

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

Tuesday, May 25, 1971

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

Prayer by the Rev. Mr. Royal J. Parent of Eagle Lake.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Communication: (S. P. 603)

MAINE HOUSING AUTHORITY
STATE HOUSE
AUGUSTA, MAINE

May 19, 1971

To the Members of the 105th Legislature

Pursuant to a joint order of the 104th Legislature, after a consultation with the Legislative Research Committee, I submit herewith the findings of a select committee who agreed to research code related problems and report the results to the Maine State Housing Authority.

I should like to thank the committee for the work which was contributed on their own time and at their own expense and I submit the results to you with the r e c o m m e n d a t i o n that their proposals receive your serious consideration.

Sincerely yours,

(Signed)

EBEN L. ELWELL

Eben L. Elwell, Director

Maine State Housing Authority

Came from the Senate read and with accompanying papers ordered placed on file.

In the House, the Communication was read and with accompanying papers ordered placed on file in concurrence.

**Reports of Committees
Ought Not to Pass**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act to Authorize Bond Issue in the Amount of \$27,680,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine" (S. P. 303) (L. D. 928)

Report of the Committee on Transportation reporting same on

Bill "An Act Providing Funds for Additional Branch Offices for the Motor Vehicle Division of the Office of Secretary of State" (S. P. 322) (L. D. 936)

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

Ought to Pass

Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act relating to the Name of Maine Juvenile Justice Association, Inc." (S. P. 558) (L. D. 1698)

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 Resolve to Provide Funds for a Feasibility Study for New Marine Facilities for the Port of Portland (S. P. 386) (L. D. 1141) reporting "Ought to pass" as amended by Committee Amendment "A" (S-199) submitted therewith.

Report of same Committee on Bill "An Act Establishing a Comprehensive Child Care Program of Maine" (S. P. 432) (L. D. 1247) reporting "Ought to pass" as amended by Committee Amendment "A" (S-198) submitted therewith.

Report of the Committee on Legal Affairs on Bill "An Act Establishing the Lewiston-Auburn Airport Authority" (S. P. 481) (L. D. 1593) reporting "Ought to pass" as amended by Committee Amendment "A" (S-190) submitted therewith.

Report of the Committee on Taxation on Bill "An Act to Clarify the Exemption of Pollution Control Facilities from the Real Estate and Personal Property Taxes" (S. P. 160) (L. D. 429) reporting "Ought to pass" as amended by Committee Amendment "A" (S-197) submitted therewith.

Came from the Senate with the Reports read and accepted and the

Bills and Resolve passed to be engrossed as amended by Committee Amendment "A".

In the House, Reports were read and accepted in concurrence, the Bills 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 Bills and second reading of the Resolve.

Non-Concurrent Matter

Report of the Committee on Business Legislation reporting "Ought not to pass" on Bill "An Act Revising the Laws Relating to Savings and Loan Associations" (H. P. 1015) (L. D. 1394) which was recalled from the Legislative Files to the Senate by Joint Order (S. P. 597)

Came from the Senate recommitted to the Committee on Business Legislation in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Providing for a Declaration of Policy Concerning the State's Environment" (H. P. 1301) (L. D. 1706) on which the House insisted on May 21 on its former action whereby the Bill was recommitted to the Committee on State Government in non-concurrence on May 19.

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

Messrs. WYMAN of Washington

CLIFFORD

of Androscoggin

KATZ of Kennebec

In the House: On motion of Mrs. Brown of York, the House voted to further insist and join the Committee of Conference.

Messages and Documents

The following Communication:

THE SENATE OF MAINE
AUGUSTA, MAINE

May 24, 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 Membership on Board of Registration for Professional Engineers" (H. P. 1322) (L. D. 1734). The President appointed the following members of the Senate to the Committee of Conference:

Senators:

BERRY of Cumberland

CLIFFORD

of Androscoggin

SCHULTEN of Sagadahoc

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 Licenses and Fees under the Dog Laws" (H. P. 1321) (L. D. 1733). The President appointed the following members of the Senate to the Committee of Conference:

Senators:

BERRY of Cumberland

CONLEY of Cumberland

HARDING of Aroostook

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 Applicability of Workmen's Compensation Law to Employers of One or More Employees" (H. P. 601) (L. D. 803). The President appointed the following members of the Senate to the Committee of Conference:

Senators:

TANOUS of Penobscot

LEVINE of Kennebec

GRAHAM of Cumberland

Respectfully,

(Signed)

HARRY N. STARBRANCH

Harry N. Starbranch

Secretary of the Senate

In the House, the Communication was read and ordered placed on file.

The following Communication:

THE SENATE OF MAINE
AUGUSTA, MAINE

May 24, 1971

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

Dear Madam Clerk:

The Senate voted to Adhere to its action whereby it accepted the Minority "Ought Not to Pass" report in non-concurrence on Bill, "An Act Relating to Voluntary Surgery at Public Expense for Qualifying Parents" (H. P. 928) (L. D. 1282).

Respectfully,

(Signed)

HARRY N. STARBRANCH

Harry N. Starbranch

Secretary of the Senate

In the House, the Communication was read and ordered placed on file.

ORDERS

Mr. Bragdon of Perham presented the following Joint Order and moved its passage:

WHEREAS, the richness of a community, a state or a nation is measured by the collective strength, deeds and good of its citizens; and

WHEREAS, among those citizens whose extraordinary life has contributed to the greatness of Maine is Percy M. Porter, a lifelong resident of Aroostook County; and

WHEREAS, he celebrated the one hundredth anniversary of his birth on Friday, May 21, 1971 and is now entering his second century; and

WHEREAS, he served with distinction in the House of Representatives of the 74th, 75th and 79th Maine Legislatures and is our oldest living colleague; now, therefore, be it

ORDERED, the Senate concurring, that we the Members of the Senate and House of Representatives of the One Hundred and Fifth Legislature of the State of Maine now assembled pause in our deliberations to salute a friend and colleague, the Honorable Percy M. Porter of Mapleton, who has entered the second century of a long and dedicated life of accomplishment and express our hope that this merited recognition and earned applause will endure through the years to come; and be it further

ORDERED, that a copy of this Order signed by the Speaker of the House of Representatives and the President of the Senate with the great seal of the State of Maine attached, be presented to

said senior citizen in honor of this occasion. (H. P. 1362)

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

On motion of Mr. Evans of Freedom, the House reconsidered its action of yesterday whereby 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) was passed to be engrossed as amended by Committee Amendment "A".

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

House Amendment "A" (H-336) was read by the Clerk and adopted.

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

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

Mr. HARDY: Mr. Speaker, I would inquire if the House is in possession of L. D. 1119.

The SPEAKER: The answer is in the affirmative. Bill "An Act relating to the Operation of Motor Vehicles," House Paper 828, L. D. 1119, which was passed to be enacted in the House on yesterday.

Mr. HARDY: Mr. Speaker, I would like to make a few comments on this bill before I make a motion pertaining to it.

Mr. Speaker and Ladies and Gentlemen: I was very happy yesterday to see the gentleman from Lewiston, Mr. Cote, filling the seat of the Honorable Ben Turner, who used to serve in this body, and if that gentleman could have seen me not be aware of this bill he would have laughed me out of my seat.

If this bill is directed at parking lots, I wish it would so stipulate. I had a bill directed at parking lots, which I rewrote and rewrote all winter and because of the legal complexities I finally asked for withdrawal.

Only in yesterday's papers the Supreme Court of this country is concerned and somewhat confused in this area. However, this

bill doesn't direct itself at parking lots; this directs itself more pertinently to my private roads and to everybody's private road in this House — and I know there are many private roads in this House that go to camps, to gravel pits, farm roads.

And if you will look at this L. D., which was pointed out to me yesterday and perhaps some of you will note that after I glanced at it I did not change my vote. "Punishable by a fine of not less than \$50." Can you imagine that it is punishable by a fine of not less than \$200, on my own farm road? I have one farm road that is two miles long and it is so crooked the black snakes won't even crawl on it; and yet if I clip somebody, driving a little fast on my own farm road, I am guilty. I can be put in jail on the second offense up to 11 months.

Ladies and gentlemen, I beg you to look this thing over. Not only the farmers but you people who own cottage roads, you contractors who have roads going into your gravel pit, I many times have seen the anxious truck driver hurrying back to get under the shovel.

I think, Mr. Speaker, that we should reconsider our action whereby we passed this bill to be enacted yesterday and I will make that motion.

The SPEAKER: The gentleman from Hope, Mr. Hardy, moves that the House reconsider its action of yesterday whereby this Bill was passed to be enacted.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: At the hearing there were practically no objections — I think one objection to this bill. I carry no torch for the bill, it is a departmental bill. I am concerned that my friend Mr. Hardy of Hope feels that this is aimed at private roads.

I think if you talk to police officers, the state police and those usually charged with traffic control, it will be found that they are overworked as it is. I think it will be found that state troopers aren't likely to hide behind some tree over on a woods road and try to

nail some truck driver with a load of logs who is going 50 miles an hour. It says "reasonable speed."

I don't believe that they are going to go down Mr. Hardy's private camp road and wait behind a bush for him and see if he is going a little too fast around some of the turns. It seems regrettable that legislation which is aimed at curbing some of the things that are happening in these big areas which are private and off the main ways can be misinterpreted so.

Surely I suppose this does allow the very same thing which Mr. Hardy mentioned. I suppose it could be amended out, but it would be too bad I would think to not allow this tool in some manner to control the areas. It was mentioned yesterday about drag racing and that sort of thing. Anyone who is off the ways and has a regular place where they are racing can easily and is exempted.

I suppose one might also argue for the bill that even if Mr. Hardy is travelling on his own road, if there is a possibility of others travelling on the same road, and if he would insist in driving to endanger, I still feel that the law should control the situation, no matter where it happens to be. I don't know as it is any lesser crime if a man in his car excessively drives, even on a private road, and runs over someone or smashes into someone and kills him, I suppose they should not be prosecuted, because they are on a private road. After all, people are not deer, you aren't supposed to kill them on your own land and get away with it.

The bill definitely is intended for these lots. The reason it does not say specifically parking lots is that they are not all parking lots; there are only certain areas that are set aside in these off road areas that are parking lots. Part of it is parking, part of it is right-of-way over private land, and heretofore they have had no control officially. That is all that this bill is aimed at; that is all that it proposes to do.

So I feel that it is witch-hunting to really find much danger in this bill. We are attempting to curb reckless driving, no matter where it is, and we have gotten all sorts of other bills to curb it on our highways, on our public ways. This

is merely a supplemental bill to control the reckless driving and excessive speeding, etcetera in those areas which are not public ways.

In closing, I will still reiterate, I don't believe they are going to chase in our woods, on a little woods road, to try to find someone speeding. I hope you will go along with me in opposing reconsideration, and I will ask for a division.

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

Mr. SHAW: Mr. Speaker and Ladies and Gentlemen of the House: I noticed in the paper this morning — I can't remember if it was last Saturday's Lewiston paper or one of today's papers — the federal government is having so much trouble on federal reserves that they are drafting the same type of legislation to control reckless driving on beaches, on sand areas, in parks. I would be opposed to reconsideration.

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

Mr. WHITSON: Mr. Speaker, Ladies and Gentlemen of the House: I believe that this bill is a good bill, but I would like to see an amendment to the effect that the bill would apply only when innocent parties or their property is involved or endangered. This amendment would, I believe, curb problems in parking facilities and shopping centers, which is what the bill was aimed at, or on any private property where other persons are in close conjunction with the reckless use of motor vehicles. And yet this amendment would still allow a man to do to himself or his own property what he pleased, which is, I think, very close to the democratic philosophy.

So I would support a move for reconsideration and then perhaps a tabling motion pending the construction of an amendment.

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

Mr. HARDY: Mr. Speaker and Ladies and Gentlemen of the House: One short brief comment. This bill loves to use the words "any other place" or "in any other

place." I have visited many people in this House and I find they have long winding driveways to their place of residence. This bill as it is written obviously applies to a long driveway, and if you have an accident — if you come down your driveway in a little bit of a hurry to get here to the House some morning, it can be proven that you have been hurrying on your driveway, and you run into a horse and wagon, you are just as guilty as can be, a parked car or somebody coming up that driveway. I think this is a very bad thing and I would urge you to reconsider.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I am glad that my friend Mr. Hardy brought that up because he is entirely right. I feel that if there is an accident in a driveway, if we do not have some police control, who is going to investigate it? Who is going to decide whether the owner backing out of his driveway or someone coming into his driveway is at fault? What would Mr. Hardy have us do, get out and throw fists at each other?

It seems to me that we still must abide by laws, whether it happens on your own driveway or not. I think that the insurance people will bear me out, that it has been and it will be difficult to decide the responsibility of accidents in cases that are off the highways. The reason that that term is used so much is as I stated, if you just allude to parking areas why then you are in trouble, because if the accident happens in a driveway into a parking area or in one of these driveways that leads around it or through it, why technically your police would not have any authority, because that is not the parking area—the parking area is marked off.

I think that probably the drafters of this bill, which was cleared with the Attorney General's office, decided that that was the best way to state it, was to cover all areas in case of a vehicular accident. If Mr. Hardy wants to refer to driveways, why I still feel

that an accident in a driveway should be investigated and responsibility fixed. I hope that you will oppose the reconsideration of this bill.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen: I too have farm roads and woods roads, and it seems to me that this would give the landowner some protection from these people that go in by a no trespassing sign or a private road and are raising the dickens in there and going too fast, and I kind of think it's a good bill.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I have another interpretation on this bill as it is written. This bill being passed and put into law simply means that the municipal officer or the state police officer becomes the investigating agent for the insurance company, and that is all it amounts to.

The SPEAKER: The pending question is on the motion of the gentleman from Hope, Mr. Hardy, that the House reconsider its action of yesterday whereby Bill "An Act relating to the Operation of Motor Vehicle, House Paper 828, L. D. 1119, was passed to be enacted. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken. 68 having voted in the affirmative and 54 having voted in the negative, the motion to reconsider did prevail.

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

Mr. DUDLEY: Mr. Speaker and Ladies and Gentlemen: I am going to apologize for not being able to be here yesterday on the vote of this particular bill. I too want safety on the highways and safety in a lot of other places, but I feel that this goes a bit too far.

Now already we have allowed state police to have unmarked cars, which I think is good and I am all for it. We have made

some long steps I say in correcting this.

If they wanted a bill to stop them from speeding in parking lots, that is one thing; but this bill here certainly goes a bit too far. Any place, I tell you that these officers we have got are not numerous enough in numbers so that a lot of small towns can't use them just on their town ways, which we have very little protection at the present time. I might suggest that if they have any spare time they spend it on these small towns that are unable to have a police force. There are a lot of places we can use them without getting them onto private ways.

Now police officers are like any other person. There are a few of them that do hold grudges. I know that, they are just like the average run of the mill people that you meet on the street every day, and some of our truck drivers — if they can't get them for one thing they will be looking for them for something else, and on the private ways.

Where I come from our private ways extend as much as thirty or forty miles back in the woods to get logs—these are all private ways. A lot of these private ways are on my own property. I don't feel as though this is a place to investigate for the insurance companies. I agree with the gentleman from Eastport, Mr. Mills, in this respect.

So at this time I move that this bill be indefinitely postponed and we will see of we can't write into the Errors and Inconsistencies or some other place if we can stop speeding in parking lots—I think that is what they originally intended to do.

(Off Record Remark)

The SPEAKER: The Chair recognizes the same gentleman.

Mr. DUDLEY: Well, I don't know what the proper motion is, because I wasn't here yesterday, but I would like to see this bill done away with and any method that I have to take to do it is the course of action I would like to take.

The SPEAKER: The pending question is enactment.

The Chair recognizes the the gentleman from Enfield, Mr. Dudley, who still has the floor.

Mr. DUDLEY: Yes, I would like to ask my colleagues in this House then to vote against enactment.

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

Mr. WHITSON: Mr. Speaker, Ladies and Gentlemen of the House: As I said, I recognize the problem of traffic in parking lots and I would hope that someone would make a motion to table this bill so that an amendment could be drafted.

Whereupon, on motion of Mr. Lee of Albion, tabled pending passage to be enacted and specially assigned for Thursday, May 27.

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

Mr. DAM: Mr. Speaker, I would inquire if House Paper 402, L. D. 515 is in the possession of the House?

The SPEAKER: The answer is in the affirmative. 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 is in the possession of the House, which failed of final passage in the House yesterday.

Mr. DAM: Mr. Speaker, I move we reconsider our action of yesterday whereby this Resolution failed of final passage.

The SPEAKER: The gentleman from Skowhegan, Mr. Dam, moves the House reconsider its action of yesterday whereby this Bill failed of passage.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The past few months that I have been in this Legislature, I have been exposed for the first time to the problems of the Indians on the reservations in this state, and also of the difficulties the state has in fulfilling its obligations to these people.

I was surprised yesterday afternoon at the action that the House took in failing to pass this con-

stitutional amendment and passing it on to the people for their decision.

Prior to this action we heard a rather lengthy discussion on foster homes and strong criticism of a state agency for failing to fulfill its obligations to the Indians. We have also acted on other legislation. We have tried to assist the Indian youths in providing money for them to leave the reservation and to board elsewhere because living conditions on the reservation were not conducive to good study habits and the children were not able to avail themselves with the educational opportunities that were afforded to them.

We have also acted on legislation to provide additional scholarships for Indians. We have acted on other measures. And I believe the reason that we have done so has been an attempt to allow the Indians to break out of the life style in which they have been hemmed in, willingly or unwillingly.

We heard criticism yesterday directed against the bill because the state already provides biennially millions of dollars to support the Indians on the reservations. This, I think, is one of the strongest arguments in favor of the bill that we killed yesterday. Any dole, any welfare legislation is a most self-defeating measure. You kill the incentive, you kill the spirit of the people to which you are attempting to assist.

It was also mentioned that \$5,000 is appropriated for every Indian. If you look at the welfare programs in this nation, I think you would strongly question whether there is \$5,000 available to every Indian. So much of every welfare legislation is diluted and skimmed off so that the amount of money available to the individual is grossly less than that of the appropriation amount.

I strongly feel that if this state is to ever reduce its biennial appropriations of millions of dollars, you are going to have to some way or another help these Indians, and primarily the young Indians, to break away from the life style in which they are more or less hemmed in at the present time.

The document we defeated yesterday is a step in that direction. It does provide, if the people are willing to accept it, about \$1 million to assist the Indians on the reservations to provide good housing for themselves. And I wonder, ladies and gentlemen, if there is any assistance that could be directed towards these people that would provide any greater incentive.

I think the history of this country has proven that when you provide the ability to have private ownership, you generate in many ways a spirit and a willingness to break out of the background in which people are hemmed in.

Now I would be foolish to tell you that this bill will not cost the state money. Any lending operation does have its losses. And I would quote statistics from outside this state where the losses to the banks a year ago were twelve cents per hundred dollars are now twenty-seven cents per hundred dollars. Now when you are talking cents, this sounds like a very insignificant sum; but when you consider that the loans made are gauged in millions of dollars, then it is a significant sum. And I say that the state would undoubtedly have to fulfill its obligation in some degree for some Indians. But I think the advantages that would accrue over a period of time would be well worth the money, and I think it is one of the few ways that you can proceed to eventually reduce this biennial appropriation of millions of dollars.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am opposed to reconsidering this measure. I was in this House when we had a discussion on the sugar beet industry which we endorsed with state credit, and I have heard others. But in most cases we in the State of Maine turned out as losers. I was also here in this House when we built some houses for these people that was in question, and I was able to visit these houses a few years later and find that the cupboards had been burned, all the inside finish had

been burned for kindling wood, and that these houses, when they were three years old, looked like they had been built for a hundred years. I don't believe this type of person you can help.

My people need help. We need to back their credit and they will build some better homes, but I don't think the state is able to do this.

Now let me tell you another thing. I don't know of any bank that would loan money because these people, in most of this Indian land, they can't prove ownership. In other words, it has been handed down from generation to generation. There is no such thing as a deed. Nobody knows — most people don't even know where their lot is.

Now as far as being hemmed in, these people are not hemmed in. They can come up and live in my town or your town or in the City of Old Town or any other place. They are not hemmed in, only by their own choice. And for this and many other reasons that I won't bore you with this morning, I hope that we don't reconsider.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: Whether you realize it or not, you are subsidizing homes for low income people. Under the 235 program you are subsidizing the construction of very substantial homes for people whose income is so low that they could not otherwise undertake any home construction. You are financing homes for low income people. This is the only way in which the Indians can be assured of some degree of assistance.

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

Mr. MORRELL: Mr. Speaker, Ladies and Gentlemen of the House: After listening to Mr. Lynch, I would like to make a comment that I don't think I have heard a talk on the House floor with which I was in any more agreement. I think what he says makes sense. I think that whatever losses might be incurred in terms

of dollars would be more than offset by savings or earnings in terms of people. And I think that is why we are here, and that is what it is all about. And I would hope that you would support reconsideration.

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

Mrs. DOYLE: Mr. Speaker, Ladies and Gentlemen of the House: I support the move to reconsider L. D. 515. To correct the gentleman from Enfield, Mr. Dudley, we did not build homes for the Indians. We created the reservation system which is a poor system and which has been in existence for 300 years. We are not going to change the system overnight, but I think there is a time when we should begin to try and change it.

As I stated yesterday, we did not build these homes. 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, not state money, and under the direction and supervision of the Department of Health and Welfare. These homes do not meet minimal standards of fire and safety regulations of the same department.

Most Indians in the United States are under federal jurisdiction, and the Federal Bureau of Indian Affairs does guarantee such loans for housing. Do Maine Indians deserve any less?

I would also like to remind or enlighten the members of this chamber that Maine Indians were the last citizens of the United States to receive the full franchise to vote.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I have a question I would like to pose through the Chair, if I may, in relation to 235 loans. Many of my people have tried to get a 235 loan and they are not available any place that I can find and in this city they are not available. And I don't know of a banker in the State of Maine that will take a 235 loan. It was indicated in this House a few minutes ago that

this was available for the people that I represent. It is available in writing, but not when you go to get one. And if this man knows where you can get one I would like to know, because I know a lot of people that would like to get a 235 loan.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Skowhegan, Mr. Dam, that the House reconsider its action of yesterday whereby this 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, failed of passage. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken. 63 having voted in the affirmative and 67 having voted in the negative, the motion did not prevail.

House Report of Committee Ought to Pass in New Draft New Draft Printed

Mr. Curtis from the Committee on Veterans and Retirement on Resolve Providing Minimum Retirement Benefits for Certain Teachers (H. P. 925) (L. D. 1277) reported same in a new draft (H. P. 1361) (L. D. 1776) under same title and that it "Ought to pass"

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

Third Reader Reconsidered

Bill "An Act relating to Legislative Counsel or Agents" (S. P. 13) (L. D. 41)

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

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I would like to remind the House that we are not in position to pass for engrossment this bill. The House yesterday accepted Report "C." This was the original bill. We indefinitely postponed that in

the House some time ago, so the proponents of Report "C" under suspension of the rules will have to reconsider whereby the House indefinitely postponed the bill.

Although I was not in the midst of the hassle here yesterday, I favor Report "A." I realize that the term 'lobbyist' is a stigma in the eyes of the people. They place an unfair connotation on this term. I have known them for over sixteen years. I always refer to them as legislative agents — not lobbyists. A great majority of them are honest, trustworthy, and very high grade citizens. They have never tried once to high pressure me.

The State of Maine is extremely lucky. We have one of the most honest state governments in the entire country. I don't know one specific example of a legislative agent offering a bribe to a legislator. They are extremely helpful to any legislator who is conscientious.

Of our 1775 bills this year some of them are most complicated. We have neither the time nor the knowledge to do the research on these ourselves. We must go to someone for the facts. These legislative agents are honest and fair. They will explain in detail both sides of the situation. Naturally they would prefer that their position be adopted; but they will not threaten, bribe nor twist arms.

Report "C" is the original bill, where they have to disclose their salary, which is absolutely no business of ours. Many of these persons are lawyers, who are paid by the year and their work here is an infinitesimal part of their entire job. To satisfy the people who are suspicious of them though. Report "C" says that they must report the money other than salary that they are reimbursed for expenses here.

Part two is a statement as to whether they are full time or part time lobbyists, and they have to report the money that they have earned but not received as yet when we close, in the pursuit of their legislative activities.

Report "A" makes a great deal of sense to me and it should help remove the unwarranted stigma placed upon these fine gentlemen.

I now more that we reconsider our action whereby Report "C" was accepted.

The SPEAKER: The gentleman from Bath, Mr. Ross, now moves that the House reconsider its action whereby Report "C" was accepted as of yesterday.

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday I squirmed in my chair until I got it squeaking while this was going on, and I didn't have time to review this list which has been submitted to us all until this morning. However, I did run over it this morning and I find somewhere in the area of 273 registered lobbyists.

The gentleman from Bath, Mr. Ross has done a very good job in his explanation of these reports. I only stand here to tell you that I, as one who has been accused of knowing and playing footsie with the lobby all session, find that I know only somewheres in the area of 20 of the 273 lobbyists. I find that of the 273 lobbyists there are somewhere around 100 that I never heard of.

I wanted to point out to you that Report "C" would demand of the Portland Tenants Union the disclosure of Mr. Wuesthoff, Mr. Gentile. They were here for a day, possibly two days, bringing us facts and figures which we could accept or reject. The Houlton Water Company, Mr. Charles W. Allen, and I suspect he was here for the hearing. It goes on and on. The Student Environmental Congress, represented by Susan Hanson, a student at the Presque Isle University.

I see no reason for us to examine or have on record — and for us to process this list in the way Report "C" would demand, I certainly believe that there is an appropriation that goes on this and I would therefore check this up later on. I hope you will all follow Mr. Ross's motion.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I have been in this legislative service for

—this is my fifth session, and I find it to be a great university. In fact I sometimes feel that I ought to pay tuition. I am very thankful we have a scholarship to be here.

I found the lobbyists to be our really only research department, and over the years I have consulted both sides of questions. I think that we need them and I think Report "C" is something that is distasteful to me. I think the lobbyists will agree that I talk to those on both sides of the question and I think they will say that I make up my mind, and I think that is the way it should be. Until we get our own broadened legislative research and finance department I am the most hearty booster for the lobbyists.

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

Mr. KELLEHER: Mr. Speaker, may I make an inquiry, please.

The SPEAKER: The gentleman may state his inquiry.

Mr. KELLEHER: I have an amendment that I want to put on this bill. Is this the proper time to put it on now or do I wait for reconsideration?

The SPEAKER: The Chair will advise the gentleman that reconsideration has priority.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Over the many many years I have associated myself with lobbyists I have associated myself with people who are now lobbyists who were members of the House. I have associated myself particularly with one member of the opposition party, who not only was a member of the House but he was also president of the other branch. I have been out with him. We have dined together; over a few years ago we might have wine'd a little bit together. And I have consistently voted against him. I think my record of voting for this good friend of mine probably is zero, but I don't know how many times I have gone to him to ask him for advice.

Now the statement was made by the good gentleman from Bath, Mr. Ross, that we are fortunate

in the State of Maine. I have visited many many other areas in this country during the time that they were in session, and I am not casting stones at any other state as far as their procedure is concerned — that is their business. But I will make this statement, here and now, that if they were to survey me, independently as to who has the finest lobby in the country, I would be willing to wager — and I am, I have been known to make a wager, I would be willing to wager that Maine would rank as number one.

Now if the lobbyists sometimes are in the Minority office a little too much or the lobbyists are in the Majority office a little too much, then it is up to the leaders of the Minority and it is up to the leaders of the Majority to say — get off the phone, get off my back. Now I came here this morning, and I think I had fifteen of the members of the lobbyists shake hands with me and ask me how I was feeling, and this they knew was coming up. Not one of them spoke to me about it.

As far as I am concerned, I have had two bills at this session of the legislature that without their help I would have been completely lost. I have a bill now that is in committee awaiting the ruling of the United States Supreme Court and I would be completely lost if I did not have their help. I have gone to them constantly for help.

And I might also make this comment, that the leadership of both parties on more than one occasion have gone to the members of the Third House for their help, both parties on more than one occasion, to help them in situations, and to help them also draft resolutions and to help them also draft presentations that would be brought to the court.

Not on this only particular occasion but on several occasions have I supported the gentleman from Bath, Mr. Ross, and it is indeed a pleasure for me to join with him this morning. He is absolutely right. We should go along with Report "A". We should not go along and embarrass a part-time attorney or one individual for one day here, or a full-time

attorney. Let's look into our own house before we go meddling into somebody else's kitchen.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: Two years ago William Dennett was one of the most respected members of this House, today he is a legislative agent. He is the same honest gentleman today that he was when he was a member of this body. I value this man's friendship very much and he is only one example. These people have been very helpful to me and I think their remuneration is their own business.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: Several points have been made by several of the speakers who have raised questions with regard to the action that we took yesterday, some of which I think ought to be commented on.

The gentleman from Bath, Mr. Ross, launched into a discussion about bribes, and I don't think that that is what our concern is here today. I don't think that this bill is aimed at bribes; and if there were any bribes I don't think that this bill would be very helpful in dealing with the problem, because people are not going to list their bribes as expenses if there were any such.

On the other hand, I would point out that this legislation would not be aimed at solely the industrial lobby, because we have seen within the last couple of sessions the emergence of lobbies representing other interests than industrial groups. We have the Coastal Resources Action Committee, we have citizens groups, and the law would apply equally to them; and I think it should. I don't think that because of passing a law that we are necessarily aiming at any particular group.

Now some of the opposition to the action which the House took so overwhelmingly yesterday sort of suggests that somehow we are going to eliminate these lobbyists

if we pass this bill. I am sure that is not going to be the case. They carry on a very useful function, useful both to us and to their employers; and I will be the first to confess that along with everybody else here I rely on the lobbyists and I notice that one of the bills I am sponsoring, which is in the Bills in the Third Reading today I believe, was drafted in part with the assistance of the members of the lobby. I appreciate their assistance.

But I think nevertheless that does not touch upon the core issue that we are dealing with here. And that is the propriety of determining, for the public record, the manner in which these gentlemen are spending their expense money. This is the objective of the bill that we voted for yesterday and the only way it appeared that this can be done is by having a disclosure of both the expenses and the compensation paid. While I would tend to agree with most of the comments that have been made by the opponents of this bill, I don't think that they touch upon the real core issue of this bill.

I do think that the people of the State of Maine have a legitimate interest in knowing how the expense money is being spent by these good gentlemen whom we respect and admire. Therefore I oppose the pending motion and hope that you will vote against reconsideration.

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

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: As the signer of Report "A", I wish to recant and support Report "C". Report "A" is merely a cop-out and I only signed it because I didn't feel that Report "C" had the proverbial snowball's chance. But that was before the gentleman from Pittsfield opened Pandora's box and the timber interests came popping out. I would think that it would be very interesting to see how much more Great Northern Paper or Central Maine Power pays than United Low Income for instance.

We keep hearing of the lobbyists' right to be here to look out for their interests, yet earlier in

the session when a low income group came to lobby against the step-parents bill I heard a legislator say, "Isn't there some way that we can keep those people out?" If the lobbyists are as honest as we say they are, then they have nothing to fear from this legislation.

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

Mr. BUSTIN: Mr. Speaker and Ladies and Gentlemen of the House: Yesterday, as you recall on a roll call vote we defeated a motion to indefinitely postpone this bill by a margin of 82 to 49. Next we adopted Report "C" by a vote of 87 to 38, and this is what you are being asked to reconsider this morning. It does not seem to me that the issues have changed so much in twenty-four hours.

Nobody is saying here today that the lobbyists or legislative agents, call them what you will, are dishonest. As far as I know they are all honest men. And nobody is saying that any legislators are playing footsie with the lobbyists. One of the key issues is the people's confidence in their state government, and I believe that we can help to restore that confidence by passing this bill. Whether or not we agree, there are many people in this state who feel that the lobbyists are running things in the legislature and that we are afraid to do anything about it, afraid even to go as far as asking them to disclose their fees and expenses.

The second key issue is the issue of the private interest versus the public interest. Very often we agree that the private interest and the public interest coincide. Sometimes they do not. Sometimes they are in direct conflict. And in that sense the fees and expenses of the legislative agents are not a matter of private business; they are a matter of public business.

I am against the motion to reconsider. I request the yeas and nays.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: Many of us here today

have other means of financial resources and I am proud of that right. But I live here in America in the State of Maine that I may have some privacy, that everyone else will not know exactly my means of resources. If they did, they might enter into the ways which I earn my livelihood and crowd me out. Let's keep some things in privacy. I do not want to know everyone's else business, and I hope that you will vote when you come on this governing to vote your conscience.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: Having been a member of this body for the past twelve years, I have run in contact with many of these so-called lobbyists, many who were for a measure, others who were against it, and if it hadn't been for the lobbyists in a lot of instances I can truthfully say this — that I didn't know the contents of a certain bill and what would have happened. They have enlightened me to a great extent and I certainly believe that the lobbyists should have their place out here to enlighten us and continue our work here, and therefore I will support Mr. Ross's motion.

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

Mr. ROSS: Mr. Speaker and Members of the House: Just a brief comment in reply to the statements made by Representative Lund from Augusta. Report "A" does have them report the money that they receive while they are here lobbying, it just says that they don't have to report their whole salary. And it does have them report their expenses. It does do the things he wants to do to restore the confidence of the people of Maine in the Maine State Legislature.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I rise again because over the last month, after having read very religiously, for lack of nothing else to do at all, the proof that was sent to me

daily, I found out what I didn't know. I found out that I very definitely was by no means the most talkative man in this House. I found out that I am a complete rank amateur. So I give myself the privilege of getting up twice. I find out something else today, that being present again it hasn't changed at all. For the remarks "I voted for Report "A" at first, but now I have recanted it and I am with Report "C"." Things haven't changed at all, in that area they are as they are, and it is perfectly all right with me. I found out something else. I find out something saying, and said by a very good friend of mine, the gentleman from Augusta, Mr. Bustin, says "we passed this bill, it was indefinitely postponed, the motion was lost by a big vote, and then another big vote," and so since yesterday why did we change our minds.

Well I remember many many years ago I was in a contest and somebody told me that I was a cinch by a vote of 38 to 3. We held the contest. I was a cinch all right, only the 3 was the other way — I wound up with three votes. I was in another contest a little while ago in which I was told by the newspaper people that I was a cinch by about 15 votes, and I lost by 2 votes. Twenty-four hours later. So things change from one day to the other, and that gives me even more reason for being with Mr. Ross.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Bath, Mr. Ross, has raised a question. Perhaps I don't read Report "A" as I might, but as I read Report "A" it does not require a statement of the terms of compensation, merely a statement of the expenses. As was pointed out yesterday, if all that is required is a statement of expenses it is a simple matter indeed to pay lump sum compensation and for the person to take care of the expenses out of his compensation, and therefore we learn nothing. But perhaps I missed something here and if so I

would like to have Mr. Ross show it to me. I don't think Report "A", by any stretch of the imagination, can be called a very effective measure.

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

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: We have heard a lot of comment this morning that the lobby is a very honest group of people, and I certainly would agree with that. I wonder if we believe in their honesty why we are even discussing this matter. No one, at least I don't believe that anyone in this House feels that members of the lobby are dishonest, but I think Report "C" of this bill assumes that they are. There are many people who sometimes question positions that lobbyists take, and I do myself, but I don't question their integrity. I don't question their right to take that position.

This House has already rejected Report "C". It rejected it not because necessarily compensation was required to be listed when the lobbyist was registered, but another argument was used against this Report "C" originally, and I think it is still valid today—it was that it is unworkable. The lobbyist is required to register, and at the time he registers he must list the legislation that he is going to propose or oppose.

Now as members of the legislature, when we come down here in January, we many times don't even know what legislation we are going to propose. It seems unreasonable to impose this requirement upon the lobby.

It has been said that politics is the art of compromise. This bill was recommitted to the State Government Committee in the true spirit of compromise, at least I feel. Report "A" came out as a Majority Report at that time as a bill that would satisfy nearly everyone.

Now I know and you know that some people are simply curious to know how much is spent to oppose something that they favor. This, in my mind, is not a strong enough argument for this House

to adopt Report "C". I would urge you to vote for reconsideration of the adoption of Report "C" so that we could then adopt Report "A".

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. The only thing I would like to say, when this vote is taken we can see how effective the lobbyists have been in the number of people that changed their minds from yesterday.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: It has been said that there are many ways to kill a bill, and I think you are going to have them all exposed to you this morning, which if nothing else proves the effectiveness of the lobby in 24 hours and what can be accomplished by them.

Yesterday as we were debating this bill I constantly throughout the debate paid particular attention to whether or not any one of us would doubt the honor or integrity of any member of the lobby, and to my knowledge there was never at any time a questioning of the honor or integrity of any member of the lobby or of the lobby as a group. And yet this morning we have heard how many stand up and protest the integrity of these men. I don't know who raised the question. Certainly it wasn't raised yesterday in the debate.

We are having proposed to us this morning that Report "A" be accepted, and it has been well established that Report "A" is nothing. If we were to accept Report "A" the same people who are proposing that we accept Report "A" will in a few days be standing up and saying there is no sense going along with this bill because it doesn't do anything, which would be the absolute truth; it wouldn't be doing anything, so there is that way to go about it. Then you can amend it.

My friend from Bangor, Mr. Kelleher and I have known each

other a great many years and we have talked countless hours together, and I am acquainted with the gentleman's style of addressing a topic, and I don't recognize in this amendment any of the phraseology that is common to Mr. Kelleher. So I really doubt that this was prepared by the gentleman from Bangor, Mr. Kelleher. So here is another way — I don't know, I doubt there is anyone here who knows what the real effect of this amendment would be, perhaps including the sponsor, but here is another way to kill it.

Now I would like to draw on my—I guess I was reminded by the fact that Mr. Kelleher and I have a common interest in harness racing which has brought us rather close together, but in harness racing we have a stage when it looks as though a horse might win and it is the intention of certain people that that horse shouldn't win, they box him or do what they call a blind switch. They put a horse in front of him and a horse on each side of him and a horse behind him. He just isn't going anywhere. And if I recognize the symptoms, there has been a blind switch built for this bill.

Now I have seen them killed all sorts of ways, but this is to me a new device. It is a parliamentary hocus-pocus that I don't understand. I think that we are going to need time. I hope that at some stage there will be a tabling motion offered so that we can study possible procedures, although I doubt that there is any procedure for this blind switch. I just have a feeling we have had it.

But our only possibility is getting some time to attempt to determine whether there is any possible way to get this bill moved along. I personally doubt it, but I would hope that you would vote against reconsideration and then I would hope that we could get a tabling motion adopted so that we can find out if here is any possible way to get this enacted.

Mr. Ross of Bath was granted permission to speak a third time.

Mr. ROSS: Mr. Speaker and Members of the House: I have two comments. I have a question of the gentleman from Pittsfield, Mr. Susi.

Were you speaking as Floor Leader of the Republican Party or for yourself?

I don't often resent implications, but I do resent the implication of the gentleman from Skowhegan, Mr. Dam, that the lobbyists have gotten to some of us. I was the lead-off man in this debate. I did it because I thought it over all last evening by myself. No lobbyist talked to me; no lobbyist knew that I was going to take this stand.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. As I understand it, this bill was killed once in this House, so I would submit to you that there are many ways to revive a bill, and at \$10,000 a day, political exposure is certainly very expensive for the taxpayers.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I was quite surprised to hear my good friend from Pittsfield comment on an amendment that I haven't even offered to the House yet, but I intend to when the opportunity comes.

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

Mr. DYAR: Mr. Speaker and Members of the House: We have talked about integrity here this morning, and I feel that possibly my integrity has been infringed on. Last week I challenged the lobbyists and I challenge them here this morning. We have many who are very fine gentlemen, but we do have, I think, peddlers of influence and persuasion in the Third House.

I think we should proceed very very cautiously on this item, because I should think that as we approach the railroad track, the red lights are blinking, and we should take some action. I respect the gentlemen of the Third House. I also respect the fact that we do have a fine law library and we do have Legislative Research available to us. I think that when this House has to use a crutch, that we must depend on the Third House

to get legislation in proper form and get it enacted, possibly there is room for question.

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

Mrs. GOODWIN: Mr. Speaker, may I pose a parliamentary inquiry to the Chair?

The SPEAKER: The gentlewoman may pose her inquiry.

Mrs. GOODWIN: It has been alleged that we must reconsider since Report "C" is the original bill and was once indefinitely postponed, but since we receded and concurred with the Senate and referred it back to the Committee on State Government, does this then wipe out the indefinite postponement motion?

The SPEAKER: The Chair would advise the gentlewoman that it does not. The Bill is still before us in its original form and indefinite postponement must be reconsidered.

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

Mr. BERNIER: Mr. Speaker and Members of the House: I will be very brief. I have not been bothered by the lobbyists, certainly not personally, but I know at one time when I had a small bill proposing a very minimum tax on cigars and tobacco, that I appeared at that hearing alone and they came ten to a dozen to oppose me. Somehow I felt like a rank amateur opposing some real professionals.

Many times the role of professional legislator has been opposed here very dramatically, especially every time we bring up the fact of annual sessions. I differ with that, of course, but this has nothing to do with the legislation or the matter at hand. What I do feel should be brought up is just how badly the people at home will think of us legislators when and if they actually find out how big the opposition is that represents the private industry as opposed to the legislators here representing the State.

I really really feel as if I am a little David opposing Goliath. I don't know why a situation like this should be opposed. If there is a Goliath, let it come out in the

open and let the people at home know what the actual situation is. It may be that the pay of the Goliath equals Goliath as opposed to little David. If that is so, what is wrong with that? Let the people know what the situation is.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief because a great deal of time was spent on this yesterday and today as well. I will make very briefly two comments. One is that when freshman legislators come to Augusta, we find ourselves very very often having to rely on the lobbyists or on legislators that have been here before to tell us, in effect, what has to be done or what can be done or how to do things. And it always seems sad to me that really one of our most effective staff that we have is, in effect, the legislative agents.

I think that the remarks made by the gentleman from Portland, Mr. Cottrell, ought to be listened to in terms of having to solve the problem, and we will have to face that, I hope, in the very near future.

The second comment is in reference to one of the individuals mentioned by the gentleman from Hope as being one of those individuals as to whether or not we ought to ask the income of what that individual is getting for lobbying us. And I would guess that Susan Hanson from the University of Maine could care less whether or not we find out what she is getting in salary, because I am sure, as the gentleman is fully aware, I suspect that it is probably zero.

I don't really at this point see the need to change our mind.

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

Mr. BUSTIN: Mr. Speaker and Members of the House: If I understand the parliamentary box we are in here — let me rephrase it. Mr. Speaker, I would ask you whether or not I am correct. If we want this bill to be passed, then we would have to take the following steps. We have to reconsider our action of yesterday

whereby Report "C" was adopted, then reconsider our action of March 12 whereby L. D. 41 was indefinitely postponed, and then move for the passage of L. D. 41?

The SPEAKER: The Chair would advise the gentleman, parliamentarily, the steps that will be taken, that prior to passage to be engrossed we will have to suspend the rules and reconsider where this bill was indefinitely postponed.

Mr. BUSTIN: But the first step would be to vote for the motion of Mr. Ross to reconsider Report "C"?

The SPEAKER: That is the pending question.

Mr. Jalberty of Lewiston was granted permission to speak a third time.

Mr. JALBERT: Mr. Speaker and Members of the House: I have been told to take it easy, but levity is one thing that I was told I could enjoy. And I would enjoy myself a second right now. My Floor Leader, who I respect a great deal, told us once in an open caucus that if we wanted to we could get ourselves a great deal of experience and a great deal of knowledge if we would refer ourselves to an individual who happens to be a member of the lobby. I am just wondering whether or not he should send us a bill.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Lewiston is absolutely correct. I did make that comment, because as I indicated earlier, they are one of the few avenues of information that we have here and how sad it is, as I think he will agree with me.

In reference to the question posed by the gentleman from Augusta, Mr. Bustin, it would be my understanding that if he is in favor of Report "C" that he vote against the motion of the gentleman from Bath, Mr. Ross. If that fails at that point, reconsideration would have to be made whereby indefinite postponement had prevailed previously on the original bill. The Speaker can correct me if I However, as I understand it, and

am wrong, if we are in favor of Report "C," we vote against the motion made by the gentleman from Bath.

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 Bath, Mr. Ross, that the House reconsider its action of yesterday whereby it accepted Report "C" on Bill "An Act relating to Legislative Counsel or Agents," Senate Paper 13, L. D. 41. If you are in favor of reconsideration you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEAS — Ault, Bailey, Bedard, Berube, Binnette, Birt, Bither, Bragdon, Brawn, Brown, Bunker, Churchill, Clark, Conley, Cote, Cottrell, Crosby, Cummings, Curran, Curtis, A. P.; Drigotas, Dudley, Evans, Finemore, Gill, Hall, Hancock, Hanson, Hardy, Haskell, Hawken, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Jalbert, Kelleher, Kelley, K. F.; Kelley, R. P.; Kilroy, Lee, Lewin, Lewis, Lincoln, Lynch, Maddox, Manchester, Marstaller, McNally, Mills, Mosher, Norris, O'Brien, Parks, Payson, Pontbriand, Porter, Pratt, Rand, Rocheleau, Rollins, Ross, Santoro, Shaw, Silverman, Simpson, T. R.; Smith, E. H.; Stillings, Tanguay, Theriault, Webber, Wheeler, White, Wight, Williams, Wood, M. E.

NAYS — Albert, Baker, Barnes, Bartlett, Bernier, Berry, G. W.; Berry, P. P.; Boudreau, Bourgoin, Bustin, Call, Carey, Carter, Clemente, Collins, Cooney, Curtis, T. S., Jr.; Cyr, Dam, Donaghy, Dow, Doyle, Dyar, Emery, D. F.; Farrington, Faucher, Fecteau, Gagnon, Gauthier, Genest, Good, Goodwin, Kelley, P. S.; Keyte, Lawry, Lebel, Lessard, Littlefield, Lizotte, Lucas, Lund, MacLeod, Marsh,

Martin, McCloskey, McCormick, McKinnon, McTeague, Millett, Morrell, Murray, Orestis, Page, Shute, Simpson, L. E.; Slane, Smith, D. M.; Starbird, Susi, Tynedale, Vincent, Whitson, Wood, M. W.; Woodbury.

ABSENT — Carrier, Emery, E. M.; Fraser, Jutras, Mahany, Scott, Sheltra, Trask.

Yes, 78; No, 64; Absent, 8.

The SPEAKER: Seventy-eight having voted in the affirmative and sixty-four having voted in the negative, with eight being absent, the motion does prevail.

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

Mr. ROSS: Mr. Speaker, I now move the House accept Report "A".

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that the House accept Report "A".

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

Mr. LUND: Mr. Speaker, I now move that we table this item for two legislative days pending the acceptance of Report "A".

Whereupon, Mr. Ross of Bath requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Lund, that this matter be tabled and assigned for Thursday, May 27, pending the motion of Mr. Ross of Bath that the House accept Report "A" in non-concurrence. A vote has been requested on the tabling motion. All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken.

67 having voted in the affirmative and 74 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, Ladies and Gentlemen of the House: Remark about the lobby in an earlier session, I pointed out to you that a single lobbyist can collect more than a whole row of us — now do you see why?

Thereupon, Report "A" was accepted in non-concurrence, the Bill read twice and tomorrow assigned.

Passed to Be Engrossed

Bill "An Act relating to Powers and Duties of Personnel of the Forestry Department" (S. P. 411) (L. D. 1226)

Bill "An Act relating to the Preparation of List of Prospective Jurors" (S. P. 594) (L. D. 1756)

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. 595) (L. D. 1757)

Bill "An Act Expanding the Definition of 'Mentally Ill Individual' to Permit Hospitalization of Persons Suffering from the Effects of the Use of Drugs" (S. P. 596) (L. D. 1758)

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 Remove the Numerical Exemption from the Minimum Wage Law" (H. P. 570) (L. D. 746)

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

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: The action in the House and in the Senate in regard to Minimum Wage legislation has been interesting, and I think that the action to date probably accurately reflects public opinion. The reason that I have been so persistent in trying to bring to you an opposing point of view is that I had hoped to block some of the effects of what I consider is unwise legislation. And I was particularly hopeful that perhaps we could avoid the business of extending this minimum wage legislation into an area where it had not been previously extended.

I realized before I started the argument that I undoubtedly was going to lose, because the political facts of the situation are that our Democratic friends have been voting almost solidly for any legislation with a labor tag on it, with one or two notable exceptions.

And we also have a number of our Republican colleagues who have decided that a persistent liberal point of view that has existed for many years probably has validity and that they would likewise embrace it.

The point of view that I have been expressing here I recognize is new and certainly public opinion does not support it. However, I feel that the noise that you are hearing now undoubtedly is a wave of the future and not an echo of the past. I think that as more attention is focused on the bad effects of this type of legislation, particularly in our urban settings, increasingly you are going to see in popular print exactly the viewpoint that I have been expressing here.

I think it is interesting that so far the arguments that I have used have not been refuted by anybody. The votes have been simply a reflection of public opinion.

To reiterate, I have stated that the effects of this is to screen young people out of the labor market. This has not been refuted. I have stated that we are making it almost impossible for handicapped people to find employment because their labor is overpriced by the minimums which extend to all parts of the labor market, and that has not been refuted. I have stated that the states that do have state Minimum Wages have a higher rate of unemployment. This has been documented and it has not been refuted here.

I distributed information this morning which, in my view, is extremely pertinent and extremely timely as far as the State of Maine is concerned. I had great difficulty in gathering this information, but it substantiates what was my expectation, that the states that do not have any Minimum Wage legislation have a significantly better rate of industrial development as measured by jobs and manufacturing in the State of Maine.

I consider this a highly significant factor, as I consider one of our greatest problems in the state is to achieve a better rate of industrial development. The figures for 1969, which you have on your

desks, show that the State of Maine in the year 1969 lost jobs in manufacturing. I think it is too bad for us to embark on a course that is bound to accelerate this trend.

I have also made the point repeatedly that we are going to increase our welfare costs tremendously. This has not been refuted. I can only hope that perhaps, recognizing the fact that we have implemented one of the highest Minimum Wage rates in the United States, that perhaps you might be impressed enough by the arguments that I have advanced so that you would be willing to compromise in this area of extending this numerical exemption. So I, at this point, would make the motion that the bill now before us for consideration be indefinitely postponed.

The SPEAKER: The pending question is on the motion of the gentleman from Houlton, Mr. Haskell, that L. D. 746 be indefinitely postponed.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: My good friend, the gentleman from Houlton, Mr. Haskell, feels that his arguments have not been refuted. I think to argue about whether or not arguments have been successfully refuted is to argue about how many angels can stand on the head of a pin. I would say that the verdict is in and the jury has decided, Mr. Haskell, and I think that the arguments have been successfully refuted, not only in this legislature but by your own admission before the people of Maine.

I remember Mr. Haskell with a great deal of fondness from last session because I had the privilege of sitting next to him on the Labor Committee. I remember Mr. Haskell's views at that time, although of a conservative vein, was still of a kind where there was room for movement and compromise.

The gentleman from Houlton suggests that he is willing to compromise this time and he is willing to compromise in the area of Minimum Wage. The only thing I can say, Mr. Haskell, is that my

memory must fail me. For if I recall correctly, sir, during the entire portion of this session — during this entire session rather, you have been opposed and exercised your right to free speech, very properly so, in opposition to everything to raise the wages of the workers in this state even one penny. So I think this is an odd time to talk about compromise.

I am interested in the distribution that Mr. Haskell had put on our desks. It is labeled Table 1A. He, I guess, interprets these figures to mean that somehow the Minimum Wage is a terrible thing and has a bad effect on development.

I know we all share with Mr. Haskell the desire for good and decent development, development that does not pollute either our environment or the lives of our people. But Mr. Haskell, we cannot compete with Hong Kong in paying people 35 cents or 40 cents an hour; and we can't even compete with Japan in paying them 90 cents or \$1.00 an hour. My view is that we shouldn't even try because we don't have to. We should do those things as a nation and as a state which we can do well and which due to our level of technology and skill and our general prosperity we can compete because the productivity level of our workers can justify a fine and living wage for them.

Now this particular bill before us now, that Mr. Haskell has moved the indefinite postponement on, deals with what is perhaps a rather small and in reality a defenseless group of people. They belong to no labor unions. They don't have that to go for them. They don't work for large employers; they work for small employers. But the loaves of bread that they need to buy and fill their stomachs are the same size as those who work for employers that employ two or three thousand people. And they too need the protection of the Minimum Wage.

This is one great inconsistency left in our Minimum Wage legislation. Miss Ames is the director, I think this is the proper title, who in any case is in charge of Minimum Wage enforcement in

the State of Maine, pointed out that many many states, at the hearing, have this protection for all of their workers. It is illogical to think that it costs a man less to feed himself and his family and to get housing and the other necessities of life because he has one or two fellow employees rather than having 20 or 2,000.

The last item that I would like to comment on before I sit down is this: I believe Mr. Haskell made a comment regarding the position of members of the Minority party in this House in certain legislation. He admitted candidly that there are exceptions but I think the gist of his message was that the Minority party has given very heavy support to legislation to help the working people of Maine, and has—and I think those of us who were in the majority within the Minority party are very proud of that. But we are also happy to know and proud to know that very many members of the Majority party who on many occasions during this session, including yesterday in the vote on the Minimum Wage, have been in the forefront of joining with the members of our party in helping the working people in Maine have a decent chance in life.

We don't view this, Mr. Haskell, as an issue between the Majority party and the Minority party. We don't want an issue. We want to protect these people and we certainly don't want to be the ones that turn this into anything that is partisan for two reasons.

1. The obvious is we are in the Minority party,

2. It wouldn't be fair and it wouldn't be true, because from the inception of this legislation in the Labor Committee, members of the Majority party in the Labor Committee have been among its strongest and most effective advocates. The House chairman of the Labor Committee has been a tremendously effective advocate of this legislation, as have other members of the Majority party on the Labor Committee.

The gentleman from Bath, Mr. Ross, was one of the original sponsors of the Minimum Wage legislation in the State of Maine.

So I think it clouds the issue to try to say that this is an issue between Democrats and Republicans. I think the reality shown by our votes is this; it is an issue on which a majority of Democrats, a high majority, and a majority of Republicans join together to do something that should not in any way be partisan. Let's keep it up today and let's give this protection to the people who need it most. When the vote is taken, Mr. Speaker, on the motion for indefinite postponement, I ask that it be taken by roll call.

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

Mr. BRAGDON: Mr. Speaker and Ladies and Gentlemen of the House: It seems to me that I sense in the arguments of the gentleman from Houlton, Mr. Haskell, a great deal of merit in his consideration of this group of employees hired by employers of less than four—employers hiring less than four people. These are a group of employers that do not represent a large segment of our economy. They work close with their employees. There is nothing in this that says that they can't pay the Minimum Wage if they wish to. We could give them an opportunity to hire people who could not qualify to get a job, we'll say, under the provisions of a Minimum Wage. It seems to me that there is a great deal of merit in this argument. I certainly am all for doing anything logical that I could to keep as many people off the relief rolls as possible.

I believe to permit this group of employers to hire people who cannot qualify is a step in the right direction. I go along with the arguments of the gentleman from Houlton completely.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: To this point I have supported the Minimum Wage bills out of a loyalty to an understood if not undeclared policy of my own party. But I have drawn the line on this particular item because I would

rather be loyal to the principles of my party than to its immediate position on this issue. I think that too many of us have been persuaded by shallow logic that has been supported only by sentiment and emotion. We may have voted out of a blind loyalty that is not well founded.

Proponents of this legislation, including my good friend Mr. McTeague, will say that I have been trapped into believing the arguments that opponents of the Minimum Wage theory have used since its inception in 1938 and they will say that history has proven that these arguments are wrong. This, ladies and gentlemen, is the problem that long-standing opponents have had. History has proven them wrong and today they are scoffed at because they have cried "wolf" too often.

Now in 1971, when the economy in our state is sadly depressed, while we continue our sobering tradition of lagging behind the rest of the nation economically, when Maine productivity is falling and there is no real hope of recovering in the foreseeable future, and when unemployment in some parts of our state is at a shocking low, now their arguments are valid and no one was listening just because they were humming a familiar tune.

We must consider that the only way an increase in the Minimum Wage in Maine will really help our people is that increased cost can be offset by increased productivity. Traditionally, those areas which can best increase productivity are large manufacturers. Who are the large manufacturers in Maine? We are talking about the paper and shoe industries, and we all know that these industries are in the poorest condition to take up the slack for they have been the hardest hit of all.

When we consider further extending this act by the numerical exemption, are we forgetting the non-manufacturing businesses in Maine? What about the 11,000 small employers in the state who are already being forced to eliminate marginal employees in order to meet increases in property taxes, income taxes and, this year, liabil-

ity under the new workmen's compensation laws? I think we are leaving them with no choice but to continue to eliminate the very people we think we are helping by the passage of this bill.

While sentiment and emotion may tell you that an increase in the Minimum Wage legislation is a cureall for Maine's economic ills, good sense and logic should tell you that an increase in this kind of legislation might well push our state into economic chaos. I support the motion of the gentleman from Houlton, Mr. Haskell, to indefinitely postpone.

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

Mr. MARSTALLER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair, if I could, to the gentleman from Brunswick, Mr. McTeague. Could he answer where a patient who might be discharged from Pineland Hospital, who would have limited capacity, could find employment after we pass all these Minimum Wage laws in this proposed legislation?

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

The Chair recognizes that gentleman.

Mr. McTEAGUE: Mr. Speaker and Members of the House: To my good friend from Freeport, Mr. Marstaller, I would suggest that the concern of the opponents to this legislation is the children discharged from Pineland and their desire to seek employment, being in a rather specialized situation, they could offer an amendment to take care of that. They might be surprised at the very great amount of support they would get.

If on the other hand they are concerned more about these 11,000 small employers who, according to my rough statistics, include about twelve to thirteen hundred practicing physicians, about 900 lawyers, six or seven hundred dentists, those are the professions, then perhaps they would raise

smoke screens like children from Pownal.

Mr. Marstaller, I think the bill, if you put on an amendment like that, if you propose one to the House, you might find great sympathy, sir. You might find a vote even from one of the gentlemen from Brunswick. But if instead these are smoke screens to defeat the bill, I think we should remember who we are dealing with all the way along.

I think a physician that makes \$40,000 a year can pay the Minimum Wage and so can a lawyer, even if he only makes \$10,000. The same for a dentist or real estate broker, the same for these other people, most of whom, in reality, probably, to be honest about it, are paid \$1.60 now, our current Minimum Wage, by the pressures of the market which still play a significant role, they mean something.

But we are talking about a group of defenseless people, people who ordinarily do not have the highest quality skills, who do not enjoy the benefits of union organizations, but who, Mr. Marstaller, pay the same amount when they buy a pair of shoes or a glass of milk or a loaf of bread that you and I do.

And speaking about welfare, we now are faced with the very unusual situation — if we don't do something for these people who aren't under the protection of Minimum Wage that we actually, in my view, increase the welfare rolls, because when wages that a man gets from working are less than welfare, instead of having an inducement to get a man off welfare and to work, you have got just the opposite.

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 Houlton, Mr.

Haskell, that Bill "An Act to Remove the Numerical Exemption from the Minimum Wage Law," House Paper 570, L. D. 746, 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 — Ault, Bailey, Baker, Berry, G. W.; Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Carey, Crosby, Cummings, Donaghy, Emery, D. F.; Evans, Fine-more, Gagnon, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Immonen, Kelley, K. F.; Lee Lewin, Lincoln, Littlefield, MacLeod, Maddox, Marstaller, Millett, Mosher, Norris, Page, Parks, Payson, Porter, Pratt, Rand, Rollins, Scott, Shaw, Silverman, Simpson, L. E.; Smith, E. H.; Trask, Webber, White, Wight, Williams, Wood, M. W.; Woodbury.

NAY — Albert, Barnes, Bartlett, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Bourgoin, Bunker, Bustin, Call, Carrier, Carter, Churchill, Clemente, Conley, Cooney, Cote, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Dow, Doyle, Drigotas, Dudley, Dyar, Farrington, Faucher, Fecteau, Gauthier, Genest, Gill, Good, Goodwin, Hancock, Hewes, Hodgdon, Jalbert, Jutras, Kelley, P. S.; Kelley, R. P.; Kilroy, Lawry, Lebel, Lessard, Lewis, Lizotte, Lucas, Lund, Lynch, Manchester, Marsh, Martin, McCloskey, McCormick, McKinnon, McNally, McTeague, Mills, Morrell, Murray, O'Brien, Orestis, Pontbriand, Rochelleau, Ross, Santoro, Shute, Simpson, T. R.; Slane, Smith, D. M.; Starbird, Stillings, Susi, Tanguay, Theriault, Tyndale, Vincent, Wheeler, Whitson, Wood, M. E.

ABSENT — Clark, Collins, Cottrell, Curran, Emery, E. M.; Fraser, Hall, Hanson, Kelleher, Keyte, Mahany, Sheltra.

Yes, 55; No, 83; Absent, 12.

The SPEAKER: Fifty-five having voted in the affirmative and eighty-three having voted in the negative, with twelve being absent, the motion does not prevail.

Mr. Kelley of Machias offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-335) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: This amendment is a concession to the employers whom this piece of legislation will directly affect. There are some 20,000 people involved in this program according to the Maine Employment Security Commission.

What this amendment will do is to raise their wages, not in one step but in three steps, as you can see from the amendment from October 1971 to October 1972 their wages will be raised to \$1.40 per hour. The next year \$1.60 per hour, and thereafter they will be paid what the state minimum wage for all other competent employees offer.

Now the purpose of this is to soften the blow on these small employers. You have heard that doctors and lawyers are included in this category, which is doubtless true. It is also true that it includes such people as storeowners, filling stations, small saw mills, dry cleaners and so on. These people operate what you might call marginal enterprises, and are finding it rather difficult, under the present system, to keep afloat.

This amendment would soften the impact. Perhaps the salaries or rather the wages of these people should be raised, but let us do it by two or three easy steps rather than by one great jump. I urge the adoption of this amendment.

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

Mr. MARTIN: Mr. Speaker, I would pose a question to the gentleman from Machias. I noticed that he voted for indefinite postponement of the bill. If his amendment is adopted will he then support the bill?

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair to the gentleman from Machias, Mr. Kelley, and the gentleman may answer if he chooses. The Chair recognizes that gentleman.

Mr. KELLEY: Mr. Speaker and Members of the House: Indeed I will.

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

Bill "An Act relating to Long-term Semipermanent Registration Plates for Certain Semitrailers" (H. P. 1357) (L. D. 1773)

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

Bill "An Act Permitting Indian Homes to be Licensed as Foster Homes" (H. P. 1359) (L. D. 1775)

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

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

Mrs. PAYSON: Mr. Speaker and Members of the House: I move that we reconsider our action of yesterday whereby we accepted the Minority Report of the committee on L. D. 1775.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Payson, moves that we reconsider our action whereby we accepted the Minority Report on Bill "An Act Permitting Indian Homes to be Licensed as Foster Homes," House Paper 1359, L. D. 1775. Is it the pleasure of the House to reconsider?

(Cries of "No")

The SPEAKER: The gentlewoman may proceed.

Mrs. PAYSON: Mr. Speaker and Ladies and Gentlemen of the House: Yesterday we had before us two bills relative to foster homes for Indian children listed under L. D. 1774 and 1775. The first, the Majority Report of the Committee; the second the Minority Report.

The long-range objective of our committee was to keep the Indian foster child developing to the best of his capacities. We also wished to give greater responsibility to the Indian governors and their tribal councils.

Up until now the Indian foster children, under the care of the Department of Health and Welfare, have been placed in white foster homes which are used for all foster children under the care of the State. But it has been learned that, as the Indian child starts to mature and begins the search for his so-called "identity" through learning about his parents and the past history of his people, he learns he fits neither among the Indians nor among the white people. He does not know the language of his people nor does he understand the culture of his people. Among the white people he frequently has difficulty in being accepted.

To avoid this problem, two solutions have been offered, L. D. 1774 and L. D. 1775.

L. D. 1775 — the minority report which we accepted yesterday — says that the Department of Health and Welfare must get the written consent of the tribal council to place an Indian foster child in a home off an Indian reservation. The work of the Department can be successfully hamstrung if we agree to this, for the tribal council could refuse to allow a child to leave even though there are no suitable foster homes available on the reservation. The Department is therefore stalemated.

L. D. 1774, the majority report of the committee, says that the Department of Health and Welfare shall consider for licensing facilities recommended by the Indian governor and the tribal council. It is the desire of your committee that suitable Indian foster homes be made available and be used for Indian foster children. This L. D. requires that all foster homes for Indians or whites meet fair standards for the children under their care.

The Department needs the flexibility of L. D. 1774. I therefore hope that you will go along with the motion to reconsider so that we may vote on L. D. 1774.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I think this points up what

I was trying to bring out earlier in this session. I am sure that this Legislature and the succeeding legislatures are going to be faced with piecemeal legislation attempting to arrive at a solution to the problems on the Indian reservations. It points up the fact that there is not suitable housing on the reservations. I sympathize with the desire of the Department to secure good living conditions and do anything that they can for the welfare of these children, but I think we have already missed the boat and I think that we are going to substitute rag-tag odds and ends of legislation hoping to meet in some way some of the needs of the people.

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

Mrs. DOYLE: Mr. Speaker and Ladies and Gentlemen of the House: I rise to oppose the motion of the gentlewoman from Falmouth, Mrs. Payson. I do not think that if we pass L. D. 1774 that we have done anything except clutter up the law books.

It does not require the Department to do anything. L. D. 1775 on the other hand requires the Indians to take some responsibility for the care of their children and the care of their homes.

I do hope that you will vote against reconsideration and stay with L. D. 1775 as you did yesterday.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: Having lived across that reservation in Old Town for many many moons, I have heard a lot of discussion pro and con. I have been very much in favor of a foster home which is properly equipped and which will meet the standards of our Health and Welfare Department.

The reason why I say this is that two years ago the physician who has charge of the medical wants and needs of the Indians on the reservation called me one morning in a great fury. He wanted to know what the Health and Welfare Department was doing in

regard to a home that had nine children confined in one room. He had been called over there for an illness of one of the children. When he saw those conditions he really hit the ceiling. So much so that I had to get in contact with the Indian Commissioner and the health authorities got in there and they took the children out.

Now it is true that some of those children have to be placed in foster homes and I think that if we could in some way or another raise enough money here to properly build them a home I have no objections to the Indians selecting who they want to get in there. But I still think that they should follow the requirements of the Health and Welfare Department; because there is not only fire protection, but there are sicknesses that can be contracted by children and those things can spread around.

We should look out for their welfare above all things. Anything that we can do to properly establish a foster home I am for it, but not for just letting the Indians decide for themselves who is going to have a foster home and who is not, because there is \$85 a month for every child that is given into a foster home and that is paid by the State. I think that the State should have some hand in it. As a matter of fact I think on the reservation at the present time there are only three children that could qualify for a foster home. The rest of them all seem to be contented. The governor himself of the reservation at this time is in the same category. He doesn't feel as though they should be allowed to handle it themselves.

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 was one of three of the Committee that went into one Indian home that had been refused to be licensed for a foster home. It was my feeling and I think the feeling of those that signed the Minority Report that there is discrimination in what the Department of Health and Welfare will find wrong with a

home in order not to license it. In this particular Indian home the license application was turned down for the fact that there was an extension cord running from a ceiling fixture across the ceiling to a TV set, and there was also what was called a faulty oil burner in the home.

I believe the figure that was quoted of \$85 a month is incorrect. I think that this figure is the amount that the Department of Health and Welfare pays for an exceptional child and it is my understanding that \$65 is the amount paid for foster children and in some cases Indian foster children the rate is \$54 a month.

I can assure you that 20 miles from this House there is one family with seven children who I understand are under the foster plan or are being considered for the foster home. We were told in Committee that if over six people were sleeping on the second floor there would have to be fire escapes. I mentioned seven in this case, there are no fire escapes. I can mention 11 in another foster home who are mentally retarded children and there is no fire escape.

I think the Department of Health and Welfare does have a double standard which they use very efficiently.

Now I am not an Indian lover. I have heard Indians called thieves and crooks and everything else here in this House. I think possibly the thievery took place back in 1603 when the French took over the State of Maine and it has been handed down in large tracts of land since then. Possibly if this House in our good judgment would do some checking, possibly our Indian tribes would own more land than they presently have.

I think discrimination is a big factor here and I hate to speak about it because I feel that if we carried out the law to its full point that I myself would not be sitting in this House, because I am one generation outside the reservation myself which may signify the reason I act in the manner I do. I do feel that this House should stand firm and take care of the people who were here first.

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

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: It seems rather ironic that we don't want to place Indian children in Indian foster homes because they don't meet the standards of the Department of Health and Welfare. Yet in the very same morning we can vote not to guarantee loans to help Indians improve their housing. Sometimes I wonder why we bother to vote at all, because one action seems to cancel out another. And I hope this morning that you will stick with L. D. 1775.

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

Mrs. DOYLE: Mr. Speaker and Ladies and Gentlemen of the House: I wish to thank the gentleman from Strong, Mr. Dyar, for correcting Mr. Binnette's figures. \$65 a month is the usual amount paid for foster children. I do think that the amount of discrimination that has been displayed in regard to this and other Indian bills is absolutely appalling.

I am also very much interested in how many Indian experts we have in this body. In discussing this and other Indian bills with Governor John Stevens of the Indian Township Reservation, he said, "We do not want Indian experts in the Legislature, but rather expert Indians."

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: This thing has been going on for eight years to my knowledge, since the 102nd Legislature set up this Department of Indian Affairs. One of the recommendations in that department is to establish foster homes on the reservation. Yesterday we approved this L. D. 1775. There is no question but that the Department of Education is also setting up this program to bring up the standard of the Indian living, to bring up the reservations so they can be equal to the white people off of the reservation.

I was instrumental four years ago in getting a changeover on education on the reservations. At that time the Indian children came to our public schools, and they were three grades behind in their education. This has been corrected. All these little incidents that have occurred from neglect to the Indians on the reservations down through a hundred years of time are now being corrected as they show up, and brought to the legislature for the corrective legislation. This is simply one more step.

The SPEAKER: The Chair recognizes the gentlewoman from Fal-mouth, Mrs. Payson.

Mrs. PAYSON: Mr. Speaker, Ladies and Gentlemen of the House: I think there is a misunderstanding here. We are all anxious to do the right thing by these children. The problem is that we must have the tools with which to do it. And at this point as I look at it, L. D. 1775, which is what I am asking that you reconsider at this point, does not provide those tools. Therefore, I would hope that you will vote in favor of reconsideration.

The SPEAKER: All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

40 having voted in the affirmative and 75 in the negative, the motion did not prevail.

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

Resolve to Reimburse Mrs. Edward L. Libby of Kennebunk for Displacement Costs Because of Property Taken by State (H. P. 715) (L. D. 960)

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

Amended Bills

Bill "An Act Appropriating Funds for Drug Abuse" (S. P. 341) (L. D. 1012)

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

**Third Reader
Tabled and Assigned**

Bill "An Act Creating a Medical Advisory Committee for Medical Criteria and Vision Standards for Motor Vehicle Drivers" (S. P. 414) (L. D. 1230)

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

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I don't want to really debate the bill, I would like to raise a few questions. And then if someone agrees with me, I wish they would table this bill so we could make a few amendments to it.

The first one is on the first page under item one of the current Committee Amendment "A". It states there: "There shall be a Medical Advisory Committee, serving without pay, consisting of 5 members appointed by the Secretary of State with the assistance of the Commissioner of Health and Welfare." Now it doesn't say whether these five members are going to be truck drivers, or opticians, or whatever. I would think that it would be well to tie this down and have at least two doctors involved in this.

Then over on the next page we come down to item five here. "Confidential. Reports received or made by the committee, or its members, for the purpose of assisting the department in determining whether a person is qualified to be licensed, are for the confidential use of the committee or the department and may not be divulged to any person."

Now we have just been through this bit in consumer protection. Now we have decreed that under credit ratings, and that sort of thing, that the person who has been denied credit should have the right to know why he is being denied credit, and who says that he isn't a good credit risk.

Now here we have someone that may be denied the right to drive his automobile, but he isn't going to be allowed to find out who said he couldn't drive his automobile or why. I think this is very unfair,

and I would hope that someone would table this, and perhaps work it over to see that we couldn't make a better bill out of it.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I am not about to make the tabling motion. However, I do share the concern of the gentleman from Lubec, Mr. Donaghy, as to the need even for this bill. I have read it over very carefully, and I have not made up my mind hardly who is protected here.

Under the present law obviously the Secretary of State has authority to deny license to anyone whom he feels is not qualified. I don't get from this bill as it is written whether if I get disqualified I have a right to go to this board and get them to say that the Secretary has made a mistake, or what is really the intent of this bill. Somehow or other I feel it is somewhat unnecessary, and I join Mr. Donaghy in his objections to it.

I do not have the courage to make a motion to indefinitely postpone it. I notice also that it doesn't carry any cost on it. It doesn't seem hardly possible to me that a bill of this type can be implemented without bringing about some costs. I have severe reservations with regard to the wisdom of this bill.

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

Mr. SILVERMAN: Mr. Speaker, I would make a motion to table this bill for two days until proper amendments can be written on it.

The SPEAKER: The gentleman from Calais, Mr. Silverman, moves that L. D. 1230 be tabled and specially assigned for Thursday, May 27 pending passage to be engrossed. All in favor of tabling this matter will vote yes; those opposed will vote no.

A vote of the House was taken. 78 having voted in the affirmative and 8 having voted in the negative, the motion did prevail.

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Bill "An Act relating to the Enforcement of Money Judgments" (H. P. 850) (L. D. 1137)

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

On motion of Mr. Lund of Augusta, the House reconsidered its action of yesterday whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-341) was read by the Clerk and adopted.

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

Bill "An Act relating to Affixation of Real Estate Transfer Tax Stamps" (H. P. 1088) (L. D. 1477)

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

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen: I submit that this legislation is unenforceable and unworkable. It may be circumvented the same as the federal law was circumvented by putting a stamp of lesser value on to record it, and then put the majority of the stamps on afterwards. And for that reason I now move the indefinite postponement.

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves the indefinite postponement of L. D. 1477.

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

Mr. LEWIS: Mr. Speaker and Ladies and Gentlemen of the House: I would hope that the House today would follow the action that it took yesterday in accepting the Minority "Ought to pass" Report. It seems to me that there are many individuals who sort of picture an assessor as an evil, sinister individual who is lurking in the shadows ready to pounce on an unsuspecting taxpayer.

I myself feel that this is a good bill, and it would certainly give the assessors a tool to work with. Now I think it was stated yesterday that assessors do not necessarily have to follow and stay in line with the number of tax stamps that may appear on a transfer of property. I don't feel that assessors are dishonest. They are attempting to do a job. At its best it is a thankless job. If you want further proof of that I suggest that you talk with Mr. Pratt from Parsonsfield. I feel that this is a good bill, and I hope that you maintain the action that you took yesterday.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: When anyone will stand up and tell you this bill isn't workable, I disagree very much; because this bill is something the small towns and the cities have all needed for quite a period of years. We need something as a guideline to assess the valuation of property. And this will be a guideline that we can go by.

At the present time we all pay for this item to have it sent to us once a month. But it isn't very often we can use it. Also right now all over the State of Maine, even in the southern counties, the coastal counties and up in Aroostook, we are getting a big change in the value of wildland, and this wildland is being sold for five and six and seven times as much as it has been taxed at.

So if it is worth that much, why can't we find out what it is being sold for, and not necessarily take the top sale price, but take a medium price on all wildlands so we can reach this without going to too much expense? I am very much in favor of this bill and hope you vote against indefinite postponement.

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 continue somewhat with the ideas that have been offered to you by the gentleman

who has just previously spoken, Mr. Finemore. I think if there were any way to trace back the real opposition to this bill it would trace back to the major landowners in the north of the state. And you are thinking, "Well, here he goes again." But we are talking about half of the State of Maine.

Now I support all of the observations made by the assessors who have had experience in the organized towns. I believe that this is a real tool to help them in their assessing work. But I think that the opposition, again if we could trace it, would come from these people who own half of the State of Maine, and as the previous speaker has said, the value of these wildlands have increased tremendously. He said five or six times, and this could well be. I would say very conservatively it has doubled in the last year.

And this should be affecting the fiscal situation here in Maine. We collect about \$200 million from ourselves in property tax; but the other half of the state we collect a million, million and a half. There is an inequity here that is unbelievable. And here is a tool which will expose to us, to some degree, what the real value of these lands are. Because it will require the affixation of revenue stamps to the deeds. And believe me, that there is powerful, powerful opposition to this for this reason. And again, probably we will get knocked to our knees, but I think we should know these things.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: To back up what my good friend, Mr. Susi, has said, in the City of Eastport now there is pending a suit in court. This was caused by the effect of one plant going bankrupt and another plant, large corporation buying this plant. On the request from the assessor to send in their determination of value they sent in a determination of \$5,000.

As president of the City Council at that time I directed our assessor to go to Machias and examine the

deeds on sale at the Registry of Deeds. There it was found that the price paid for the plant was \$55,000.

We are now in litigation to try and collect on that valuation, which we would not have had any support on if it weren't for the stamps affixed to that deed. This is the best piece of legislation we have had in this House this year.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I must comment on the remarks of our floorleader with regard to this bill. I think I probably pose as a friend of the people of whom he speaks. And really, I am amazed that they did miss the opportunity of telling me to vote different on this bill than I have done. They have missed me certainly, and I probably am one of those legislators who is very receptive to their suggestions.

I am going to continue until they do contact me to vote just as I have, and probably I will afterwards.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I raise my bloodied head here from the beating I took yesterday by the gentleman from Pittsfield. It is quite a pleasure to rise here and agree with him on the fact that someone is doing something. But I think that he has seen another bogeyman.

I believe that this is backed by the realtors — and I say realtors, not real estate brokers and the developers. They don't want it. And I think you will find a few lawyers that work with these developers and realtors don't want this thing.

I think it is a fine idea to collect taxes on this transfer. It was tax money that was dropped by the federal government where there had to be revenue stamps put on these deeds and now it only means that we can pick up that same revenue, and actually more. Because real estate values have gone up so that all it means is

each Register of Deeds has a little postage meter, and they put a stamp on the deed. And there will be no additional procedure that will cost money, because already these Registers of Deeds send the information on to the towns so that they can make proper assessments, or at least use these as guidelines. And I think this is a fine bill.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I neither represent the large land companies, nor am I a realtor. I am a real estate broker, but not a realtor. I simply submit to you that if the assessors don't get the true knowledge, which they didn't get under the federal law, there is no question but what they would affix one small stamp, record the deed, and when the deed came back they would put the rest of the stamps on it. There is nothing in this law the way it is written to prohibit them from doing the same thing.

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

Mr. SILVERMAN: Mr. Speaker and Members of the House: The problem they are bringing up now is, maybe there should be an amendment to this bill saying that these stamps must be affixed to that deed to show the cost paid for their property.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the motion of Mr. Norris to indefinitely postpone. I personally look at this bill as a tool against the assessors. If the gentleman in the corner can stand here and state that the value of land in this state has gone up double, or if the gentleman from Bridgewater, Mr. Finemore can stand there and state that land in his area has gone up five or six times, then I am sure that the assessors in that town know that it has gone up five or six times. I would tell them that I think it is their responsibility to

put the value on the land accordingly.

I would submit that the greatest inequity we have in this state right now, especially within many of the smaller communities, is the fact that the assessors are trying to use this as a tool to assess property. I will give you a couple of examples.

You have some people who have lived in a particular area for maybe 10, 12, 15, 20 years or longer. These people then, or usually now are pretty well in the same valuation they have been for years. Suddenly one house, one camp, one farm in that area is sold, and a man pays a considerable amount of money for that particular property. And as soon as the tax assessors in the town get ahold of the stamps and find out what he has paid, automatically they put that on and consider that a fair market value.

If it was a farm or a business they probably didn't give little consideration to the good will that the man might have paid for that particular building, and therefore they are taxing him for what might come through the door rather than for what the door is actually worth.

I would also submit that when they do this that they don't put the value up on the property next door. Now if one piece of property goes up, then all should go up accordingly. I would suggest that the tax assessors in these particular towns accept the responsibility that they have got, the knowledge that they have at the present time of the area, and what is going on, tax all property for what it is worth, and don't use the tax stamps.

There are many times when tax stamps don't have to be affixed. There are many times when tax stamps aren't on the full market value, but only on the transfer value. This is a very poor piece of legislation in my judgment, and I don't believe it does any more than give people the opportunity to go in to see exactly what people have paid, and it offers no value to assessors.

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

Mr. HANCOCK: Mr. Speaker and Ladies and Gentlemen of the House: I would have to agree with the previous speaker right down the line. This is a very misleading thing when you are attempting to establish values on the basis of sale. If sales are made between relatives within the family, the purchase price, the sales price is very apt to be somewhat less than it would be if the sale is made outside of the family.

Also sales between people who are knowledgeable of actual fair market values may reflect in either direction, either up or down, from the actual market value. I have known of people who in buying property for resale would affix more stamps than were necessary on the deed so that they could indicate to a future purchaser that a higher price was paid for it than actually had been paid.

Developments were mentioned, as this would be a means of determining values of cottage lots, or housing lots. I would suggest to you that any development, this is general knowledge. It is public knowledge the matter of what these lots are being sold for. They are advertised, and they are sold at set prices, and the selectmen, the assessors are the first people to know about it.

And finally it is, as you all know, I guess, that it is not required that you record a deed. So if you are buying property and don't want this fact known, all you have to do is hang on to your deed until such time as you sell it and not record it until that time. It will not be helpful to the tax assessor. The information, they just don't match up.

The only way that you can get a good valuation in your town is through a professional revaluation. And this should be done fairly frequently, and your books should be kept up to date. It won't be perfect, and there will be some people who will be unhappy with it. But it is the nearest thing we have for establishing a fair market value for all types of properties. I hope that the motion to indefinitely postpone does prevail.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I can only report and repeat that this was considered by the Taxation Committee; by Ernest Johnson, the head of the Taxation Bureau; by John Salisbury, the head of the Municipal Association, as a bill which provides the most effective key to our property problem. And if you have been, like many of us on the Taxation Committee, struggling with this problem, you would feel that way, I am sure.

Why is the law in here anyway? There are techniques by which the placing of stamps can be avoided. And that is the reason for this bill. I certainly hope you will not change today.

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

Mr. PAGE: Mr. Speaker and Members of the House: I would like to remind you that the 103rd Legislature passed this bill to become effective on January 1st of next year. It met in special session and repealed it. So the actual bill was only in effect about three months, I believe. I support the indefinite postponement.

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

Mr. HEWES: Mr. Speaker and Members of the House: The financial revenue raising aspects haven't been discussed in detail on this as far as I know. Mr. Ernest Johnson informed me a few moments ago that the State of Maine received \$257,000 last year through this, and another 10% of the total went to the counties. Another \$25,000 or so went to the counties, because 90% comes to the state and 10% goes to the counties.

I submit that if anyone has to pay the real estate transfer tax that everyone should pay it. Mr. Johnson indicated to me that they do check up somewhat spasmodically in the Taxation Department when stamps are not affixed to deeds when they are recorded. And he has found that about one third of those people that they checked up on, after they were checked

up on did purchase the stamps, which would indicate, I feel, that a third of the people apparently not buying stamps under the present law.

The present law does not have teeth in it because it just says you will affix the stamps, and doesn't say when. And as we said yesterday, there was testimony at the hearing that 22% of the people only put stamps on their deeds, or 22% of the deeds have stamps on them when they are recorded. So I feel that this bill should be passed in its present form so as to require everyone to be fair in payment of these real estate transfer stamps.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I was going to vote for indefinite postponement of this bill, but now as a revenue producing affair, if it is going to help to bring down the cost of county government, if it is going to put more money in the state coffers, maybe it will save us the pain of voting for another tax. So I am going to go along with this bill.

The SPEAKER: The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that Bill "An Act relating to Affixation of Real Estate Transfer Tax Stamps," House Paper 1088, L. D. 1477 be indefinitely postponed. The Chair will order a vote. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

41 having voted in the affirmative and 85 having voted in the negative, the motion did not prevail.

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

Bill "An Act to Create a Commission to Prepare a Revision of the Criminal Laws" (H. P. 1211) (L. D. 1658)

Resolve to Reimburse Ida M. Reiss of Andover for Well Damage Resulting from Highway Construction (S. P. 281) (L. D. 815)

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

Emergency Measure Tabled and Assigned

An Act relating to Certain Emergency Powers Concerning Radiation Hazards (S. P. 570) (L. D. 1716)

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

(On motion of Mr. Martin of Eagle Lake, tabled pending passage to be enacted and specially assigned for Thursday, May 27.)

Passed to Be Enacted Emergency Measure

An Act Amending the Law Relating to Home Rule (H. P. 814) (L. D. 1087)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Conform Maine's Corporation Law to the Internal Revenue Code to Permit Tax Exempt Status under Federal Law for Certain Corporations (S. P. 279) (L. D. 813)

An Act to Conform Maine's Trust Law to the Internal Revenue Code to Permit Tax Exempt Status under Federal Law for Certain Trusts (S. P. 280) (L. D. 814)

An Act to Increase Amount of Real Estate Tax Exemption for Paraplegic Veterans (S. P. 368) (L. D. 1107)

An Act to Provide for the Interception of Wire and Oral Communications (S. P. 390) (L. D. 1145)

An Act to License and Regulate Suppliers of Compressed Air Used in Self-contained Underwater

Breathing Apparatus (S. P. 482) (L. D. 1518)

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

An Act Establishing Licensing for the Marketing of Potatoes (S. P. 574) (L. D. 1718)

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

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

Mr. GOOD: Mr. Speaker and Ladies and Gentlemen of the House: I want to make a few comments on this bill. I imagine that opposition to this bill is another lesson in futility. I must go on record as opposing this piece of legislation as hurting rather than helping the farmer's position. I would do anything in the world to help the Maine farmer and to improve his financial situation, but in my estimation this bill will not help, rather it will work a hardship on the farmer.

Some legislative wit the other day stated that he hadn't seen any potato brokers go out of business. For that gentleman's information there have been more brokers, percentagewise, go out of business during the last fifteen years than there have been farmers. In the small town in which I grew up at the B & A Station there were seven buyers; now there are two. At the three sidings in town there used to be six buyers or dealers; now there are three.

This bill will, among other things bad for the industry, bring back many of the potato buyers who have loading crews and buy at the street price so-called; and the street price is usually one to two dollars a barrel less than the price paid by brokers so-called.

This bill will not affect me in any way, but I think it is so poorly constructed that I predict that by next session there will be a big hue and cry to repeal it. But as I said the other day it is a popular bill because it pretends to offer something for nothing. Actually it doesn't do this, but it is easy to

sell and is a great vote getter, and I think that must be the reason behind so much support by people who know nothing about the potato game whatsoever.

I am not going to make a motion on this bill, but I just hope that we are not legislating the farmer into further bankruptcy. Please do not forget that the retail stores have the potatoes put on their shelves by the sellers, the retail customers carry them out, and for the privilege of one or two days shelf time they make five to seven dollars per hundred-weight. This is not fair trade practice.

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

An Act relating to Rate of Interest on Property Taxes (S. P. 584) (L. D. 1737)

An Act Defining a Trainee Plumber (H. P. 781) (L. D. 1047)

An Act relating to Hunting and Fishing Licenses and Fees Therefor (H. P. 1148) (L. D. 1600)

An Act relating to Zoning Appeal Procedure (H. P. 1165) (L. D. 1619)

Finally Passed

Resolve to Reimburse Ronald E. Bickford of Readfield for Property Damage by Highway Construction (H. P. 892) (L. D. 1212)

Resolve to Reimburse Clarence Eldridge of Liberty for Loss of Sheep Killed by Dogs (H. P. 943) (L. D. 1302)

Resolve to Reimburse Claude W. Day of Skowhegan for Truck Damage Due to Highway Maintenance (H. P. 1000) (L. D. 1362)

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

On motion of Mr. Susi of Pittsfield,

Recessed until one-thirty o'clock in the afternoon.

After Recess

1:30 P. M.

The House was called to order by the Speaker.

Orders of the Day

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

Bill "An Act relating to Compensation for Minors Delivering Newspaper Supplements" (H. P. 994) (L. D. 1356)

Tabled—May 21, by Mr. Lawry of Fairfield.

Pending — Passage to be engrossed.

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

Mr. DAM: Mr. Speaker, I have had an amendment prepared for this and I have just received it, so I would hope that someone would table this for one day until tomorrow so I can offer the amendment.

Whereupon, on motion of Mr. Mills of Eastport, tabled pending passage to be engrossed and tomorrow assigned.

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

Bill "An Act Prohibiting Insurance Licenses for Banks, Savings and Loan Associations and Credit Unions" (H. P. 1342) (L. D. 1761)

Tabled—May 21, by Mr. Simpson of Millinocket.

Pending — Passage to be engrossed.

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

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

Bill "An Act to Regulate Industrialized Housing under the Maine State Housing Authority" (H. P. 1345) (L. D. 1764)

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

Pending — Passage to be engrossed.

On motion of Mr. Cooney of Webster, tabled pending passage to be engrossed and later today assigned.

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

An Act Creating the Maine Litter Control Act (S. P. 262) (L. D. 768)

Tabled — May 21, by Mr. Martin of Eagle Lake.

Pending — Passage to be enacted.

On motion of Mr. Martin of Eagle Lake, under suspension of the rules, the House reconsidered its action of May 14 whereby the Bill was passed to be engrossed as amended by Senate Amendment "B" and House Amendment "B" in non-concurrence.

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

House Amendment "D" (H-338) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: This bill has been around for some time between both bodies, and there has been some question as to whether or not we should even pass the bill. The amendment that I have introduced would solve the problem that has been created by this bill being presented. There are many communities in the state that have stricter litter laws in their municipalities than this bill would allow. Many communities therefore are concerned that their rules in effect would be removed and superseded by the state law.

So if you will note the amendment that I have introduced, it says that the amendment is designed to allow municipalities and political subdivisions to enact more stringent litter controls than those imposed by this act if those municipalities so wish to do so. And of course many of them now have laws which are far more restrictive and I of course would hope that this amendment would be adopted.

Thereupon, House Amendment "D" was adopted.

The Bill was passed to be engrossed as amended by Senate Amendment "B" and House Amendments "B" and "D" in non-concurrence and sent up for concurrence.

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

An Act Clarifying the Statute Relating to Realty Subdivisions (H. P. 1034) (L. D. 1425)

Tabled — May 21, by Mr. Norris of Brewer.

Pending — Passage to be enacted.

On motion of Mr. Norris of Brewer, retabled pending passage to be enacted and tomorrow assigned.

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

Bill "An Act relating to Operation of Pulpwood Trucks on Maine Highways" (S. P. 588) (L. D. 1740) — In Senate, passed to be engrossed.

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

Pending — Passage to be engrossed.

Mr. Birt of East Millinocket offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-344) was read by the Clerk and adopted and the Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

Bill "An Act to Revise Certain Motor Vehicle Laws" (S. P. 301) (L. D. 858) — In Senate, passed to be engrossed as amended by Committee Amendment "A" (S-157) — In House, Committee Amendment "A" adopted.

Tabled — May 21, by Mr. Barnes of Alton.

Pending — Passage to be engrossed.

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

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

An Act relating to Mass Gatherings (H. P. 1319) (L. D. 1724)

Tabled — May 21, by Mr. Scott of Wilton.

Pending — Passage to be enacted.

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

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

HOUSE DIVIDED REPORT — Majority (7) "Ought to pass" in New Draft — Minority (6) "Ought not to pass" — Committee on Liquor Control on Bill "An Act to Further Regulate the Sale of Malt Liquor between Manufacturers and Wholesalers" (H. P. 1001) (L. D. 1363) — New Draft (H. P. 1330) (L. D. 1744) under same title.

Tabled — May 21, by Mr. Stillings of Berwick.

Pending — His motion to accept Majority Report.

The pending motion to accept the Majority "Ought to pass" Report prevailed.

The New Draft was given its two several readings and tomorrow assigned.

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

HOUSE REPORT — "Ought to pass in New Draft" — Committee on Legal Affairs on Bill "An Act Amending Standards for Electrical Installations and Electrical Equipment" (H. P. 1163) (L. D. 1608) — New Draft (H. P. 1334) (L. D. 1748) under new title "An Act relating to Standards for Electrical Installations and Electrical Equipment for Mobile Homes"

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

Pending — Acceptance.

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

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

HOUSE REPORT — "Ought to pass in New Draft" — Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for the Construction of a General Activities Building for Female Offenders on Property at Stevens School" (H. P.

869) (L. D. 1190) — New Draft (H. P. 1327) (L. D. 1741) under same title.

Tabled — May 21, by Mr. Bragdon of Perham.

Pending — Acceptance.

On motion of Mr. Porter of Lincoln, retabbed pending acceptance and specially assigned for Thursday, May 27.

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

HOUSE ORDER — Re Amending of House Rule 21.

Tabled — May 21, by Mr. Binnette of Old Town.

Pending — Passage.

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

Mr. DUDLEY: Mr. Speaker, I recommend that this order be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: I rise to oppose the motion of the gentleman from Enfield. This order attempts to do something that I first attempted to do this session by a bill which was numbered legislative document, L. D. 122. In effect this order reduces that bill to its least common denominator. This order is necessary instead of the bill, because the Attorney General found a number of things wrong with the bill which, in effect, made most of it unconstitutional.

The Attorney General did say, however, that the House could seat Indian representatives, or indeed any citizen of the state if it so wished, by a simple amendment to its rules. And as you know, House Rule 21 deals with those persons who are allowed, and classes of persons who are allowed within the rail at the time the House is in session. The order simply changes that rule and would allow Indian representatives at the legislature to be here, along with the other persons named in the rule.

Ladies and gentlemen, we can do it by this method or we can change our Constitution. I think probably changing the Constitution

at this moment would be somewhat impractical, and especially at this late date, when this order is far simpler to restore what was once, for years and years, and I still don't know, although I have researched it to a great extent, I don't know how many years it was allowed in this body. I find references here and there.

In 1921 the representative of the Penobscot Tribe, Horace Nelson, the record there extended the welcome of the Speaker in the House of Representatives to Mr. Nelson, who he says is now seated in your body. Noel Gabriel in 1925 was escorted to his chair by the sergeant-at-arms. John Nelson who, I think most of us who have been here more than one term know, died last fall, was first seated in this House in 1929 in seat number 151, the records for 1935 says. Throughout the records, throughout all charts of the House floor, you will find where this was done. About 1939 or 1940 the custom ceased. There was no order admitted that year to seat the Indians. What happened? The record doesn't show.

But I feel that in any question involving Indians that it would be of immeasurable value to us to have Indian representatives here on the floor. Ordinarily, under the way this order is worded, ordinarily they would not speak. And probably this is good enough, because they probably would not wish to speak except on Indian bills. They would not be here except when an Indian bill was to come up, in all probability. But I feel that on Indian matters, their judgment would be asked, would be gotten, and far more justice could be done to many Indian matters than now is.

Mr. Speaker, Members of the House, I will close with one remark, a remark not intended facetiously either, but this is one bit of material that comes before you that will not cost the taxpayers of the State of Maine one cent more than they are already paying. You are already paying two Indian representatives to come down here on occasion to appear before committees. I feel they should be here on the floor of the House with the

rest of us. So I beg of you to do simple justice and pass this order.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: A few days ago I tabled this order to get the concensus of the Indians. After having talked with some of the Indians who have been elected as representatives down here, who have been Governors on the reservation, and at the present time they don't want to have any part of it because they say that if they wanted to be here they have a right to run just the same as Mr. Starbird does. They are in his district. If they wanted to be elected they could. There is nothing to prevent them from running, but they do not want to do so because they feel that they are getting along better this way than they would if they were down here on the floor of the House. Therefore, I will support Mr. Dudley's motion of indefinite postponement.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to concur with Representative Binnette that the Indians already have a representative in Representative Mills and Representative Starbird and that they can run for office just the same as you and I have done, and evidently they don't want to. And as far as Mr. Starbird's statement regarding the Indian Representative Nelson and Gabriel, this was before the Indians had a vote. At the present time the Indians have the same vote that you and I have. And I think it would be setting a very dangerous precedent because any minority group, whether they be Irish, as I am or Russian, or what have you, if you happen to lose out in the elections you might come down here and get the House to change the rules so that we could be seated and represented. Other than that, why that would be discrimination against the Irish or the Russians.

I will go along with this indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: This morning one of our colleagues suggested that what we really need here are fewer Indian experts and more expert Indians. This very simple order would permit us to have the benefit of an Indian spokesman to speak before this House. I rise to support this order and the motion made by Mr. Starbird.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: For what it may be worth, I came here first in 1951, and at that time the two Indian chairs were 150 and 151, over in that corner. The Indians never spoke on the floor of the House, but a few times over the session they did occupy their chairs. I think one of them was John Nelson.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: The statement of Mr. Williams is true. The Indian representatives seldom spoke. There are a few incidences of it, and this only bears up my statement that I feel that they probably only spoke when their opinion was required on some Indian matter that was before the legislature.

In regard to Mr. Donaghy's statement regarding other minorities who might wish representation here, I don't think that this holds water. For one thing, the Indians are the only minority that have treaties with the state, that have special agreements, have special relationship with the state.

In regard to Mr. Binnette's comment on former representatives of the Indian Tribes wanting or not wanting seats in the House, it was my understanding, and I talked to several, that there is a difference of opinion. The majority of the present officers in the Penobscot Tribe that I talked to were in agreement with this measure when I submitted it as a bill. The

Passamaquoddys are definitely in favor of it. And both present Indian Representatives are in favor of it.

Mr. Speaker and Members of the House, I repeat to you that I would only request that a simple matter of justice be done, and I hope that you will vote with me for the passage of this order.

The SPEAKER: The pending question is on the motion of the gentleman from Enfield, Mr. Dudley, that this Order be indefinitely postponed. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

57 voted in the affirmative and 67 voted in the negative.

Whereupon, Mr. Cote of Lewiston 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 in favor of a roll call vote will vote yes; those opposed will vote no.

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

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I think that we are now getting into a rather dangerous situation. If we allow this we are obviously going to have to allow lots of other ethnic groups to have a seat in the House. And these people that Mr. Starbird speaks of voted quite unanimously that he be their legislator and I think that he has done a good job. There is less than 300 of these people that we are talking about. Now there is quite a lot of other ethnic groups that number more than 300 that would be entitled to this very similar situation in the House. I think that it is a very drastic mistake to open the doors and say, "Come and get it." And if you see fit to do it it will be all right with me; we can make room for a few more seats in the back row.

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

Mr. DYAR: Mr. Speaker and Members of the House: I do not believe there are many ethnic groups who would want to be seated on the floor of this House and be governed by the treaties that these Indians are governed by now. To my knowledge there is no group in the State of Maine outside of the Indians who are governed by treaties.

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

Mr. HEWES: Mr. Speaker and Ladies and Gentlemen of the House: I just wonder about the constitutionality when we have a one man-one vote rule in here and I understand they are going to have their own representatives, the gentleman from Kingman Township, and now they are going to have a second representative, and I wonder if that is any fairer than—

The SPEAKER: The gentleman's point is well taken. Does anyone wish to answer the gentleman's question? The Chair recognizes the gentleman from Kingman Township who having spoken twice requests permission to speak again. Is there objection? The Chair hears none. The gentleman may proceed.

Mr. STARBIRD: Mr. Speaker and Members of the House: I have before me on my desk two letters from the Attorney General's office. The first one was sent to the gentleman from Cumberland, Mr. Richardson, in 1967 when he was majority floor leader of this House. The second was sent to me in January. Both of these letters say that there is nothing unconstitutional about giving a seat to the Indian representative unless we give them the vote. There is no vote intended in this case.

May I quote from the letters to Mr. Richardson dated May 10, 1967, when we were considering a measure very similar to this sponsored by myself and Mr. Scott of Wilton, the co-sponsors. It was written by Jerome S. Matus, Assistant Attorney General. The last

paragraph says, "I am of the opinion that the State of Maine House of Representatives can permit any citizen, any citizen to occupy a seat on the floor of the House and to speak by unanimous consent if such were the will of the legislators."

I quote from a letter from Mr. James S. Erwin, the present Attorney General, to me on January 28 telling me what part and what of my bills that I submitted at that time, what was constitutional and what was not. The last two paragraphs he says, "In short, the House of Representatives can do all the bill provides by House rules. The Senate can have no interest or concern in the proceedings in the House."

And then he goes on to say why that my proposed statute was unconstitutional, because of course the Senate would have to enter into the proceedings of the House, as is defined in the Constitution. Mr. Erwin therefore is of the same opinion as Mr. Matus was four years ago, that we are fully able by House rules to seat the Indian representatives. Of course, as implied here, the other alternative would be to amend our State Constitution.

I don't propose that. I propose a simple amendment to the House rules. A simple amendment to allow Indian representatives here—and gentlemen and ladies, it is true that they were given the vote by the State of Maine in 1953, 29 years after they were made United States citizens. It is also true that they were not apportioned in the regular representative districts until 1967, 14 years after the amendment to the State Constitution, giving them the right to vote was passed.

This was not done because we didn't want to do it. It was done because the Indians wanted their own Indian representatives here. This is why no representative was ever put on a ballot for either the Penobscot or the Passamaquoddy reservations at their own request. They had their own representative. They objected to it when we apportioned them in, but we had no other recourse at that time. There was a little thing called a

one man-one vote ruling by the Supreme Court of the United States. I beg of you to go against indefinite postponement, even though I realize I have talked too long. I think it is only simple justice.

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

Mr. MARSTALLER: Mr. Speaker and Ladies and Gentlemen of the House: I support the motion for indefinite postponement of this order. It seems to me that we have representation from the Indians now and that to have these people seated would only say that we would have to seat other people in the House.

At the hearing when we had a number of Indian bills before the State Government Committee, one of the off-reservation Indians implied that the off-reservation Indians were being discriminated against by some of these bills. So if they would follow that to a conclusion if we allow each reservation to have a representative here then certainly they would come in and ask that the off-reservation Indians would have to have representation too. So I think that there is really no stopping this thing once we start it. I hope we go along with the indefinite postponement.

The SPEAKER: A roll call has been ordered. All in favor of this Order Re Amending of House Rule 21 being indefinitely postponed will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bailey, Baker, Bedard, Bernier, Berube, Binnette, Birt, Bither, Brawn, Brown, Bunker, Call, Carey, Carter, Churchill, Clark, Collins, Conley, Cote, Cottrell, Crosby, Cummings, Curtis, A. P.; Donaghy, Dudley, Emery, D. F.; Evans, Finemore, Genest, Hall, Hardy, Haskell, Hawken, Hayes, Henley, Hewes, Hodgdon, Immonen, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lee, Lewin, Lincoln, Lizotte, Lund, MacLeod, Maddox, Manchester, Marstaller, McKinnon, McNally, Mosher, Page, Parks, Payson, Pratt, Rand, Rocheleau, Scott, Shaw, Silverman,

Simpson, L. E.; Simpson, T. R.; Stillings, Susi, Trask, Wheeler, White, Wight, Wood, M. W.

NAY — Albert, Barnes, Bartlett, Berry, G. W.; Berry, P. P.; Boudreau, Bourgoin, Bustin, Clemente, Cooney, Curran, Curtis, T. S., Jr.; Cyr, Dam, Dow, Doyle, Dyar, Farrington, Faucher, Fecteau, Gagnon, Good, Goodwin, Hancock, Herrick, Kelley, P. S.; Lebel, Lewis, Littlefield, Lucas, Lynch, Marsh, Martin, McCloskey, McCormick, McTeague, Millett, Mills, Morrell, Murray, Norris, O'Brien, Orestis, Pontbriand, Rollins, Sheltra, Shute, Slane, Smith, D. M.; Smith, E. H.; Starbird, Theriault, Tyndale, Vincent, Webber, Whitson, Williams, Wood, M. E.

ABSENT — Bragdon, Carrier, Drigotas, Emery, E. M.; Fraser, Gauthier, Gill, Hanson, Jalbert, Jutras, Lessard, Mahany, Porter, Ross, Santoro, Tanguay, Woodbury.

Yes, 75; No, 58; Absent, 17.

The **SPEAKER**: Seventy-five having voted in the affirmative and fifty-eight having voted in the negative, with seventeen being absent, the motion does prevail.

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

HOUSE REPORT — "Ought to pass" in New Draft — Committee on Veterans and Retirement on Bill "An Act relating to Service Retirement System" (H. P. 625) Retirement of Teachers under State (L. D. 835)—New Draft—(H. P. 1329) (L. D. 1743) under same title.

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

Pending—Motion of Mr. Rollins of Dixfield to Substitute the Bill for the Report.

Thereupon the pending motion to substitute the Bill for the Report prevailed. The Bill was read twice and tomorrow assigned.

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

JOINT ORDER (S. P. 601) — Re Recalling from the Governor Bill "An Act relating to Transportation of Seriously Injured People Directly to a Hospital" (H. P. 1051) (L. D. 1443)

Tabled—May 25, by Mr. Martin of Eagle Lake.

Pending — Passage in concurrence.

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

Mr. **MARTIN**: Mr. Speaker, Ladies and Gentlemen of the House: Apparently over the weekend there had been some concern about the constitutionality of this bill that is presently on the Governor's desk, and for that reason, apparently, the order was introduced. It is my understanding now that that question has been resolved and so I would now move the indefinite postponement of the joint order.

Thereupon, on motion of Mr. Martin of Eagle Lake, the Joint Order was indefinitely postponed in non-concurrence and sent up for concurrence.

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

Bill "An Act relating to Closed Season and Minimum Size of Coho Salmon" (H. P. 1328) (L. D. 1742) —In House, passed to be engrossed. —In Senate, passed to be engrossed as amended by Senate Amendment "A" (S-196) in non-concurrence.

Tabled—May 24, by Mr. Kelley of Machias.

Pending—Further consideration.

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

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

Bill "An Act to Correct Certain Errors and Inconsistencies in the Fish and Game Laws" (S. P. 591) (L. D. 1749)—In Senate, passed to be engrossed.

Tabled—May 24, by Mr. Martin of Eagle Lake.

Pending—Passage to be engrossed in concurrence.

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

Mr. **MARTIN**: Mr. Speaker, Ladies and Gentlemen of the House: This amendment that I am about to present would, in effect, help us assist the Speaker in shortening the session. This amendment

would provide and give to the Commissioner of the Department of Inland Fisheries and Game power and the authority to hold hearings on requests from local people. As you well know, existing law now says that in order for a petition to be entertained by the commissioner and in order to have a hearing by the commissioner, it must be done during the months of August and September of the year preceding the year in which the regulation is to go into effect.

Of course we come down here in January, people get at us and say "Well, you are down there. Change the law because we want it effective in June to take care of a problem that is now facing us." And so we do it. What this amendment would do would be to allow people to initiate a petition, provided that they brought it to the commissioner's attention before the first of February, and then the commissioner would be authorized to hold hearings during February and March as well as August and September. And then at that point, regulations would then go into effect 90 days after the commissioner promulgates the rule of the department.

Now I think if you just stop and realize for moment the amount of time that we have spent on—I hate to even mention it—the size of trout during this session, I think you realize that this sounds pretty good.

Now the amendment that you have before you, or I will offer, is under filing H-346, and I would hope that all of you would endorse it with somehow the same pleasure that I got in introducing it.

And so, Mr. Speaker, I offer House Amendment "A" to L. D. 1749 and move its adoption.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, offers House Amendment "A" and moves its adoption.

House Amendment "A" (H-346) was read by the Clerk.

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

Mr. PORTER: Mr. Speaker, Ladies and Gentlemen of the House: I doubt if anyone is any more anxious than I am to shorten

this session. And I certainly concur with the gentleman from Eagle Lake. I think this is a method that will shorten the sessions. I am glad to support his amendment.

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

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

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

Tabled — May 24, by Mr. Hardy of Hope.

Pending — Passage to be engrossed.

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: This bill came before the Natural Resources Committee, and I have prepared an amendment which I do not wish to offer at this time because of a query sent to the Attorney General's Department. I would urge that this be tabled one more day.

On motion of Mrs. Brown of York, retabled pending passage to be engrossed and tomorrow assigned.

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

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

Tabled — May 24, by Mr. Birt of East Millinocket.

Pending—Passage to be enacted.

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

Mrs. BERRY: Mr. Speaker and Members of the House: I have talked with some of those who signed the Minority Report in opposition, and we would like to see an amendment specifying the amount.

We have found that there was some information put out that some of us on the committee, perhaps all of them, didn't get. And

the department says in this that a service charge of \$3.00 per bottle for private supplies would generate sufficient funds to hire personnel and equipment. If it could be, I would like to have it tabled until I talk with the department, I could not get hold of them today, and see if we could have an amendment.

Thereupon, on motion of Mr. Susi of Pittsfield, retabled pending passage to be enacted and specially assigned for Thursday, May 27.

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

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

Tabled—May 24, by Mr. Porter of Lincoln.

Pending—Passage to be enacted.

On motion of Mr. Page of Fryeburg, under suspension of the rules, the House reconsidered its action of May 18 whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-342) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

Bill "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 24, by Mr. Smith of Dover-Foxcroft.

Pending—Motion of Mr. Marstaller of Freeport to recede.

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

Mr. MARSTALLER: Mr. Speaker, Ladies and Gentlemen of the House: I made the motion to recede. As you know, this bill was indefinitely postponed in the House and passed in the other body. I voted for the indefinite postponement the other day because of

certain bad features of the bill, and after talking to those who are interested in the good features of the bill, we have come up with a proposed amendment that hopefully will solve the problem. So I hope you will go along with me on this motion so that I can offer the amendment and see where we go from there.

Thereupon, the pending motion to recede from indefinite postponement prevailed. On further motion of the same gentleman, the House voted to recede from passage to be engrossed.

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

House Amendment "B" (H-328) was read by the Clerk and adopted.

Thereupon, on motion of Mrs. Boudreau of Portland, tabled pending passage to be engrossed in non-concurrence and specially assigned for Thursday, May 27.

The Chair laid before the House the twenty-first 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 24, by Mr. Hawkins of Farmington.

Pending—Acceptance of either Report.

On motion of Mr. Hewes of Cape Elizabeth, retabled pending acceptance of either Report and tomorrow assigned.

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

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

Tabled—May 24, by Mr. Scott of Wilton.

Pending—Passage to be enacted.

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

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

Mr. MARTIN: Mr. Speaker, is the House in possession of L. D. 1719, An Act to Improve the Procedure for Correcting Vital Statistics?

The SPEAKER: The answer is in the affirmative. This Act was recalled from the Governor by Joint Order. An Act to Improve the Procedure for Correcting Vital Statistics, House Paper 1311, L. D. 1719.

On motion of Mr. Martin of Eagle Lake, under suspension of the rules, the House reconsidered its action of May 17 whereby the Bill was passed to be enacted.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action of May 11 whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-350) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: If you will note the Statement of Facts on the bottom of House Amendment "A", you will see the reasoning why we have gone through the parliamentary procedure of bringing it back from the Governor's desk and submitting the amendment. We feel, of course, that the bill ought to be passed, and as I understand it, it is a good bill, and the amendment will take care of the objections. As I understand it, this was the intent of the committee, and by an error between here and there, and I am not sure where, the original bill went in. So, of course, I move its adoption.

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

Mr. DYAR: Mr. Speaker and Members of the House: As I understand the amendment that Mr. Martin has proposed here, the amendment would be identical to L. D. 1081. The committee redraft, 1719, is not the same as L. D. 1081. The second paragraph of the

bill has been changed, and I will read it. The second paragraph says, "Where a certificate of birth, death or fetal death has been corrected by the department, the department shall transmit a copy of the corrected certificate to the clerk of any municipality in which a certified copy of the original certificate has been recorded under chapter 701 to 707."

The original bill of this redraft and the amendment states "Where a certificate of record of birth, marriage, death or fetal death has been altered, amended or completed by the department, the department shall transmit a copy of alteration, amendment or completion to the clerk of the municipality in which a certified copy of the original certificate has been recorded under chapter 701 to 707." And I will submit that 1719 is not the same as 1081 or the amendment.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I think what the gentleman is saying is absolutely correct. The amendment, in effect, will bring it back to the redraft that we have in front of us, 1719. If it is not the case, will the gentleman table it for a legislative day.

Thereupon, on motion of Mr. Dyar of Strong, tabled pending the adoption of House Amendment "A" and tomorrow assigned.

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

Mr. NORRIS: Mr. Speaker, I move we reconsider our action whereby item 22 was passed to be enacted and hope you will all vote against me.

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves that the House reconsider its action of earlier in the day whereby an Act Establishing a Human Rights Commission, House Paper 507, L. D. 659, was passed to be enacted. All in favor of reconsideration will say aye; those opposed will say no.

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

The Chair laid before the House a matter tabled earlier and assigned for later in today's session:

Bill "An Act to Regulate Industrialized Housing under the Maine State Housing Authority" (H. P. 1345) (L. D. 1764)

Pending — Passage to be engrossed.

On motion of Mr. Cooney of Webster, retabled pending passage to be engrossed and tomorrow assigned.

On motion of Mr. Drigotas of Auburn,

Adjourned until nine o'clock tomorrow morning.