wrong, then what is wrong in passing the law? And whom are we kidding if we don't pass the law?

As far as I am concerned, I have always let myself believe that I would listen to the lobbyists as to what they told me, and then I was going to vote the way I saw fit. And I think most of us do that all the time.

I think the public has become concerned with the amount of laws that sometimes we pass here, and as to perhaps the effect it has upon them. And perhaps they might like to have just a little bit to say about reelecting us if we listen too much to one side of the argument.

Now there is no question in my mind that every company and every interest group have a right to have a lobbyist. On the other hand, I don't think there is anything wrong with requiring every lobbyist in registering, in indicating how much money he receives from that source, and what he is using it for.

I think it is important if we wish to have the general public feel that at least we are honest as well as the lobbyists. I know that many of us argue again and again — and I know someone is going to say it — the lobbyists don't do anything wrong, and if we have any proof that they do anything wrong, let's take it out and let's censure them, and let's take care of the problem.

Well, the public reacts quite violently to that, because they just reverse it and say, "If there is nothing wrong then what is wrong with the law?" So I would ask you today to vote against the pending

motion, and then we could vote for Report "C."

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I will be very brief. I suppose anyone that votes for Report "B" there will be some suspicions cast upon them.

I am just a plain ordinary fellow that comes down here, and I represent my constituents, and I never was bothered much by the lobbyists, you see. I suppose they figure I am not too important, and I don't wield any weight in the House — and I don't pretend that I do.

I have been lobbied more by my leadership, my party oftentimes, than I ever have by the lobbyists. And as far as what they earn for a salary, I figured that is their business. I have never been wined and dined. Perhaps I suppose if you are in the leadership position, once in a while you might be. But I never was. Perhaps I don't ever intend to be. But it seems to me that what these fellows earn seems to be their own business.

I think Mr. Hodgdon made a pretty good point when he talked about how the department heads kind of have their people over here. And they are spending the taxpayers' money wanting us to vote for this or vote for that, or vote against this and vote against that.

Now you know when the income tax was in here a couple of years ago, there wasn't any lobbyist down here trying to persuade Ed Kelleher to vote for the income tax. It was more or less coming from my leadership. And it oftentimes disturbs me that people do, in leadership position, lobby us. I figure that we are down here to represent our own people, and we vote for our own constituents, and what they want and that is why we are down here. And I don't think this is too necessary.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: One very brief comment which I

just can't let go by at this point of making some comment about the gentleman's remarks.

I only wish that I were half as influential with the gentleman from Bangor in persuading him to vote on one issue, never mind two. I think he does a far better job on lobbying me than me on him.

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

Mr. HENLEY: Mr. Speaker and Members of the House: Just one more point that was brought about by my friend, Mr. Martin from Eagle Lake, saying that the people back home were quite interested in knowing what the lobbyists receive and how they spend their money.

I stated before that we seem to have quite a variety of constituency. Most of my constituency is more interested on where their tax dollars are going to pay some of our commissioners and our high paid state employees. You know it is surprising how few people know what our commissioners of departments get in this state. And there seems to be a kind of a secret about it.

I have had several people that have asked what the Chairman of the Highway Commission received for salary; and what the Commissioner of Health and Welfare received; and Fish and Game, and so on. They don't know any of these, and they are vitally interested.

They say, "Why don't they publish that sometime?" That is where their tax dollars are going. And I think that that is of much more importance, as Mr. Hodgdon said, than it is to find out what private industry is paying some of their people that they send down here to represent them.

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

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: If this Legislature is to be characterized as one that hasn't done much of anything, I think it could live up to its name today in not passing this bill.

For that reason I move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from Sanford, Mr. Jutras, moves the indefinite postponement of all Reports and Bill.

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

Mr. BUSTIN: Mr. Speaker and Ladies and Gentlemen of the House: I would oppose the motion of my good friend from Sanford, Mr. Jutras. Previous in the debate the gentleman from Norway, Mr. Henley, said that the issue is not whether or not the people can come down here to lobby for their private interests. And I think we all agree that we have nothing against people coming to the legislature and lobbying for their private interests.

The argument has also been advanced that a person's salary is a private matter. I would suggest today that money is influence. And where you get your research done is influence. And one of the very key issues here is the private interest versus the public interest.

We believe that people may lobby for their private interest, but we must also recognize that very often those private interests are in the detriment to the public interest. The key question it seems to me is the confidence of the people of the State of Maine in their state government. The people are entitled to know the amount of money that is spent to influence legislation. They are entitled to know who spends it.

Many people in the State of Maine obviously are not even aware that lobbyists come to the legislature to lobby private interests. But there are people in the State of Maine who strongly believe that the lobbyists control everything.

The gentleman from Pittsfield, Mr. Susi, has said that the people expect us to deal with this problem, and I agree. I think that Report "C" is the way we should do it.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I did not intend to speak on this, and I say that sincerely. However, I have looked upon most of the lobbyists over the years that have been around these halls as men very experienced in the issues that the legislature was considering. In many instances I have felt that their judgment on these matters that come before us was far superior, many times, than my own.

I have looked to them for counsel, and I bought it when I thought that I agreed with them; I rejected it when I thought that I didn't. However, I do look upon them as honorable men, and I feel that they have a right, a definite private right to come down here and protect the interests or the various companies that they represent.

I do not look upon it in the light of those who would say that it is a matter of public interest how much money they receive for this service. They are simply representing their constituents' interest in the best way that they know how. I do go along with Report "B" of this committee.

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 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 Sanford, Mr. Jutras, that all Reports and Bill "An Act relating to Legislative Counsel or Agents," Senate Paper 13, L. D. 41 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, Bedard, Birt, Bragdon, Brown, Bunker, Call, Carrier, Churchill, Conley, Cote, Crosby, Cummings, Curtis, A. P.; Drigotas, Gill, Hanson, Hardy, Haskell, Hayes, Henley, Hewes,

Hodgdon, Immonen, Jutras, Kelleher, Kelley, R. P.; Kilroy, Lee, Lewis, Lincoln, Manchester, McNally, Mosher, Norris, Orestis, Page, Payson, Rand, Rocheleau, Rollins, Scott, Shaw, Simpson, T. R.; Tanguay, Wheeler, White, Wight, Williams.

NAY — Albert, Ault, Baker, Barnes, Bartlett, Bernier, Berry, G. W.; Berry, P. P.; Berube, Bither, Boudreau, Bourgoin, Brawn, Bustin, Carey, Carter, Clark, Clemente, Collins, Cooney, Cottrell, Cyr, Dam, Donaghy, Dow, Doyle, Dyar, Emery, D. F.; Emery, E. M.; Evans, Farrington, Faucher, Fecteau, Finemore, Gagnon, Gauthier, Genest, Good, Goodwin, Hall, Hawkens, Herrick, Kelley, K. F.; Kelley, P. S.; Keyte, Lawry, Lebel, Lessard, Lewin, Littlefield, Lizotte, Lund, Lynch, MacLeod, Maddox, Marsh, Marstaller, Martin, McCormick, McKinnon, Millett, Morrell, Murray, Parks, Pontbriand, Porter, Pratt, Ross, Shute, Simpson, L. E.; Slane, Smith, D. M.; Smith, E. H.; Stillings, Susi, Theriault, Trask, Tyndale, Vincent, Webber, Whitson, Wood, M. W.

ABSENT — Binnette, Curran, Curtis, T. S., Jr.; Dudley, Fraser, Hancock, Jalbert, Lucas, Mahany, Mc Closkey, McTeague, Mills, O'Brien, Santoro, Sheltra, Silverman, Starbird, Wood, M. E.; Woodbury.

Yes, 49; No, 82; Absent, 19.

The SPEAKER: Forty-nine having voted in the affirmative, eighty-two in the negative, with nineteen being absent, the motion does not prevail.

The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that Report "B" Ought not to pass," be accepted.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I hope you will vote against Report "B" so that we can vote for Report "C".

The SPEAKER: All in favor of accepting Report "B" will vote yes; those opposed will vote no.

A vote of the House was taken.

47 having voted in the affirmative and 80 having voted in the

negative, the motion did not prevail.

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

Mr. SUSI: Mr. Speaker, I move that we accept Report "C".

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves the House accept Report "C".

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

Mr. MARSTALLER: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against this motion, and if you do then I will make a motion for Report "A".

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

Mr. COONEY: Mr. Speaker and Ladies and Gentlemen of the House: I would just like to say for the record, change my signature from Report "A" to Report "C". I inadvertently made a mistake on that.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I would like to draw your attention to the condition in which this bill came to us. And then I think that you would recognize that the motion that is now before you is in effect a motion to kill the bill. So I would hope that you would vote for Report "C" — excuse me, the motion is to accept Report "C". I would hope you would support that, and let's forget about Report "A".

The SPEAKER: All in favor of accepting Report "C" in concurrence on Bill "An Act relating to Legislative Counsel or Agents," Senate Paper 13, L. D. 41 will vote yes; those opposed will vote no.

A vote of the House was taken.

87 having voted in the affirmative and 38 having voted in the negative, the motion did prevail.

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

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

An Act relating to Voters Resigning or Removed from the Voting List (S. P. 561) (L. D. 1701) — In House, Indefinitely Postponed in non-concurrence. In Senate, passed to be enacted.

Tabled — May 20, by Mr. Bragdon of Perham.

Pending — Motion of Mr. Ross of Bath to recede and concur.

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

Mr. MARSTALLER: Mr. Speaker, I move that the House recede from indefinite postponement.

The SPEAKER: The gentleman from Freeport, Mr. Marstaller, moves that the House recede from indefinite postponement.

The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Since my seatmate, Representative Binnette is vitally present today, and he is vitally interested in this measure, I would hope that someone would table this for one day.

Thereupon, on motion of Mr. Smith of Dover-Foxcroft, retabled pending the motion of Mr. Marstaller of Freeport that the House recede from indefinite postponement, and tomorrow assigned.

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

HOUSE DIVIDED REPORT — Majority (8) "Ought not to pass" — Minority (4) "Ought to pass" — Committee on Judiciary on Bill "An Act relating to Prevention by Landowners of Acquisition of Rights-of-way, Easements and Public Rights by Dedication" (H. P. 708) (L. D. 954)

Tabled — May 20, by Mr. Hewes of Cape Elizabeth.

Pending — Acceptance of either Report.

On motion of Mr. Hawkens of Farmington, retabled pending acceptance of either Report and tomorrow assigned.

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

HOUSE DIVIDED REPORT — Majority (9) "Ought to pass" — Minority (4) "Ought not to pass" — Committee on Labor on Bill "An Act to Remove the Numerical Exemption from the Minimum Wage Law" (H. P. 570) (L. D. 746)

Tabled — May 20, by Mr. Mills of Eastport.

Pending — Motion of Mr. Good of Westfield to accept Majority Report.

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

Mr. LEE: Mr. Speaker, I move this be tabled for two legislative days.

The SPEAKER: The gentleman from Albion, Mr. Lee, moves that L. D. 746 be tabled and specially assigned for Wednesday, May 26 pending the acceptance of the Majority Report.

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

Mr. MARTIN: Mr. Speaker, debating the question of tabling, might I suggest that if we are going to progress, and if amendments are going to be offered at third reading, that perhaps we ought to defeat the tabling motion, and let it go to third reading.

The SPEAKER: The Chair would advise the gentleman he is debating a tabling motion. The only matter that can be debated is the time of tabling.

Mr. MARTIN: Mr. Speaker, I would think that the time is now, we ought to prevent this item from being tabled, and therefore I would request a division on the tabling motion.

The SPEAKER: A division has been requested on the tabling motion. All in favor of this matter being tabled will vote yes; those opposed will vote no. And the Chair would advise the House it is for two legislative days. If you are in favor of tabling for two days you will vote yes; if you are not you will vote no.

A vote of the House was taken.

19 having voted in the affirmative and 79 in the negative, the motion did not prevail.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: I had thought that perhaps because of the fact that Mr. McTeague was absent this afternoon that we could debate this at a later time. However, the disposition seems to be not to table. So I would at this point oppose the motion to accept the Majority Report.

This to me is a much more serious step to take in the field of Minimum Wage legislation than those that we have already taken, because what we are doing in effect here is to completely screen out of the labor market all of our marginal workers, leaving no space whatever for those workers in the State of Maine who are handicapped, and who are seeking a place in our labor market.

There are no states to my knowledge that have extended this principle down so that even an employer who has a single employee is covered by Minimum Wage legislation. And I think that this state would be very ill-advised to do so.

I would like to relate an experience that those of us who serve on the Education Committee and had last week. We listened to the people in the State of Maine who Institutional Services Committee those who serve on the Health and are extremely concerned with the field of mental retardation when they explained to us the whole program that is in force in the state. And it is a very good program.

The thrust of the program is to prevent the institutionalizing of our mentally retarded population; to keep them in their home communities; to give them the opportunities of as much education as they can absorb; to socialize them in their own communities; and finally to provide an opportunity in the labor market for them to live a life as normal as may be possible in which they would have the

satisfaction of holding down regular employment and earning what money they can command in the labor market.

Now I think that if you think in terms of putting our whole labor market at a \$2.00 an hour minimum, that the end result of what is an extremely expensive project of trying to ready our mentally retarded population for gainful employment, that if we are faced with a total labor market demand of \$2.00 an hour, that I think you can see that the efforts of a great many people are going to be blunted in securing an opportunity for employment.

Now my friend, Mr. McTeague, has characterized my opposition to a Minimum Wage legislation as an outmoded argument, an echo from the past, a reactionary response to a situation, when as a matter of fact the argument that I am presenting to you people now is as contemporary as your newspaper. It is the information that is being gathered currently by very well informed economists and sociologists as they view what has happened in our society after a long experience with Minimum Wage legislation. And their conclusions which are appearing now in current media repeatedly stress the fact that we are harming the very people that we are trying to help; that we are screening the low value labor, or the minimum acceptable labor out of the labor market, and making them permanent welfare, and that we are in fact inhibiting the efforts at industrial development.

Now this last point, I know a great many of you are skeptical of it, and I have been trying for the last several weeks to gather some pertinent figures, and the figures were given to me today by the Department of Economic Development. I think if you will recall that I distributed information here that showed that the states that have no State Minimum Wage Laws at all currently have 20 percent less unemployment than the states that do have Minimum Wage legislation at the state level.

Now it seems to me that if this were a fact that the states that

have no Minimum Wage legislation should also show a greater rate of industrial development. And I tried through several sources to gather this information to no avail, until I finally last week called the Department of Economic Development and asked them if they could get a comparison for me of the rate of industrial development in the states that have no Minimum Wage legislation compared to the State of Maine. And I received that information back this morning.

I think it will be interesting to you because the conclusion that I draw from the results of this is that the states that have relied only on federal standards have perhaps made a very wise move, because they are showing currently a much higher rate of industrial development than is the State of Maine.

Now I am going to read some of the states down through. These states have no Minimum Wage legislation at the state level; they all have a rate of industrial development that substantially exceeds that of the State of Maine. The State of Florida in 1969 enjoyed a 3.6 increase in manufacturing jobs; Illinois a 2.8; Iowa, 2.9; Virginia, 3.1; Tennessee, 2.4; Missouri, 1.8; Kansas, 1.6.

Now these rates, in my view, are closely tied to the fact that in these states the marginally productive labor, or the low value labor, is not hampered by artificial controls in the form of State Minimum Wage legislation. I think that we have made a basic mistake from the point of view of increasing our rate from \$1.60 to \$1.80.

I think that if we took this additional step of closing the remaining exemptions in our Minimum Wage legislation by extending it down from those employing less than four to those employing only one, that we would be making a much more serious error, because we would be completely screening out of this market our marginally productive labor. We would add enormously to our welfare costs, and most of all, and from my point of view the most important, we would be terrifically inhibiting our

efforts to do industrial expansion in the State of Maine.

I think as this state attempts to change from predominantly agricultural to one with an industrial complex in it, I think that any artificial barriers that we put in the way of such expansion is a grievous economic mistake, and I think that there are no arguments that I can think of that would tend to make justifiable at this time the error of extending the Minimum Wage down to employers of only one employee.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: The reason that I questioned the two day tabling request was a very simple one. I think that if we proceed in retabbling issues such as this, we get ourselves in trouble later.

I would really suggest, since obviously some people are absent today that obviously have a great deal of interest in this, and secondly because amendments are going to be offered at third reading, that we today simply accept the Majority Report, and then at that point, when it gets up here for third reading, then we debate it.

It has bothered me for some time now that we constantly debate things three and four times. If we this morning did not debate the issue either way, let it go to third reading, the amendments at that point would then be offered, and then at that point we could either kill it with the amendments or without it. It would seem to me a quick way of moving ourselves along.

So I would hope that without further debate perhaps we might just let it go and let the report be accepted, and debate it when it gets around for third reading.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: It seems to me the gentleman from Eagle Lake, Mr. Martin — I don't exactly agree with him. We are talking here, I believe, about

divided reports. It is very difficult to accept or reject divided reports without debating them at the time they come before us. For that reason I don't follow your logic on this matter.

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

Mr. MARTIN: Mr. Speaker and Members of the House: Let me very briefly pursue that point. When we have a majority report of a committee we find ourselves debating the issue at the acceptance of that report; we find ourselves debating it at third reading; we find ourselves debating it at enactment; and then very often we find ourselves again reconsidering those same actions.

So very often we are debating these bills six times, which seems to me that at times when we have a majority report such as this that perhaps we might just let it go to third reading when amendments are going to be offered that might substantially change the bill, such as this case — an amendment that we have before us that is going to be introduced by the gentleman from Machias, which I don't know whether I am going to be for or against. But that is beside the point. And perhaps by my debating this very thing I have lengthened the session myself. But it was perhaps my thought in saying what I ought to have said some time ago.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Mrs. Lincoln.

Mrs. LINCOLN: Mr. Speaker and Members of the House: If you vote against the Majority "Ought to pass" Report today, then we can make the motion that you accept the Minority "Ought not to pass" Report, and there won't have to be any more discussions; a very easy way to get rid of it.

And Mr. Kelley's amendment doesn't matter anyway, unless you take the other report. Because he was on our side. So vote against that report so we can make the other motion.

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

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

House: I don't know if my memory would serve me correctly, but I am sure there are other members of the Labor Committee here who could correct me if I am wrong. But I do not recall there being any opposition to this bill at the public hearing. I do recall the Department of Labor and Industry being represented there, speaking on behalf of the bill.

I would read you the final paragraph of their statement that was left with the committee. "As can readily be seen by the figures shown, the numbers of workers involved is small in comparison to those already receiving the protection of Minimum Wage legislation. And it is only fair and right that these few should be included in the coverage."

The SPEAKER: The pending question is on the motion of the gentleman from Westfield, Mr. Good, that the House accept the Majority "Ought to pass" Report. The Chair will order a vote. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

55 voted in the affirmative and 54 voted in the negative.

Whereupon, Mr. Donaghy of Lubec requested a roll call vote.

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 Westfield, Mr. Good, that the House accept the Majority "Ought to pass" Report on Bill "An Act to Remove the Numerical Exemption from the Minimum Wage Law," House Paper 570, L. D. 746. All in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Barnes, Bartlett, Bedard, Bernier, Berry, P. P.; Berube, Birt, Boudreau, Bourgoin, Brawn, Bustin, Call, Carrier, Car-

ter, Churchill, Clemente, Collins, Conley, Cooney, Cote, Cyr, Dow, Drigotas, Dyar, Emery, E. M.; Farrington, Faucher, Fecteau, Gauthier, Genest, Gill, Good, Goodwin, Hawkens, Hodgdon, Jutras, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lessard, Lund, Lynch, Manchester, Marsh, Martin, McKinnon, Millett, Mills, Morrell, Murray, Orestis, Parks, Pontbriand, Rand, Ross, Shute, Simpson, T. R.; Slane, Smith, D. M.; Stillings, Susi, Tanguay, Theriault, Tyndale, Vincent, Webber, Wheeler, Whitson.

NAY — Ault, Bailey, Baker, Berry, G. W.; Bither, Bragdon, Brown, Bunker, Carey, Clark, Crosby, Cummings, Curtis, A. P.; Donaghy, Emery, D. F.; Evans, Finemore, Gagnon, Hall, Hanson, Haskell, Hayes, Henley, Herrick, Hewes, Immonen, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Littlefield, MacLeod, Maddox, Marstaller, McNally, Mosher, Norris, Page, Payson, Pratt, Rollins, Scott, Shaw, Simpson, L. E.; Smith, E. H.; Trask, White, Wight, Williams, Wood, M. W.

ABSENT — Binnette, Cottrell, Curran, Curtis, T. S., Jr.; Dam, Doyle, Dudley, Fraser, Hancock, Hardy, Jalbert, Lizotte, Lucas, Mahany, McCloskey, McCormick, McTeague, O'Brien, Porter, Rochelleau, Santoro, Sheltra, Silverman, Starbird, Wood, M. E.; Woodbury.

Yes, 72; No, 52; Absent, 26.

The SPEAKER: Seventy-two having voted in the affirmative and fifty-two having voted in the negative, with twenty-six being absent, the motion does prevail.

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

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

Bill "An Act relating to Preserving Historical Materials By the State Museum" (H. P. 204) (L. D. 270)

Tabled — May 21, by Mr. Porter of Lincoln.

Pending — Passage to be engrossed.

Mr. Donaghy of Lubec offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-327) was read by the Clerk and adopted.

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

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

Resolve relating to an Environmental Study in Construction of High-level Bridge between Westport and Wiscasset (H. P. 903) (L. D. 1241) — In House, passed to be engrossed. — In Senate, passed to be engrossed.

Tabled — May 21, by Mr. Birt of East Millinocket.

Pending — Motion of Mrs. McCormick of Union, to indefinitely postpone.

On motion of Mr. Birt of East Millinocket, under suspension of the rules, the House reconsidered its action of May 14 whereby the Resolve was passed to be engrossed.

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

House Amendment "A" (H-332) was read by the Clerk and adopted.

The SPEAKER: The pending question is passage to be engrossed as amended.

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

Mr. LEE: Mr. Speaker and Members of the House: I move that this bill and all of its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Albion, Mr. Lee, moves that this matter be indefinitely postponed.

The Chair recognizes the gentleman from Southport, Mr. Kelley.

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: Last Friday I mentioned briefly some of the history that has caused this bill to be introduced. The problem is that about 20 years ago, to save a little money, a causeway was built between Wiscasset and Westport Island, this being cheaper than building a high-level bridge that would not obstruct the flow of water. The worm industry is

extremely important to the coastal section. There is some place between 200 and 500 acres of worm flats that no longer are there for the wormers to dig on because of the backing up effects of this causeway that was built on Westport.

Many of you that have been in the legislature for many years know that Westport Causeway has been brought up, brought up and brought up. It even went to a research committee and they came out with a divided report on it, I believe half and half. At one time the bill was passed to build a bridge on the island, but it died on the funding table.

Now let me tell you what this means to our area. A good acre of worm flats will produce as much as \$2,000 a year return to a group of people who are working hard and labor on digging worms. I no longer can dig worms, and it takes a young man without a lot of things that I have to dig the worms. But these boys earn their money. It is an export business, primarily, from the State of Maine. Our worms are flown as far as the West Coast.

Because of the mistake that was made, these acres of flats are now under water. There is a question of economics, whether it is worthwhile to remove this causeway so that they can again dig worms in large sections of Hockamock Bay, Montsweag Bay, Brookings Bay, Halls Bay and several tributary creeks that come in there. It also has affected the amount of pollution that comes out of the Kennebec River into these waters. The herring fishing is gone. The lobstering is gone. It is even coming down into the Sheepscot and affecting the spawning grounds of the cod fish.

Under study at the moment by the Highway Department is a feasibility study to bypass Wiscasset. One proposed road would come across onto Westport Island and then across the Sheepscot and across back to Route 1 and would shorten Route 1 by over half a mile. Another route is to go north of Wiscasset. In fact, there are two proposals there. To find out the feasibility of which road is best,

one of the important factors is to evaluate the advantages of removing this Westport Causeway.

The original bill called for \$10,000. Talking with the Highway Commission, they said that they did not need any money for them. Their name has been taken out of the bill by Mr. Birt's amendment and \$6,000 has been substituted. At the present time there are studies being made of certain factors in the bay in regard to many things, but we do need a little extra money to put the various studies together and make some additional tests to try to discover how many acres are involved and what it would do to the tides again. And I ask that you vote against the proposal to indefinitely postpone this and help me enact the bill.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I will merely repeat what I said the other day when this matter came up for debate. This matter was heard by the Appropriations Committee and received a unanimous report "ought to pass." They do concur with Mr. Birt's amendment cutting the amount recommended down to \$6,000 instead of the \$10,000 which they recommended. They felt that this money was justified and the funds are all provided out of the General Fund.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: As I sit here listening to the debate on this bill, it makes me wonder when we passed all this environmental law in this session and the last time around, also on the wetlands and so forth, how we can go along with opposing this bill.

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

Mr. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: As a resident of Lincoln County, where this proposed bridge would be constructed, I am certainly interested in everything that Representative

Kelley has told you. In my four terms here in the legislature I think we have had this every time, this same proposition. And I think it is high time to at least have a study that only involves \$6,000. And I certainly hope you go along with it.

The SPEAKER: The Chair recognizes the gentleman from Jefferson, Mr. Clark.

Mr. CLARK: Mr. Speaker and Members of the House: I think you can see from the remarks of the previous speaker, Representative Kelley, that we do have a problem there, and the problem is twofold. And I want to go on record as definitely in favor of this study.

The SPEAKER: The pending question is on the motion of the gentleman from Albion, Mr. Lee, that Resolve relating to an Environmental Study in Construction of High-level Bridge between Westport and Wiscasset, House Paper 903, L. D. 1241, be indefinitely postponed. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Thereupon, the Resolve was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

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

Bill "An Act relating to Forestry Cutting Practices for the Protection of Rivers, Streams and Lakes" (H. P. 682) (L. D. 919) — In House, passed to be engrossed as amended by House Amendment "A" (H-262) — In Senate, Majority "Ought not to pass" Report accepted in non-concurrence.

Tabled — May 21, by Mr. Hardy of Hope.

Pending — Further consideration.

On motion of Mr. Dyar of Strong, the House voted to insist and ask for a Committee of Conference.

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

Bill "An Act Increasing Minimum Wages" (S. P. 16) (L. D. 44) — In Senate, passed to be engrossed as amended by Senate Amendment "B" (S-96) and Senate Amendment "C" (S-144) in non-concurrence.—In House, passage to be enacted reconsidered; receding and concurring reconsidered.

Tabled — May 21, by Mr. Donaghy of Lubec.

Pending — Motion of Mr. Ross of Bath to indefinitely postpone Senate Amendment "C" (S-144)

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: This much belabored piece of legislation, of course, is our minimum wage bill. Most of us made up our minds, and weeks ago we passed it with an excellent vote. But then the lawyers in their inimitable way got into the act and started a legal donnybrook on constitutionality.

The chief questioner in the House was the gentleman from Brunswick, Mr. McTeague. And he and I drew up a House amendment; but then he and I were in agreement with this but the Attorney General's office was split. And I had House Amendment "B" drawn up under 289. It is now completely cleared with both Mr. Erwin and all his staff. But I would like to read a quote that I read yesterday by the very famous Clarence Darrow, that "The only trouble with the law is lawyers."

The amendment I hope to present raises the minimum wage from \$1.60 to \$1.80, with a provision that if the federal government goes higher than \$1.80, we will go higher than \$1.80 at the same time, but not in excess of \$2.00.

I now move the indefinite postponement of Senate Amendment "C".

Thereupon, Senate Amendment "C" was indefinitely postponed in non-concurrence.

On further motion of the same gentleman, the House voted to recede from the adoption of Senate

Amendment "B", and indefinitely postponed same in non-concurrence.

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

House Amendment "B" (H-289) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. ROSS: Mr. Speaker and Members of the House: Republicans over the years have been falsely accused of being against the working man, in favor of big business. This may be so for a few, but it is not so for the average. And we have only to point to our accomplishments in the fields of labor and management.

Since I came here 16 years ago great strides have been made in Workmen's Compensation, employment security, safety standards, working conditions, and the Minimum Wage. In our party platform, Article V, under the section of Labor and Management, we recommended that Workmen's Compensation apply to all persons. Already that has passed this body with one exception.

We recommended that unemployment compensation be extended. Thirteen weeks has already been added to that, even as an emergency. Surely we as a group could have blocked that if we had no compassion for the working man.

The first Minimum Wage Law was sponsored by me as a Republican. Increases since have been sponsored by Republicans. And I would like to specifically quote the section of this year's platform.

"We recommend an increase in the Minimum Hourly Wage for all workers including state employees." And affirmative action on this will prove without the slightest doubt that our promises are not made up of hollow, empty words only to attract votes.

Thereupon, House Amendment "B" was adopted.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I am extremely pleased that the amendment has been added. I am

extremely pleased to agree with the gentleman from Bath, Mr. Ross, in supporting the amendment. I welcome him into the fold, and would like to get him the reregistration and reenrollment card at his earliest convenience.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "B" in non-concurrence and sent up for concurrence.

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

Bill "An Act relating to Preference to Maine Workmen and Contractors" (S. P. 163) (L. D. 485) — In Senate, passed to be engrossed as amended by Committee Amendment "A" (S-158) and Senate Amendment "A" (S-172) — In House, Committee Amendment "A" Adopted and Senate Amendment "A" Adopted.

Tabled — May 21, by Mr. Finemore of Bridgewater.

Pending — Passage to be engrossed.

On motion of Mr. Good of Westfield, under suspension of the rules, the House reconsidered its action of May 18 whereby Senate Amendment "A" was adopted. And on further motion of the same gentleman, Senate Amendment "A" was indefinitely postponed in non-concurrence.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action of May 18 whereby Committee Amendment "A" was adopted. And on further motion of the same gentleman, Committee Amendment "A" was indefinitely postponed in non-concurrence.

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

House Amendment "A" (H-301) was read by the Clerk and adopted.

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

Mr. HASKELL: Mr. Speaker, I would like to, through the Chair, ask the gentleman from Westfield if he would explain the effect of the amendments that we have removed on the bill.

The SPEAKER: The gentleman from Houlton, Mr. Haskell, poses a question through the Chair to the gentleman from Westfield, Mr. Good, who may answer if he chooses; and the Chair recognizes that gentleman.

Mr. GOOD: Mr. Speaker and Members of the House: The purpose of this amendment is not to change the definition of public authority under the present law, and that is all.

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

Mr. HASKELL: Mr. Speaker, I was interested in the effect of the Senate Amendment that was removed and the Committee Amendment that was removed. I am sorry I don't have them at hand.

The SPEAKER: The gentleman from Houlton, Mr. Haskell, poses a further question through the Chair to anyone who may answer if they choose.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: I am more or less debating in the dark, but the basic principle of this bill opposed—I think what Mr. Martin plans to dispense with, at all readings—and I am going to continue to oppose it.

I am going to give you an example, and I think perhaps you will recall the debate. Mr. McTeague indicated in response to my information that I gave the House that at the federal level this Davis-Bacon Act was removed by executive order, and that in rebuttal Mr. McTeague indicated that it had been—the executive order was later rescinded.

I would like to point out at this juncture that the reason the executive order had to be implemented was the fact that the Davis-Bacon Act at the federal level tends to create an artificially high rate of wage schedule in the construction industry. It finally became so bad and so aggravated, and created such a highly artificial structure of wages, that it became almost a national scandal. And for this reason the executive order came out.

This was during a round of very intensive negotiations by labor unions on contracts, and it did have the very beneficial effect of dampening down some of the really fantastic demands of unions for pay increases. So the executive order did have the desired effect.

I argued that implementing what is in effect a junior Davis-Bacon Act at the state level is going to have exactly the same effect, and that effect is going to be noticed by every municipality that you people here represent. If you have a project using state money you are going to find that the next computation of minimums that apply on the project using state money is going to be substantially higher, which is going to increase the cost both for your municipality and also for the state because of their participation in it.

I would doubt that there is anybody in the House that could argue that the construction industry currently needs any reinforcement of an artificial structure. It is now at a point that is totally divorced from any increases in productivity which is the key economic fact that wage increases have to be keyed to. And it is going to have an extremely bad effect on your municipalities, and is going to very substantially increase the cost of any construction that is done under this proposed legislation.

For that reason I would very strenuously oppose the passage of this act.

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

Mr. COLLINS: Mr. Speaker and Members of the House: I should like to agree with the gentleman from Houlton, Mr. Haskell. I find the titles of some of our bills very interesting, and this is an excellent example. It says, "An Act relating to Preference to Maine Workmen and Contractors". Now I suggest that a more appropriate title would seem to me to be, "An Act to Increase the Cost of Municipalities for Constructing their Public Work Projects."

As Mr. Haskell has indicated, this is in essence a junior Davis-

Bacon Act which accomplishes on a state level what the same act does at the federal level.

Now if a community had a project that had \$10,000 worth of state money included in it, whether it was road construction or sewer treatment plants, schools, or other buildings, they would by the terms of this act, be required to pay the wage scale that would be established. And now in theory the wage rate that is determined is supposed to be the prevailing rate. But in fact it is the highest, not the prevailing rate, that generally occurs.

And I can assure you that if this is enacted that the towns and cities will add substantially to their cost of public works.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I would like to support the position of the previous two speakers. As many of you know, I come from the Town of Pittsfield, about 4,000 people. And our public works are often scheduled so we can do them in the off-season so to speak. But almost any public project now involves in excess of \$10,000, and the state is involved in many of these, such things as bridges and additions to schoolhouses and what not.

And I don't think that these communities are imposing on anyone, or profiteering on them. Quite often your selectmen or school board members might be right involved in the construction project themselves, and they get these things done quite inexpensively at a time of the year when perhaps these people are happy to pick up some work. And it is planned this way, and I think it would be imposing on these communities who operate on this basis to say that they have to meet a wage level which, as the previous speaker has indicated, is often the highest that is existing in the state at the time.

I hope you would not support the passage of this bill.

Mr. Morrell of Brunswick requested a division.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I don't very often get mixed up in these labor bills. But I would add to what Mr. Susi has just said, that there could be a lag of time. If you have an emergency job, and you have to wait about 30 days to make a wage determination, your emergency could be long passed.

As a matter of fact, right now I am involved in a marina project in Lubec that we wanted to get done before the summer season and it looks as though now that probably by September they will be able to launch their boats, and so forth.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I was somewhat intrigued by the remarks of the gentleman from Caribou, Mr. Collins. I thought there was one thing that I would like to bring out at this time. It has to do with the tremendous amount of money that we are probably going to allocate in this session of the Legislature to the Environmental Improvement Commission for sewer construction.

It probably will be in excess of \$54 million of allocations by the state for the next two years of the biennium. There may be \$20 million of federal money that will be put in that.

So I think you better give this very serious consideration. This should affect very seriously the cost of all these local sewer projects which we are talking about. I don't imagine we are going to construct \$75 million or \$80 million worth of sewer projects in the next two or three years; but if we did, passage of this act would certainly affect every one of them.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Let me make some comments which may confuse the issue, or perhaps clarify some of the points that have been raised.

First of all, the gentleman from Lubec, Mr. Donaghy, indicated that

this would delay projects. If the gentleman would look at the bill, and also existing law, as I recall it says that the determination of the wage scale shall be made in January, and that determination shall then be in effect for the remainder of the year.

Secondly, in reference to the remarks made by the gentleman from Perham, Mr. Bragdon, in reference to any project which would in effect use federal funds, this would not apply. We would have to follow the federal standards and not ours. And so that this provision in effect, when we talk about sewer systems, or even the highways, for example, which was mentioned, and bridges, which was mentioned, by the gentleman from Pittsfield, Mr. Susi — this would not apply.

We are talking in this case of a project in municipalities which involves \$10,000 or more in which state funds are used, and in particular is not a federal project. If a federal project is being discussed, then the federal regulations come in, I can assure you.

I personally don't see anything wrong with this legislation. We have it on the books now. And I don't think anyone, to my knowledge, any contractors that I have spoken to, particularly hate the existing regulations that are imposed upon them now by this board that is there. And frankly, I don't even know who sits on it. I assume that Marion Martin is a member of that determination unit now.

So I would hope that you would vote for the passage of the bill.

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

Mr. LEE: Mr. Speaker, Ladies and Gentlemen of the House: Practically everything that is said here has got some matter of truth and accuracy. What Mr. Martin just said about the sewer projects which have government money, this is true. It wouldn't come under this particular law. When they have a job on the sewer for the municipality there is a wage determination made from the government, and that comes out of Boston.

And a prime example of the extreme cost, that it does cost us, can be gotten right over here in this library. We have got somewhere in the neighborhood of \$500,000 on it, and I guess it cost us \$3 million in extra money, and it was an artificial high wage. There is no question about that.

This is what is going to happen. I think Mr. Haskell covered it a little bit. When you have a project that has got over \$10,000 of state money in it to be let out to contract, then you are going to have to ask for a determination of wages. The determination would be made and then you would have to live with it.

The minimum wage doesn't bother the contractor, but it does shove the cost up for the community. The higher the bottom goes, the higher the ceiling goes. And I think that this bill is really a bad one. I move its indefinite postponement.

The SPEAKER: The gentleman from Albion, Mr. Lee, moves the indefinite postponement of L. D. 485.

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

Mr. MARTIN: Mr. Speaker, when the vote is taken I request it be taken by the yeas and nays, and I would ask you to vote against the motion of the gentleman from Albion, Mr. Lee.

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 Albion, Mr. Lee, that this Bill "An Act relating to Preference to Maine Workmen and Contractors," Senate Paper 163, L. D. 485, be indefinitely postponed in non-concurrence. If you are in favor of indefinite postponement

you will vote yes; If you are opposed you will vote no.

ROLL CALL

YEA — Albert, Ault, Bailey Baker, Berry, G. W.; Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Bunker, Collins, Crosby, Cummings, Curtis, A. P.; Donaghy, Dyar, Emery, D. F.; Evans, Finemore, Hall, Hanson, Hardy, Haskell, Hawken, Hayes, Henley, Herick, Hewes, Hodgdon, Immonen, Kelley, K. F.; Lee, Lewin, Lewis, Lincoln, Littlefield, Lund, MacLeod, Maddox, Marstaller, McCormick, McNally, Millett, Morrell, Mosher, Norris, Page, Payson, Pratt, Rand, Rollins, Ross, Scott, Shaw, Shute, Simpson, L. E.; Smith, E. H.; Stillings, Susi, Trask, Tyndale, White, Wight, Williams, Wood, M. W.

NAY — Barnes, Bedard, Bernier, Berry, P. P.; Berube, Bourgoin, Bustin, Call, Carrier, Carter, Churchill, Clemente, Conley, Cooney, Cote, Cottrell, Dam, Dow, Doyle, Drigotas, Emery, E. M.; Farrington, Faucher, Fecteau, Genest, Gill, Good, Goodwin, Jutras, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lessard, Lizotte, Lynch, Manchester, Marsh, Martin, Mills, Murray, Orestis, Parks, Pontbriand, Rocheleau, Simpson, T. R.; Slane, Smith, D. M.; Tanguay, Theriault, Vincent, Wheeler, Whitson.

ABSENT — Bartlett, Binnette, Carey, Clark, Curran, Curtis, T. S., Jr.; Cyr, Dudley, Fraser, Gagnon, Gauthier, Hancock, Jalbert, Kelley, R. P.; Lucas, Mahany, McCloskey, McKinnon, McTeague, O'Brien, Porter, Santoro, Sheltra, Silverman, Starbird, Webber, Wood, M. E.; Woodbury.

Yes, 67; No, 55, Absent, 28.

The SPEAKER: Sixty-seven having voted in the affirmative and fifty-five having voted in the negative, with twenty-eight being absent, the motion does prevail.

Sent up for concurrence.

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

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

Tabled — May 21, by Mr. Susi of Pittsfield.

Pending — Passage to be enacted.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I had planned to speak this afternoon in favor of this bill, but I notice that the sponsor of the bill, Mr. McTeague from Brunswick, is not present. I would request that somebody table it for one day.

Thereupon, on motion of Mr. Scott of Wilton, retabled pending passage to be enacted and tomorrow assigned.

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

Bill "An Act relating to Public Utilities Providing Gas Service and

Valves on Their Distribution" (H. P. 946) (L. D. 1305) — In House Minority "Ought to pass" Report accepted, Bill passed to be engrossed as amended by House Amendment "A" (H-255) — In Senate, Majority "Ought not to pass" Report accepted in non-concurrence.

Tabled — May 21, by Mr. Martin of Eagle Lake.

Pending — Further consideration.

On motion of Mr. Emery of Auburn, the House voted to insist and ask for a Committee of Conference.

On motion of Mrs. Doyle of Bangor,

Adjourned until nine o'clock tomorrow morning.