

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Monday, June 7, 1971

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

Prayer by the Rev. Mr. Linwood Welch of Augusta.

The members stood at attention during the playing of the National Anthem by the Wells Senior High School Band.

The journal of the previous session was read and approved.

Orders Out of Order

Mrs. Payson of Falmouth presented the following Order and moved its passage:

ORDERED, that Miss Pamela Ryan of Falmouth be appointed to serve as Honorary Page for today.

The Order was received out of order by unanimous consent, read and passed.

Mr. Lucas of Portland presented the following Order and moved its passage:

ORDERED, that Glendon, Graydon and Griffith Braley of Castle Hill be appointed to serve as Honorary Pages for today.

The Order was received out of order by unanimous consent, read and passed.

Conference Committee Reports

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Record of Plans by Registers of Deeds" (H. P. 728) (L. D. 816) reporting that the House recede from passage to be enacted and from passage to be engrossed, adopt Conference Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "A"; that the Senate recede and concur with the House. (Signed)

DYAR of Strong
CURRAN of Bangor
FRASER of Mexico

— Committee on part of House.
PEABODY of Aroostook
SCHULTEN of Sagadahoc
MARTIN of Piscataquis
— Committee on part of Senate.
Report was read.

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

Mr. CAREY: Mr. Speaker, I would address a question through the Chair to one of the Conferees.

The SPEAKER: The gentleman may pose his question.

Mr. CAREY: Do I understand that now for the recording of a plan there will need to be two ink on cloth drawings?

The SPEAKER: The gentleman from Waterville, Mr. Carey, poses a question through the Chair to any member of the Conference Committee on the part of the House, who may answer if they choose.

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

Mr. DYAR: Mr. Speaker and Members of the House: I am not familiar with the amendment actually that they attached to this document, but I believe what they are talking about is the reproduction, that the engineer or the surveyor will record only one but the register of deeds will have two made up, one to be filed and one available for the public.

Thereupon, the Report was accepted. The House receded from passage to be enacted and from passage to be engrossed. Conference Committee Amendment "A" (H-416) was read by the Clerk and adopted.

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

Report of the 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) reporting that the Senate recede and concur with the House in passing the Bill to be engrossed as amended by House Amendment "B". (Signed)

FINEMORE

— of Bridgewater
McNALLY of Ellsworth
BUSTIN of Augusta
— Committee on part of House.
TANOUS of Penobscot

GRAHAM of Cumberland
LEVINE of Kennebec

—Committee on part of Senate.
Report was read.

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

Mr. NORRIS: Mr. Speaker, I move that the House reject the Conference Committee Report.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: This bill now, this report is just exactly, with no exceptions, the way this bill left the House. When it left the House it had the House Amendment "B" on it and it still has. The three members of the other body have agreed to agree with us. So as far as we are concerned if we accept the report we will accept the bill that originally left the House.

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

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: I think that Mr. Norris of Brewer is right. I think we should reject the whole thing. We are bringing in every little business that has got one or more employees to pay some more bills and I don't think it is right. I didn't think it was right in the first place and I don't have any objection to the amendment "B". It takes out the woodcutters and it is in the same situation we had it. I think we should kill the whole bill.

The SPEAKER: The Chair will order a vote. All in favor of the motion to reject the Conference Committee Report will vote yes; those opposed will vote no.

A vote off the House was taken. 68 voted in the affirmative and 12 voted in the negative.

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

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I would ask you to vote against the motion of the gentleman from Brewer, Mr. Norris, to reject the Committee of Conference Report. As the gentleman from Bridgewater indicated to you, this bill left the House with an amendment which the gentleman from Bridgewater had offered, that eliminated from the coverage of the law those people that worked — three or less employees that worked in the woods industry.

The reasoning of course at that time was because of the high cost of insurance coverage that is necessary to get these particular individuals covered. There was no intention at that time to kill the entire bill. I sympathize with the gentleman from Albion, but I don't agree with him. As I recall, the last trip around the vote was rather substantial, and I would suggest that we stick with that particular vote.

I went along with the amendment, not because I wanted to exempt per se woods employees, but I am aware of the problem that this particular industry does pose. I do represent a great many of these people and I know what the problem is. I would hope in the future we could get them covered. I do feel, however, that the amendment at this time is a workable one and I would ask you not to kill the bill, because this was not, I think, the intent of the House.

I would therefore ask you to vote against the motion and to vote no.

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

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: To my good friend Mr. Martin, you don't need to have any sympathy for me, because I pay these higher rates anyway. But

in my town we have three little stores and a garage, and in your town you have got three little stores and a garage, and everywhere else. These people are all going to come under it; and I wonder if they can afford it.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I am glad that the gentleman brought up the question. I happen to have a brother that happens to own a garage that would be covered under this law. I don't think he is that concerned about it; I think he is happy that he can be able to provide some coverage for the employee that he has.

I asked the Insurance Department and the Labor Department to provide me with the cost and I would like to pass it on to the gentleman from Albion and to all the members of the House. If you happen to be involved in a garage, the cost would be \$1.29 per \$100 of payroll — \$1.29 if you have a garage. However, if we are talking about the stores in our little home towns— and there are I think twelve of these in my home town that would be covered. The cost to them would be 57 cents — 57 cents per \$100 of payroll.

And you know, in speaking with these individuals, they are not opposed because they are again happy to provide that coverage because they know that the employee is just as likely to get run over in front of their store or have something fall off the shelf and hurt their employee as it is likely to occur if they have four or five employees.

So I think that after speaking with some of these people who would indeed be covered, I don't find that they are opposed, I know that the gentleman from Lubec, Mr. Donaghy, is going to rise and say that this is not the case, that he would be affected and that the small stores would go out of business. But I can assure you that that is not the case. These people have indicated to me that this is not going to happen.

The SPEAKER: The Chair rec-

ognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: There has been a matter that hasn't been brought up in the discussion of this problem. I have a lot of sympathy for laborers, whether there are three employees or more, that they have some protection in case they are injured. However, I wonder if we rejected this Conference Committee Report — and I will get back to what I am referring to. Most farmers presently under the law, rather than providing Workmen's Comp. get by by buying employers liability insurance which costs much less than Workmen's Compensation. That way they give the protection to their workers, we'll say, to the extent of their having their doctor bills paid.

The only thing, as I would understand the difference between these two methods, would be the fact that they would not receive the Workmen's Compensation during the period that they are out of employment. However, this does provide fairly good protection.

I just wonder in this argument between employers of three employees or less, whether there would be any possibility that a compromise could be worked out whereas the employers with this number could cover themselves and their employees by carrying employer's liability insurance rather than Workmen's Compensation at the added cost. It seems to me there may be here a reasonable compromise which might prove satisfactory to both sides.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: If the gentleman from Perham, Mr. Bragdon, will stop and think, in the last session we had an insurance agent answer this question. It is impossible for a woods operator to buy a liability insurance. He cannot buy it. And when he does buy it — for woods operators, not truck drivers, but for woods operators in the woods, who are actually

operating in the woods with skidders and so on, they have to buy an assigned risk — every one of them is assigned risk — which starts at eight cents and a half on every dollar.

Mr. Martin, the gentleman from Eagle Lake, is very correct on the others, on the stores and garages, and I think they all need them and I think it is a reasonable rate. But in the woods it is not a reasonable rate.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: The gentleman from Eagle Lake anticipated me rising. However, I don't think he realized why I was going to rise. I am simply standing here to correct some misinformation he has given you, or rather it is an error of omission. In figuring Workmen's Compensation there are a few factors that you start off with before you start figuring your rate — one is loss constant and another is an expense constant. This means that every policy will start costing in the neighborhood of twenty to twenty-five dollars. Then you start figuring the rate based on the experience of a particular occupation. And I am not going to question that the gentleman from Eagle Lake has the right rates for a storekeeper or store clerks and for garage mechanics, but it goes even beyond that.

From the other side of it I would like to say that in buying this Workmen's Compensation it precludes the employee from suing. So actually the person that buys it for his employees is helping himself in that once he has bought it he can't be sued by the employee for anything that happens on the job because of negligence. He can't even say that the employee was negligent and caused this accident himself. An employer can be sued on this basis, but if he has Workmen's Compensation he can't be, it becomes a statutory thing. And so there are two sides to it.

I am not trying to say that we

should not provide this coverage for low wage employees. Actually, it would be sort of silly, because as an insurance agent I would be losing business if they didn't buy it. But I do think that we should be telling the whole story on the premium and charges, because I don't think that you would be able to get a policy at all for less than \$50 for anyone in any business. It will go from there on up into \$200 to \$250 for painters and certain types of carpenters that are liable to fall or have things fall on them. It varies even among the various trades, the amount of premium that is charged. But it does provide another thing for the employer, in that the employer can't be sued as I say, by the employee if there is Workmen's Compensation there.

I am sorry if I disappointed the gentleman from Eagle Lake.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Several times in previous sessions I have sponsored bills which would require persons with one or more employees to take out Workmen's Compensation. A small business is often just as hazardous as a large one. And I have always felt that all businesses should cover their employees under Workmen's Compensation. It is the only fair thing for our entire force, to give equal protection for all workers. And I feel that any conscientious employer, even if he only had one or two people working for him, would do this, would take this out for his own protection, as the gentleman from Lubec, Mr. Donaghy, has said. And I hope you vote against the motion.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: There are many many people, whom all of us represent, that need the protection offered by Workmen's Compensation but who are not in a group of three or more. I cannot understand how someone can have sympathy for workers in groups of three or more but not

when they are alone or when they are with one other person.

Now I wasn't particularly in favor, in fact I spoke against the amendment offered by the gentleman from Bridgewater, Mr. Finemore, in fact he and I haven't been on the same side of too many issues since this session started. But he took me aside and he explained to me the particular problem with woods operations, and I knew nothing about wood operations, so I was willing to go along with him as far as this Committee of Conference Report is concerned.

This bill is not going to put anybody out of business. It is a unanimous Committee of Conference Report. The bill has been compromised far enough, and I feel that we should reject the pending motion because this is a very important piece of labor legislation.

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

Mr. MARSTALLER: Mr. Speaker, Ladies and Gentlemen of the House: I am going to go along with the Committee of Conference Report. I do think that we do have a problem with woods operations and also that this rate problem which affects various industries in a different way.

I hope between now and another legislative session that somebody may come up with an idea and a proposal, and my insurance friends won't be too happy about this, I suppose, but I think that if we are talking about the rates to protect people from injury that we ought to share this clear across the board. I have a piece of paper in my hand here, and the fellow that cuts the trees, he has to pay one rate; the manufacturing plant pays another rate; the person that uses it in an office pays another rate, but it is all involved in the same product. I think that eventually to straighten this out we need to have an across the board rate on this compensation insurance so that we all share equally. We do that with Blue Cross and other things, and I think this ought to be a way we should look to in the future.

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

Mr. JALBERT: Mr. Speaker and Members of the House: As I understand it, the three that were on the Conference Committee Report, three of them were for this bill and three against this bill. Am I now to understand that by a Committee of Conference Report they have agreed to this bill as it is now, so that if one agrees with the Committee of Conference, they are to vote against the pending motion, is that correct?

The SPEAKER: The Chair would advise the gentleman that the Committee of Conference on the part of the House reflects the views and the action of the House. Those on the part of the Senate reflected the views of the Senate.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I get up to support the gentleman from Brewer, Mr. Norris's rejection of this. The only reason I am standing here to reject it is the amendment. I feel that if we are going to pass a piece of legislation out like this, and we know woods operations are extremely hazardous and dangerous, that we should be protecting these people. I don't feel that because they happen to have these kind of operations in my area that I want to protect the small operator. If I was up there I would want to be protecting the little guy that is out there earning a living in cutting these trees and processing them. So this is the only reason that I have got to vote against this report. I do it very reluctantly, but I am going to have to.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I have to agree with several of the speakers that have mentioned previously, it isn't only for the woodsmen that the Workmen's Compensation is very costly, there are other occupations that are at the present time. You take a painter today, a contractor, if he hires men to go paint on property, on blocks, on the commercial buildings, he has to pay a very high rate, and there are many others. I don't

agree with the amendment on this bill.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: I would be remiss if I didn't speak on my own bill. If you recall, I told about losing my marbles, but I don't want to lose them again.

Now this bill and this amendment, which was agreed to by the Conference Committee, was a compromise, and I am always open to compromise when we can make some progress. Now I hope that you will vote against this motion.

The SPEAKER: The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that the House reject the Conference Committee Report on Bill "An Act relating to Applicability of Workmen's Compensation Law to Employers of One or More Employees," House Paper 601, L. D. 803. A roll call has been ordered. All in favor of the motion will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ault, Berry, G. W.; Binnette, Bither, Brawn, Bunker, Call, Carter, Clark, Crosby, Cummings, Curtis, A. P.; Gauthier, Hall, Hancock, Haskell, Henley, Herrick, Immonen, Kelleher, Keyte, Lee, Littlefield, MacLeod, Manchester, McCormick, McNally, Mosher, Norris, Page, Payson, Pratt, Rand, Simpson, L. E.; Smith, E. H.; Trask, Tyndale, Wight, Williams.

NAY — Albert, Bailey, Barnes, Bartlett, Bedard, Bernier, Berry, P. P.; Berube, Birt, Boudreau, Bourgoin, Bragdon, Bustin, Carey, Carrier, Churchill, Clemente, Collins, Conley, Cooney, Cote, Cottrell, Curran, Curtis, T. S., Jr.; Cyr, Dam, Donaghy, Dow, Doyle, Drigotas, Dyar, Emery, D. F.; Emery, E. M.; Evans, Farrington, Faucher, Fecteau, Finemore, Fraser, Gagnon, Genest, Gill, Good, Goodwin, Hanson, Hawkens, Hayes, Hewes, Hodgdon, Jalbert, Kelley, R. P.; Kilroy, Lawry, Lebel, Lessard, Lewin, Lewis, Lizotte, Lucas, Lund, Lynch, Mahany, Marsh, Marsteller, Martin, McKinnon, Millett, Mills, Murray,

O'Brien, Orestis, Parks, Pontbriand, Porter, Rollins, Ross, Shaw, Shute, Simpson, T. R.; Slane, Smith, D. M.; Stillings, Susi, Theriault, Vincent, Webber, Whitson, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT—Baker, Brown, Dudley, Hardy, Jutras, Kelley, K. F.; Kelley, P. S.; Lincoln, Maddox, McCloskey, McTeague, Morrell, Rocheleau, Santoro, Scott, Sheltra, Silverman, Starbird, Tanguay, Wheeler, White.

Yes, 39; No. 90; Absent, 21.

The SPEAKER: Thirty-nine having voted in the affirmative and ninety having voted in the negative, with twenty-one being absent, the motion does not prevail.

Thereupon, the Conference Committee Report was accepted and sent up for concurrence.

Papers from the Senate Tabled and Assigned

From the Senate: The following Order:

WHEREAS, the emerging needs of Maine's citizens require increasingly complex decisions by the Legislature; and

WHEREAS, the health, safety and welfare of Maine people can best be served by a Legislature whose structure and operations permit the best possible informed responses to these needs; and

WHEREAS, the ever-increasing burden of taxation on our citizens makes it essential that improved methods of budgeting and evaluation of programs be considered which can best guarantee the most prudent use of our tax dollars; and

WHEREAS, Maine citizens have every right to expect that the output of the Legislature be characterized by quality legislation and effective oversight of authorized programs; now, therefore be it

ORDERED, the House concurring, that there is established a special committee on Legislative Rules and Procedures to be comprised of the Speaker of the House, the President of the Senate, 2 former presiding officers of the House to be appointed by the Speaker, 2 former presiding officers of the Senate to be appointed by the President, 2 members of the House to be appointed by the

Speaker and 2 members of the Senate to be appointed by the President.

Said appointments shall be representative of both political parties.

The committee shall choose one of its members as chairman.

The members shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of their duties.

The committee shall be charged with reviewing and evaluating present legislative structure, staff, compensation, rules and procedures and with developing recommendations for changes and improvements in the functioning of the Legislature, including but not limited to:

1. Greater emphasis on prefiling of bills.
2. Reevaluation of rules regarding introduction of bills.
3. Procedures for reference of bills.
4. Use of public hearings on every bill.
5. Present procedures of floor debates.
6. Committee procedures and staffing.
7. The role of the Legislature in continuing program evaluation.

The committee shall report its findings and recommendations to the next special or regular session of the Legislature.

Appropriation. There is appropriated the sum of \$500 from the Legislative Account for the implementation of this order. (S. P. 626)

Came from the Senate read and passed.

In the House, the Order was read.
(On motion of Mr. Stillings of Berwick, tabled pending passage in concurrence and tomorrow assigned.)

Reports of Committees Ought Not to Pass

Report of the Committee on Business Legislation reporting "Ought not to pass" on Bill "An Act relating to Group Marketing of Property and Liability Insurance for Automobiles" (S. P. 443) (L. D. 1269)

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

Leave to Withdraw Covered by Other Legislation

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973" (S. P. 101) (L. D. 229) reporting Leave to Withdraw, as covered by other legislation.

Came from the Senate read and accepted.

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

Ought to Pass with Committee Amendment

Report of the Committee on Education on Bill "An Act to Correct Errors and Inconsistencies in the Education Laws" (S. P. 277) (L. D. 860) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-237) was read by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the Bill.

Divided Report

Report "A" of the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Bond Issue in the Amount of \$19,145,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine" (S. P. 129) (L. D. 376) reporting same in a new draft (S. P. 617) (L. D. 1802) under title of "An Act to Authorize Surplus Appropriation for the University of Maine for Renovations, Expansion and Land Acquisition" and that it "Ought to pass"

Report was signed by the following members:

Mr. SEWALL of Penobscot
-of the Senate.
Messrs. BRAGDON of Perham
GILL of South Portland

BIRT of East Millinocket
-of the House.

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

Report was signed by the following members:

Mr. CONLEY of Cumberland
-of the Senate.
Messrs. CARTER of Winslow
JALBERT of Lewiston
-of the House.

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

Report was signed by the following members:

Mr. DUNN of Oxford
-of the Senate.
Messrs. SHAW of Chelsea
CAREY of Waterville
-of the House.

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

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I move the acceptance of Report "A" of the Appropriations Committee and I think at this time I would like to make very brief comments in regard to the reasons why I signed this report. I may have more to say later when amendments are offered or if amendments are offered to this bill.

I early took the position in the Appropriations Committee the first time that we had a meeting with the Chancellor and the representatives of the University of Maine, that in light of the situation that existed—and I was thinking about the condition or the light, which I must say, in which our universities, our higher education facilities are in nation-wide, and further, the fact we will say that people of the State of Maine have two years in succession turned down substantial bond issues for the University of Maine. I took the position with the Chancellor that it would be much sounder for them to take this period of two years between now and the convening of the next session of the Legislature

to either attempt themselves to get in step with the voters of the State of Maine, or convince the voters of the State of Maine to get in step with them before they submitted another bond issue.

I feel that if there is a real demand for the increases that they talk about in this bond issue, that we will know, or the members of the next session of the legislature will know, that a real and genuine demand is coming from the electorate of the State of Maine for the increases that they are now requesting in this bond issue.

I pose as a friend of the University and what I am saying I am saying that in my best judgment I am speaking for what I feel is best for them and best for the people of the State of Maine. I think they could be well advised to attempt to correct some of the things that they are doing that the people of Maine obviously object to, and I did originally intend to enumerate and enlarge upon these but I felt that perhaps I might then, if I did, I might fall in the light of being an opponent of the University.

I am not going to do that thing, but I am sure that every one of you knows some things that are being done in the University of which you do not approve. I might just briefly say that I feel in the light of the vote on the abortion bill in this House the other day, if you had come up with a bond issue for the University of Maine, if before a house who looked upon abortion as murder in any degree, that I am sure that a bond issue for a university where the word had just got out that they had a fund where they were sending unfortunate students to the State of New York to obtain an abortion, I am sure that you would have had a very very light vote on a bond issue for the University if it had been taken at that time.

This is the only comment that I am going to make about things where I think they may be in error and should correct their thinking. I do feel that they must recognize that they are not in tune with the vote of the State of Maine and before they submit another bond issue I think they should attempt

to get in on the same wave length as the voters of the State of Maine. I will have something further to say probably when amendments are offered to this one.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am not going to mention any names because I received a phone call last night from one of the higher ups in the system at the University of Maine, and it was quite late when I received the call — as a matter of fact I got two calls, one right after another, and my memory slips me as to whether or not the call was to be a commentary, or the naming of the individual was to be held confidential or not, and for the reason of forgetting I am not going to mention the individual.

As you notice, I signed Report "B" which would be in the area of an \$8 million bond issue. It is now my information that the fear of not getting the sufficient two thirds of those present, which will eventually be needed for enactment of this Report "B", I will now — and I have spoken with the gentlemen who signed with me Report "B" and I have made them aware of the facts and the position that I am going to take, so that I had voted for the measure in the first place merely at the request of one of the members because I felt in my heart that at present that the "B" Report could not survive and would not get the necessary two thirds.

I am told by the higher ups at the University that Report "A", which means \$1,300,000 out of surplus, is very very badly needed; and for that reason I am going to support the gentleman from Perham, Mr. Bragdon and withdraw myself from Report "B" by supporting Report "A".

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Perham, Mr. Bragdon, I think has

brought some points to us that we should all consider. All of us realize, after the last two University of Maine bond issue defeats, that someone is not doing the job. Perhaps some of that responsibility ought to lie squarely on the shoulders of the Trustees of the University. Perhaps also some of that responsibility ought to lie on the shoulders of the students who attend the University. But to some degree I happen to be one of those that believes some responsibility has to fall on our shoulders as well.

I was determined this morning that what I could do was to give a speech on behalf of Report "B". I think, however, that the remarks that the gentleman from Perham has made, and the gentleman from Lewiston has made, made the point quite well; that for one reason or another the people of this state resent the University even though the University is educating its students and its children.

I think that the time has come for all of us to really focus on the problem and to make up our minds that we are going to help solve it. If we criticize the University at every opportunity we have, and criticize only to destroy, then we are not helping the University or helping the students of this state. We ought to criticize but we ought to do so constructively, so that changes can be made within the system — and I am talking about the University system. If we are not happy with what the maintenance men or the professors at the University, at any of its campuses are doing, then we ought to go to the very source rather than use sometimes the approach that we use — and when I use the word 'we' I am going to include myself.

I do also fear the possibility that the University would not get either the two-thirds vote required in this legislature or perhaps the necessary votes that would be required in the referendum for the bond issue. But before I say that I am going to support L. D. 1802 in toto, I must add one comment. When this bill reaches its third reading tomorrow, I will offer an

amendment to add \$200,000 for the Presque Isle campus of the University of Maine. I do so not because I happen to be from Aroostook and I intend to be parochial, because really Presque Isle is not my campus — Fort Kent is; but I do so because I have seen the need of the library literally going through the floor, and if the University does not find the \$200,000 necessary for that floor we could well find ourselves by the next session that we don't have a floor and perhaps even a library.

And so reluctantly I will agree with the gentleman from Perham, Mr. Bragdon in acceptance of Report "A". I can assure you, however, that in view of the needs of the students that are trying to go to school that I personally am not in favor of it. But I am also, I hope, a realist.

I happen to know of at least, personally, twenty students from my own district that are qualified but will not be attending the University of Maine this fall for one reason or another, because of space, because of lack of professors. But it all boils down to one point or another, that there is not sufficient money within the University. And we can all have our own answers as to what it ought to be, but the problem still lies there.

So I will this morning go along with the gentleman from Perham, Mr. Bragdon.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I would like to pose a question to anyone on the Appropriations Committee. Am I correct or incorrect on Report "A" that that comes out of surplus? If that comes out of surplus that is not going to be voted upon by the people. Is this correct?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, poses a question through the Chair to anyone who may answer if they choose, and the Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, I am sorry, I intended to comment

on that in my remarks, and I am sorry that I didn't. I intended to point out the situation which this House is in with regard to the three reports. Obviously if you are interested in Report "B" you have got to, before you vote for it you have almost got to assure yourself that you can attain the two-thirds vote not only of this branch but of the other branch of the legislature, and assume further that you can get approval of the people. This is the thing that you have got to consider.

This kind of a report, if you haven't already thought of it, is very tricky. You have got three people voting "ought not to pass." You have got four people voting for a fund out of surplus. You have got three people who voted and have since retracted their thinking on a bond issue.

So if you analyze this situation, we will say, that those who do not want anything for the University join up, we will say, with either one of the other groups, I am sure you will agree immediately that it is practically an impossibility to get a two-thirds vote under this at present.

And if I have not answered the gentleman from Bangor's question, this money that we are talking about in Part I does come out of surplus. I think that the Appropriations Committee can assure you that it will not suffer any ill fate on the Appropriations table, that if you choose to vote for this money it is just like money in their fist for the University of Maine. All you have got to have is a majority vote of both branches of the Legislature. The other procedures are less easy to accomplish than this one.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am going along with the gentleman from Perham, Mr. Bragdon, but I cannot agree with him that the report of this committee is tricky. I don't see any difference between this report of this committee than the oftentimes three-way reports of the Committee on Education and the three-way reports — of the usual three-way reports and that

they could have four, five or six-way reports of the Committee on Wildlife.

The committee report simply is this. That Report "A", which Mr. Bragdon, Senator Sewall, Mr. Gill and Mr. Birt is on, means \$1,300,000, to be taken out of surplus. Report "B" which I signed would mean \$8,200,000. Report "C" would mean nothing. Now being a realist and being told by some of our hierarchy, if not possibly the hierarchy of the University of Maine, that they did not feel that we could gather up enough votes to get two thirds for Report "B", I have been one of those reluctantly who have recanted, not because the report is tricky — because I am a practical individual and I know we can't get two-thirds votes for Report "B", so I have recanted — and as one gentleman stated before here we are somewhere along the line in the art of compromise, and I join that philosophy at least once in a while. I never enjoy it at home, I might as well enjoy it somewhere here, once in a great while.

Now it does come out of surplus, the money is available from surplus, because I have before me an analysis of all of the unappropriated surplus, which means all of the monies subtracted from the estimated surplus for the biennium would be, all of that money taken out, including all of the L. D.'s that are already on the Appropriations table, including all of the money, including the \$11,450,000 that was taken out for the bonded indebtedness out of surplus for Part I, and all of this money subtracted from what the availability of the anticipated surplus will be, leaves us with a cushion — and this includes incidentally the order that was passed for the welfare costs for the month of June of \$1,355,000. This leaves us with a cushion of \$4 million plus in the unappropriated surplus, which will be ample enough money to fund this item of \$1,300,000.

I want to reiterate that my only reason for withdrawing myself from Report "B" and supporting Report "A" is because we cannot realistically hope to get two thirds

of the votes necessary to pass Report "B". And Report "A" is a good report. Report "A", the report of the Appropriations Committee is a very good report. I am not amazed that somewhere along the line possibly that the report could be called tricky. I don't see there are too many reports that have come out of the Appropriations Committee that have been divided anyway. But I am not doing it because of the fact that the report is tricky in any way. I think it is an honest report put out by ten people of which Mr. Bragdon of Perham is one.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I did not mean to imply by using the word tricky in any sense that it was a tricky report on the part of the Appropriations Committee. I think each group signed the report that was, in their opinion, for the best interests of the cause which they were voting on. What I did say I thought, and I think I thought and I feel that the gentleman from Lewiston actually agrees, that I mean it is kind of a tricky thing to vote on. And I still insist that it is.

However, there is one other matter that perhaps I shouldn't attempt to anticipate, we will say, the type of amendment that the gentleman from Eagle Lake has just referred to. I would, of course have to assume — since he probably appears to be going along with the idea that we are not going to have a bond issue, which is wholly for capital construction, I would assume that what he is saying, that he is going to come up with an amendment out of surplus to provide construction in only one school of the whole university complex.

I would suggest if that is what he had in his mind that possibly that if he thinks it clear through he may change his thinking. I think that too could almost fall into the area of impossible inasmuch as if we attempted to take money out of surplus to the tune of \$200,000 for one school I am sure that there would be many many others which

would be proposed; and while I would like to see the school in Presque Isle get the benefit of such an amendment and such amount of money for construction, it seems to me — and I implore the gentleman to really study this through to its final point — if he is just making a gesture maybe I ought to agree with him that I would like to see the money to fix up the library in Presque Isle, but because of the fact that I don't think this is a possibility I would hope that he wouldn't present his amendment.

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

Mr. GOOD: Mr. Speaker and Ladies and Gentlemen of the House: It has come to my attention over the weekend that the classified workers of the Super U, some of them are starting in their jobs at 23c less than the starvation starting wage of the State of Maine regular classified employees. Until this condition is corrected, as it can be by the Board of Trustees, I will not vote for any money of any kind or any description for the Super University.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: For reasons as so well put forth by my good friend from Lewiston, Mr. Jalbert, I too must reluctantly recant and go along with Report "A."

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

Mr. CAREY: Mr. Speaker and Members of the House: As a member of the Appropriations Committee I have signed Report "C" which is "ought not to pass," and I agree with the gentleman from Westfield, Mr. Good, that until the University starts paying its employees I think the people should come before buildings.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: One brief comment. If the gentleman from Westfield and the gentleman from Waterville will

stick with me on the next bill that comes around, my amendment will do just that.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Perham, Mr. Bragdon, that the House accept Report "A" on Bill "An Act to Authorize Surplus Appropriation for the University of Maine for Renovations, Expansion and Land Acquisition," Senate Paper 617, L. D. 1802, in non-concurrence. All in favor of accepting Report "A" will vote yes; those opposed will vote no.

A vote of the House was taken.

94 having voted in the affirmative and 26 having voted in the negative, the motion did prevail.

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

Divided Report

Majority Report of the Committee on Labor on Bill "An Act Providing Notice or Severance Pay by Employers" (S. P. 155) (L. D. 424) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

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

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

Report was signed by the following members:

Mrs. LINCOLN of Bethel
Messrs. KELLEY of Machias
LEE of Albion
— of the House.

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

In the House: Reports were read.

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

The Bill was given its two several readings.

Committee Amendment "A" (S-231) was read by the Clerk and adopted in concurrence and the Bill assigned for third reading tomorrow.

Non-Concurrent Matter

Joint Order (S. P. 619) relative to recalling from legislative files Bill, "An Act relating to Actions by the Attorney General for Injury to Tribal Lands" (S. P. 364) (L. D. 1103) which failed of passage in non-concurrence in the House on June 3.

Came from the Senate with that body voting to insist on its former action whereby the Order was passed, and asking for a Committee of Conference with the following Conferees appointed on its part: Messrs. VIOLETTE of Aroostook
SHUTE of Franklin
CARSWELL

of Cumberland

In the House:

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

Mr. BINNETTE: Mr. Speaker, I move that we insist on a Committee of Conference.

The SPEAKER: The gentleman from Old Town, Mr. Binnette, moves that the House insist and join in the Committee of Conference.

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

Mr. DONAGHY: Mr. Speaker, I move adherence. Doesn't that take priority?

The SPEAKER: To insist has priority over adherence.

Whereupon, Mr. Donaghy of Lubec requested a division.

The SPEAKER: A division has been requested on the motion of the gentleman from Old Town, Mr. Binnette, to insist and join in the Committee of Conference.

The gentleman may debate the issue.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: This is one that we have back here twice trying to have it recommitted to the State Government Committee. It is not a bill in its truest sense. The Attorney General is being asked to defend the

Indians and prosecute the State of Maine, and by law he must protect the interests of the State of Maine; and it is just an impossible situation. So would you please adhere, kill this present motion, and then adhere to our former action.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: I may be in error when I said that I wanted to insist. I want to insist on our previous action. Our action was that we were not to accept that, and I believe that the Senate was the opposite way. So therefore I will withdraw my motion and go along with the motion to adhere to our former action.

The SPEAKER: The gentleman from Old Town, Mr. Binnette withdraws his motion to insist.

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: The question is not whether or not you happen to agree with this particular bill, but whether or not there was an accurate committee report. Now I, for one, probably would have signed "ought to pass," but I was told that the sponsor had given it "Leave to Withdraw" and she had not. So I would hope that we would insist and join in a Committee of Conference.

The SPEAKER: The Chair understands that the gentlewoman from Bath, Mrs. Goodwin, moves the House insist and join in the Committee of Conference.

Mr. Donaghy of Lubec requested a division on the motion.

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

A vote of the House was taken. 48 having voted in the affirmative and 73 having voted in the negative, the motion did not prevail.

Thereupon, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act Repealing the Poll Tax" (S. P. 14) (L. D. 42) which failed passage to be engrossed in

non-concurrence in the House on June 3.

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

In the House:

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

Mr. ROSS: Mr. Speaker and Members of the House: Last week, as you recall, we debated and then finally defeated the head tax which would have brought a lot of money to the municipalities that they do not now receive. At that time I stated, and several others joined with me, that if we were going to defeat the head tax we certainly should not repeal the poll tax. The action of the other body has done just that, and if you should recede and concur you would be repealing the poll tax.

I move we adhere to our action.

Thereupon, Mr. Clemente of Portland moved that the House recede and concur.

The SPEAKER: The gentleman from Portland, Mr. Clemente moves that the House recede and concur.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I just want to say one thing about this. I think if you check you will find that the Maine Municipal Association, which is so jealous of the property tax and things that concern it, is in favor of the repeal.

And another thing, I have forgotten exactly what the committee report was on this, and I hate to bother the Clerk, but I would like to ask that she might read the committee report.

Thereupon, the Committee Report was read by the Clerk.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Obviously if we go along with this procedure to adhere, I believe the motion is to adhere, we will have killed the bill to eliminate the poll tax. I believe I understand it correctly.

What I am saying here is, while we still have — what I would like to see happen, I guess perhaps this is wishing for the impossible, but while we still have the poll tax before us, I would like to see this poll tax amended to include both men and women and, if possible, brought up to the \$5 amount which was mentioned in the bill that we previously had before us so as to make it a realistic tax for the municipalities of the State of Maine. This is what I would really like to see happen. Besides, the gentleman from Madawaska knows that I went along with him for the passage of what I call a realistic tax, and I don't think anybody should object to paying \$5 for the privilege of living in this beautiful State of Maine.

And of course there are other advantages to a poll tax, and Mr. Cyr made a very good pitch the other day. Somehow or other I wish we could still keep this thing alive, with the possibility before it goes back to the other body of amending it and making it a realistic tax of the magnitude of the one which was defeated here in the House the other day. If this is wishful thinking, so be it; but this is what I would like to see.

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

Mr. ROSS: Mr. Speaker and Members of the House: The gentleman from Perham, Mr. Bragdon, said that he thought the motion before us was to adhere; it is not, it is to recede and concur now. If you vote against that motion to recede and concur, then those who want to keep it alive, anyhow, could vote to insist and have a Committee of Conference.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen: The argument has been made that this is the desire of the municipal officers in the state, and I find that ridiculous. The municipal officers can appear at a public hearing asking for the repeal of the toll tax, leave the hearing room and then lobby

the legislators for more money on revenue sharing, pleading poverty at the local level.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I believe you will correct me if I am in error. I think Mr. Ross's statement is incorrect. I think if you vote to recede and concur you would keep it alive, and then you won't need a Committee of Conference.

The SPEAKER: The Chair would advise the gentleman and the House that the pending motion is to recede and concur.

The Chair recognizes the gentleman from Madawaska, Mr. Cyr.

Mr. CYR: Mr. Speaker, Ladies and Gentlemen of the House: I agree with Mr. Lynch. I can't understand the action of the Maine Municipal Association. In fact, all the time that I was involved with the Maine Municipal Association they always were opposed to the repealing of this tax. Now what changed their mind lately, I don't know. To me they have just been misled. They think that the State of Maine, through their state income tax, is going to take care of the education bill, and they think that the federal government is going to take care of health and welfare. Well I can tell you that they are going to be sorely disappointed. They are crying for relief of property taxes on the local level, then they turn around and they repeal the property tax on furniture, they repeal the property tax on radios, on TV's, on pianos. What have they got left? They have only got the property tax and stock and inventory.

Now they say that this is a nuisance tax and it is hard to administer. Well how about the licensing of dogs? Is a man worth just a dollar less than the dog? You register a dog and you pay a dollar. And what's more, on your dog tax they don't discriminate between sex; they charge you \$2.00 on whether you are a male or a female. Actually, what I would like to see is some way of being able to go back and make this tax really worthwhile, take off

the discrimination, increase it to \$5, so that we would have revenues that would be really meaningful. And if you want to find out how much it would mean for your own community, all you have to do is to find out how much your revenues from the poll tax is today and multiply it by three. I mentioned in my presentation last week that Portland would generate \$150,000; South Portland would generate \$50,000, and so forth and so on. If we repeal this and do not replace it with anything else, I think you are going to find that it is a mistake.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am apparently on my feet quite often today. But knowing that this was coming back in some form or another I inquired at home from several individuals, who do not own property and who outside of their payment of their income and sales and all other taxes, how they they felt about this income tax. I inquired also from some city officials, and I did not get one person who informed me that they would like to see me vote to repeal this income tax.

For a moment I would like to make a comment wherein it concerns the Maine Municipal Association. The Maine Municipal Association was formed many many moons ago, when the communities did not enjoy what they do now, their own attorneys or corporation lawyers in cities. And somewhere along the line, if any of you will read the reports of the last year which apparently have not been given to us this year, you will see that on several occasions the Municipal Association reports are in direct conflict between the urban and the rural areas, and somewhere, someday, the division is going to have to be made. They are in this position here of saying we want this and we also want that, and I don't think I have heard a briefer and more intelligent few comments made as were made by my colleague from my county, the representative from Livermore Falls,

Mr. Lynch, today—on one hand relieve us; on the other hand, give us.

I certainly want to keep this \$3 income tax and I now move that we insist. I don't mean insist and ask for a Committee Conference; I move that we insist.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Clemente, that the House recede and concur, which is a motion of priority.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I come from a part of Hancock County that only has three towns that I represent—Blue Hill, Surry and Ellsworth. Now I was in the city hall in Ellsworth and voted on their referendum that comes up tomorrow because I wasn't going to be there and never in any time when I have ever visited or even yesterday did the city manager suggest that he was all for repealing the income tax.

In fact, way back when it was suggested it might be repealed, he made the statement that he was quite sure that he hoped I would go along to retain it. And he said, "You know, it wouldn't hurt us if we had a tax on the women also." But shortly after this came out in the paper that there were people who were interested in repealing it, one of the selectmen of Blue Hill called me and said, "We hope you will do everything possible to keep the poll tax, and we also hope that you put one on the women. And we would suggest that \$5 would be a reasonable figure for both of them."

Last Saturday night I went to a nice supper at the Surry Grange Hall and two of the selectmen of Surry were there, and they said, "You're not going to let them repeal that poll tax are you? Isn't there some way that you could tax the women?"

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I hope that we vote against concurring with the Senate. As I understand it, they have voted to repeal the

poll tax. I hope that we vote against that action.

While I was on my feet I did intend to mention the fact that our neighbor, of which probably most of you are aware of anyway, the fact that our neighboring State of New Hampshire has such a tax of \$10 which applies to both men and women, and if it is good for New Hampshire it ought to be good for us. We are imitating them on our sale of liquor; let's imitate them on their taxation measures.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: As I have said here, many of these people are over 70 years old. They don't pay a poll tax anyway. Some of them here are disabled veterans, service connected, they have 10 per cent disability and they don't pay any either. So this is going to fall on you that have got to pay it. And I would like to know how many of these people who are so enthused over taxing \$5 on everyone pay one.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the signers of the report "ought not to pass." I do not favor repealing the poll tax because in my town this brings in quite a little sum of money, and I do not feel it is up to us in the legislature to take any money away from the towns. However, I do not favor a head tax on men and women at the rate of \$5 at this time either, because if you think for one moment to put a head tax on the women and on the men—this will put the burden on the man because sometimes the wife is not working—and to me, if we were going to do this, I would rather gamble on the repeal of the income tax and up the rates of the income tax than put another tax on the people, because a \$5 head tax would really be major taxation when it comes right down to the poor people.

This would be hitting them right where it hurts. They are a lot better off, the poor people are, than

the working people in the state with an income tax because they are not paying as much as they would be paying the \$5 extra on a head tax. And I would favor leaving this law the way it stands now, keeping our \$3 poll tax and not playing around with any head tax either.

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

Mr. LEWIS: Mr. Speaker and Ladies and Gentlemen: I rise in opposition to the repeal of the poll tax. I am looking over this report from the Taxation Department, I have made a study of the eight towns that I represent, and I find that back in 1970 there were approximately 1,800 poll taxes collected in the eight towns that I represent amounting to \$5,400. In my own town, the Town of Bristol, in 1970 \$1,386 was collected from the poll tax. Now if this were eliminated it would mean that we would have to find \$50,000 in new taxable property to replace the money lost by repeal of the poll tax. I think this same situation would apply to many small towns in the state, and I certainly hope that this tax is not repealed.

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

Mr. LEBEL: Mr. Speaker, Ladies and Gentlemen of the House: I am against repealing the poll tax. My town manager told me last week we collected 817 poll taxes, which isn't much money, but we surely need that money.

Another thing, too, is that Caswell Plantation has to take care of Connor Plantation at the voting time. And the only way they can pay Caswell for the expenses is by the poll tax. So the State gives back the poll tax that they collected from Connor Plantation to Caswell to take care of the voting, and that is not the only situation. There are plenty like this. So I hope we don't repeal it.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen: We have put a tax on income, sales, gas, li-

cense, the good Lord knows what else. I feel it is about time we got rid of this nuisance tax.

If anyone wishes to save money on the local level, I say fire a few of the highly paid department heads that are not producing and eliminate the fee for the MMA. In Auburn alone we paid \$2,500 this year for the MMA. It was up a thousand dollars from last year.

Mr. Norris of Brewer moved the previous question.

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

A vote of the House was taken, and more than one third of the members present having expressed a desire for the previous question, the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. All in favor of the main question being put now will say aye; those opposed will say no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Clemente, that the House recede and concur. If you are in favor of receding and concurring you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

51 voted in the affirmative and 77 voted in the negative.

Thereupon, Mr. Clemente of Portland requested a roll call vote.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed

a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Clemente, that the House recede from its former action and concur with the Senate on Bill "An Act Repealing the Poll Tax," Senate Paper 14, L. D. 42. All in favor will vote yes; if you are opposed you will vote no.

ROLL CALL

YEAS — Albert, Ault, Bedard, Bernier, Berry, P. P.; Berube, Boudreau, Brawn, Bunker, Bustin, Carter, Clemente, Collins, Cooney, Cottrell, Curtis, T. S., Jr.; Doyle, Drigotas, Emery, D. F.; Emery, E. M.; Farrington, Faucher, Fecteau, Finemore, Gagnon, Good, Goodwin, Kelleher, Lessard, Lizotte, Lucas, Lund, Manchester, Martin, McCloskey, McKinnon, Millett, Mills, Murray, Norris, O'Brien, Rand, Shaw, Simpson, L. E.; Slane Smith, D. M.; Smith, E. H.; Susi, Tyndale, Vincent, Wood, M. E.

NAYS — Bailey, Barnes, Bartlett, Berry, G. W.; Binnette, Birt, Bither, Bourgoin, Bragdon, Call, Carey, Carrier, Churchill, Clark, Conley Cote, Crosby, Cummings, Curran, Curtis, A. P.; Cyr, Dam, Donaghy, Dow, Dyar, Evans, Fraser, Gauthier, Genest, Gill, Hall, Hancock, Hanson, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Jalbert, Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lee, Lewin, Lewis, Littlefield, Lynch, MacLeod, Mahany, Marsh, Marstaller, McCormick, McNally, Mosher, Orestis, Page, Parks, Payson, Pontbriand, Porter, Pratt, Rollins, Ross, Scott, Shute, Simpson, T. R.; Stillings, Theriault, Trask, Webber, White, Wight, Williams, Wood, M. W.; Woodbury.

ABSENT — Baker, Brown, Dudley, Hardy, Jutras, Kelley, K. F.; Kelley, P. S.; Lincoln, Maddox, McTeague, Morrell, Rocheleau, Santoro, Sheltra, Silverman, Starbird, Tanguay, Wheeler, Whitson. Yes, 51; No, 80; Absent, 19.

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

Thereupon, the House voted to adhere to its former action.

Non-Concurrent Matter

Bill "An Act relating to Claims Against the State and Immunity of State Officers and Employees" (S. P. 417) (L. D. 1232) on which the House accepted the Minority "Ought not to pass" Report of the Committee on Judiciary in non-concurrence on June 3.

Came from the Senate with that body voting to insist on its former action whereby the Majority Report reporting "Ought to pass" as amended by Committee Amendment "A" was accepted and the Bill passed to be engrossed as amended by Committee Amendment "A."

In the House:

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

Mr. PAGE: Mr. Speaker, I move that we adhere.

The SPEAKER: The gentleman from Fryeburg, Mr. Page, moves that the House adhere.

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

Mr. NORRIS: Mr. Speaker, I move that we recede and concur and would speak briefly to my motion.

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves that the House recede and concur.

The gentleman may proceed.

Mr. NORRIS: Mr. Speaker and Members of the House: I would hope that we would recede and concur and take this to third reader and then present the amendments that might straighten out any objections that you do have this morning, particularly as pertaining to the immunity of state officers and employees.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I oppose the motion to recede and concur. Last week this bill was in front of us and I think we discussed it for quite a while, and it was the intention of the people here in this House that we actually accept the "ought not to pass" report.

Now I don't intend this morning to go through the gymnastics that

we did last week on this bill, but this bill, as you know, would create another commission, and some of the objections about the commission are that all these commissions grow and grow and then they cost more money.

Now one of the objections under the commission — the phrase was very contrary to other commissions that are made, that the members would be appointed by the Governor only. I still say, and I did last week, that this I do not agree on.

One of the other things that we had here was the fact that some of these claims, instead of going to the Legal Affairs Committee, would go to this commission. I claim that the proper place for it is in this committee. That is what it is for. That is actually what it has been changed for, and I think that there is no need for a commission.

This puts the person under very strenuous limitations as to how this is going to be filed. Also any claim under this chapter would have to be put in within one year. But one of the main objections which I did not state last time was the fact that after three years, no claim shall be presented after three years from the date of the event complained on. Now this is in total disregard and against the old rules of the statute of limitations. If I recall right, under the statute of limitations you have six years to bring a claim in, and I don't see why we should make a particular rule for a commission or for some claim here which would be detrimental to the people of the State of Maine. This I object to very much.

Of course there is the thing of who will serve the process and who will administer oaths, and of course the immunity clause of the persons who would work for the state would not be liable. I think reasonable care should be applied in all cases, and this will apparently eliminate it.

I am not interested in the amendments. I think that this actually is not a good law as far as we are concerned, and I hope that you oppose the motion to recede and concur, because last week we actually defeated this proposal and I think that we should again.

The SPEAKER: The Chair will order a vote. All in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken.

28 having voted in the affirmative and 87 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Carrier of Westbrook, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act to Provide for Use of the Courts by Indigent Persons" (S. P. 606) (L. D. 1779) which was indefinitely postponed in non-concurrence in the House on June 3.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed.

In the House:

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

Mr. DYAR: Mr. Speaker, I move that we adhere.

The SPEAKER: The gentleman from Strong, Mr. Dyar, moves that the House adhere to its former action.

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

Mr. NORRIS: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves that we recede and concur.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I would ask for a division on that last motion, please. This is the Pine Tree Legal Association's way of seeking further business, and I would hope that you would go against the present motion and then we could adhere.

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

Mr. HEWES: Mr. Speaker and Members of the House: I also support the position of the gentleman from Lubec, Mr. Donaghy, that we defeat the present motion. This bill would require the plaintiff's lawyer to go before the judge and explain his case to the judge so that he wouldn't have to pay costs

of court for his client. Now I don't think it is right for one party to go before the judge and explain his case in the absence of the other party. It isn't fair, I think, to have a hearing with only one side present, because even though the judge would mean to be impartial, his mind could be prejudiced. I know I was involved with such a case some years ago in the Lewiston District Court, and I don't think it is right that they do that.

Further, the present law I think is fair because the loser pays the cost of court now. And isn't that fair, that the loser pay the plaintiff or the defendant will pay the cost of court? And I think that is fair.

Thirdly, it seemed ridiculous to me, when the cost of court might only be ten or fifteen dollars, that a lawyer would probably charge twenty-five or more dollars to go to court to save his clientele \$15. And maybe the lawyers would like that, but I don't think that is quite right for the client. I hope you will vote against the pending motion to recede and concur.

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

Mr. HENLEY: Mr. Speaker and Members of the House: Just briefly. We argued this at great length last week. We killed the bill with a reasonable margin. I just wanted to relate an incident. I was accosted in the corridor saying, "Well, you didn't beat us by much. We are going to work on the Senate and you are going to get the bill back."

I hope you will not recede and concur.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I would pose a question to the House, to any one of our legal members. It is my understanding that a judge in a District Court can appoint an attorney to represent any indigent people at this time. Is this true or false?

The SPEAKER: The gentleman from Eastport, Mr. Mills, poses a question through the Chair to anyone who may answer if they

choose. The Chair recognizes the gentleman from Lewiston, Mr. Orestis.

Mr. ORESTIS: Mr. Speaker and Ladies and Gentlemen of the House: While it is true that the Court has the power to appoint attorneys to represent indigent persons, this is only for criminal cases. What we are talking about here are civil cases. What we are talking about here is the doorway to the court system for those who cannot afford to pay to have a sheriff serve the complaint or the entry fee.

Now Mr. Hewes from Cape Elizabeth says to you that the loser pays the cost of court. He can't be a winner or a loser if he cannot get in the courthouse.

What happens under this bill is the door to the courthouse is opened to those who can't afford to pay that \$2 entry fee and that \$5 or \$6 to the sheriff.

Now under this bill we are not asking that the judge make a ruling on the case. The bill doesn't say that the judge will say whether the case is good or bad. The plaintiff always places his case in court without the defendant's case being there through his complaint. He listens to the facts of the case, sets forward why the plaintiff is making a claim. So the plaintiff's case is always in court first. It is always available to the judge to review without seeing the defendant's case.

I don't think this bill calls for the plaintiff to go into court and try to influence the judge. All this bill calls for is for the plaintiff to go into court and convince the judge that he has the right to be in court, not to make any finding on the issues or the merits of the case just convince the judge that he has a right to be there and that it should be litigated. This isn't going to take any great amount of time. If the lawyer is willing to spend his time going in with an indigent person, then the court ought to be willing to foot the bill for that \$2 entry fee and that service fee.

Now if the indigent person wins his claim I would expect that he would reimburse the system for its charity in letting him get into court. I think it is only fair that the

courts be open to all people on an equal basis. If we have people who are of such economic means that they cannot afford \$8 or \$10 to have what is obviously a claim that ought to be litigated in the courtroom, then the counties ought to foot this bill.

This isn't going to be any cost to the counties. It is going to be a loss of anticipated revenue. The loss of anticipated revenue will be relatively small, although it cannot be estimated at the moment. It has been estimated to be one percent of the total cost of running the court system, and this is a pretty cheap price to pay to allow people to use the courtroom on an equal basis with those who can afford to pay. I support the motion to recede and concur.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I debated this all alone last week, as the ranks were thinning out on Friday afternoon, and as long as I have some company in defending the committee report, I am always willing to give it another shot.

I think that something that Mr. Orestis said bears some thinking about, because we are talking about the doors to the courthouse, whether we are going to make those doors available to people who do not, like most of us, have the means of paying these small fees.

I am reminded by Mr. Orestis's debate, by another saying which I have heard recently, and it is not a very pleasant one, but I suggest that the House might think about it a little bit, and that saying is this — that when you close the door to the courthouse you open the door to the streets.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I am pretty sure somebody is going to say pretty soon that you are talking too much this morning, and I don't know but I am. But this is one that I have tried to get somebody else to say the thing that I am going to say and I couldn't get

him to say it, so I am going to say it myself.

I think one of the big objections against this thing, in making it so easy for, we will say, what we refer to as poor people or indigent people or what have you to get into court without any fee of any kind, I think it is going to have a tendency to bring in a lot of cases that don't have very much merit to them. In other words, they haven't got to do anything but get some attorney that is willing to take their case into court. There is no charge to them or anything. It is a natural thing for them to do.

Now I am going to submit to this House and ask you if you don't believe that any indigent person in your neighborhood has a logical, bonafide case that they want to get to court, don't you sincerely believe that there is somebody in that neighborhood that is going to dig up the \$5 or whatever they have got to have, and at least doing it this way that would discourage, we will say, some of these unnecessary cases getting in? I am darned sure that up in my little Town of Perham, if there is somebody there that really needs to get in court, if he can't find somebody else to give him the \$5 to get in, I am darned sure that I will let him have it as long as I have got it.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen: Very briefly. In answer to Mr. Bragdon of Perham, I would say that the fellow would be in pretty tough shape if he went to some of the members of this House after the vote the other day.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: Really I am not a sorehead. I have never been known as a sorehead, but these indigent people, it seems to me, have to pay a poll tax, and a husband and wife, as they pay \$6 in a poll tax and didn't have to pay it, they would have the \$2 to get into the court and the other

money to pay the sheriff. I am sorry too that we didn't have a chance to have a motion to insist and call for a Committee of Conference on this little poll tax.

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: The issue before us today is whether or not the system of justice under which we live is going to be equally accessible to all people, regardless of their income. Perhaps this particular bill and the cases that it involved—the clearest situation, when a poor person does not have equal access to the courts.

This morning I spent a delightful hour in Rockland with Mr. Emery in the high school down there. I spoke to the high school students, about 100 seniors, 18-year-olds who are going to be out voting, we hope, pretty soon. I think that one of the clearest things that appeared to me — I am sure that Mr. Emery will agree — is that those young people want a system of government, want a system of justice, want political processes and practices to be fair to all people.

The cost of this item which is before us is less than one percent of an increase over what it is currently or would be to the counties. I think that one percent, or less than one percent, is not a very great cost to live up to the expectations of these young people. There can be a flaming idealism in this country that equal justice can prevail, and when the cost is so little, I would hope that you would vote to recede and concur.

The SPEAKER: The Chair recognizes the gentlewoman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker and Members of the House: I have supported this bill before and I still do I feel that is is right and just and that it can work.

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

Mr. PAGE: Mr. Speaker and Members of the House: Justice is a relative thing, certainly. I may not be able to afford the same type of a lawyer that someone else

might afford, and perhaps the poor person cannot afford the same lawyer that I could, but Lord pity him if he can't. But I objected to this bill mainly, I think, because of the judge's position that he was put in by it. I don't think—one of the things that happened in the Judiciary Committee is continual worry about the time of the court, and this would consume, I am sure, quite a bit more.

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

Mr. DYAR: Mr. Speaker and Members of the House: The reason behind my making the motion to adhere was based on the fact that I have heard nothing yet about the discrimination involved in this act. An indigent person, in my mind, is a person who has no money. There are really no guidelines here as to when you are poor or just above being in that category.

Now if you aren't indigent, to get this same service you probably would have to go to an attorney and you would probably pay him three to five hundred dollars to get this attorney to go to court for you.

I had the unfortunate pleasure the other morning of taking one of my constituents to an attorney to get him legal advice. He had tried Pine Tree Legal but he earned \$200 a year more than he could earn in order to use their services. He presented his case to the attorney, and the attorney turned to him and said, "Well I will have to have a retainer of \$2,000." Now I am wondering, if he had been an indigent person he could have gone to the judge and got this same action started for nothing. So I think if you are going to give the provisions of this act to the indigent people, you have got to have consideration for those who are borderline, the middle income people.

The SPEAKER: The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that the House recede and concur on Bill "An Act to Provide for Use of the Courts by Indigent Persons," Senate Paper 606, L. D. 1779. If you are in favor of receding and concurring you will vote

yes; if you are opposed you will vote no.

A vote of the House was taken.

51 having voted in the affirmative and 67 having voted in the negative, the motion did not prevail.

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

Mr. CARRIER: Mr. Speaker, I now move that we adhere.

The SPEAKER: The gentleman from Westbrook, Mr. Carrier, moves that the House adhere.

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

Mrs. GOODWIN: Mr. Speaker, I move we insist and ask for a Committee of Conference.

The SPEAKER: The gentlewoman from Bath, Mrs. Goodwin, moves that the House insist and ask for a Committee of Conference.

Mr. Henley of Norway requested a division.

Thereupon, Mr. Smith of Dover-Foxcroft requested a roll call.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Bath, Mrs. Goodwin, that the House insist and ask for a Committee of Conference. If you are in favor of insisting and asking for a Committee of Conference you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Barnes, Bernier, Birt, Boudreau, Bourgoin, Bunker, Bustin, Clemente, Conley, Cooney, Cote, Curtis, T. S., Jr.; Dam, Dow, Doyle, Drigotas, Emery, D. F.; Farrington, Faucher, Genest, Gill, Goodwin, Hancock, Herrick, Jalbert, Lessard, Lucas, Lund, Lynch, Mahany, Marsh, Martin, McCloskey, McKinnon, Mills, Murray, Norris, O'Brien, Orestis, Porter,

Rollins, Ross, Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Stillings, Susi, Trask, Tyndale, Vincent, Webber, White, Whitson.

NAY — Ault, Bailey, Baker, Bedard, Berry, G. W.; Berube, Binnette, Bither, Bragdon, Brawn, Call, Carey, Carrier, Carter, Churchill, Collins, Cottrell, Crosby, Cummings, Curran, Curtis, A. P.; Cyr, Donaghy, Dyar, Emery, E. M.; Evans, Fecteau, Finemore, Fraser, Gagnon, Gauthier, Good, Hall, Hanson, Hawkens, Hayes, Henley, Hewes, Hodgdon, Immonen, Kelleher, Keyte, Kilroy, Lawry, Lebel, Lee, Lewin, Lewis, Littlefield, Lizotte, MacLeod, Manchester, Marstaller, McCormick, McNally, Millett, Mosher, Page, Parks, Payson, Pontbriand, Pratt, Rand, Scott, Shaw, Shute, Simpson, L. E.; Theriault, Wight, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Bartlett, Berry, P. P.; Brown, Clark, Dudley, Hardy, Haskell, Jutras, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Lincoln, Maddox, McTeague, Morrell, Rocheleau, Santoro, Sheltra, Silverman, Starbird, Tanguay, Wheeler, Williams.

Yes, 55; No, 72; Absent, 23.

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

Thereupon, on motion of Mr. Carrier of Westbrook, the House voted to adhere.

On motion of Mr. Susi of Pittsfield,

Recessed until one o'clock in the afternoon.

After Recess

1:00 P.M.

The House was called to order by the Speaker.

Non-Concurrent Matter Tabled and Assigned

An Act relating to the Operation of Motor Vehicles (H. P. 828) (L. D. 1119) which was passed to be enacted in the House on June 3 and passed to be engrossed as amended by House Amendments "A" and "B" on May 28.

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

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

Non-Concurrent Matter Tabled and Assigned

Report of the Committee on Veterans and Retirement on Bill "An Act relating to Service Retirement of Teachers under State Retirement System" (H. P. 625) (L. D. 835) reporting same in a new draft (H. P. 1329) (L. D. 1743) under same title and that it "Ought to pass" on which the House substituted the Bill for the Report and passed the Bill to be engrossed as amended by House Amendment "B" on June 1.

Came from the Senate with the Report accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House:

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

Mr. MILLETT: Mr. Speaker, I move that the House recede and concur.

The SPEAKER: The gentleman from Dixmont, Mr. Millett, moves that the House recede from its former action and concur with the Senate.

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

Mr. LEWIN: Mr. Speaker, I move that this be tabled for one day.

Whereupon, Mr. Rollins of Dixfield requested a division.

The SPEAKER: The gentleman from Augusta, Mr. Lewin, moves that L. D. 1743 be tabled for one legislative day pending the motion of the gentleman from Dixmont, Mr. Millett, that the House recede and concur.

A division has been requested. All those in favor of tabling until tomorrow will vote yes; those opposed will vote no.

A vote of the House was taken. 26 having voted in the affirmative and 38 having voted in the

negative, the motion to table did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Hanson.

Mr. HANSON: Mr. Speaker and Ladies and Gentlemen of the House: Last session I was Senate chairman of this particular committee and I notice today that the House chairman of this committee is not present. I am a little concerned, because I have not had the time whereby I could look into this bill far enough to be absolutely sure of my ground. But the present bill assesses the state employees by a seven per cent increase of their salaries to help pay for the teachers' benefits in the retirement system.

I believe that the ceiling that was set in the last session was 6.14 and this was later reduced due to the income from the fund. I am not positive of this. But this would cost the state employees approximately \$607,000 per year, for which they would receive absolutely no benefit. The legal advisors of MS-EA believe there is a constitutional question involved here and suggests that the matter be referred to the Attorney General's office.

If I am in order at this time I would like very much to see this bill tabled, because the House chairman is not here and I haven't had the chance to look into this as far as I would like. And would it be in order, Mr. Speaker, to request that this be tabled again?

Whereupon, on motion of Mr. Susi of Pittsfield, tabled pending the motion of Mr. Millett of Dixmont that the House recede and concur and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act to Appropriate the Amount of \$1,440,000 for Parking Garage Facility for the Capitol Complex at Augusta" (H. P. 1341) (L. D. 1760) which was passed to be engrossed in the House on May 21.

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

In the House:

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

Mr. BRAGDON: Mr. Speaker, I move that we recede and concur with the Senate. This Senate Amendment "A" is a very innocuous amendment. It simply sets up fees for the use of this garage to pay the personnel to help maintain it.

Thereupon, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Revising the Laws Relating to Savings and Loan Associations" (H. P. 1376) (L. D. 1796) which was passed to be engrossed in the House on June 2.

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

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

Messages and Documents

The Senate of Maine
Augusta, Maine

June 4, 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 Definition of Theft by One Renting or Truſted with Property" (H. P. 963) (L. D. 1324).

The President appointed the following members of the Senate to the Committee of Conference:

Senators:

TANOUS of Penobscot

HARDING of Aroostook

QUINN of Penobscot

Respectfully,

(Signed)

HARRY N. STARBRANCH

Secretary of the Senate

The Communication was read and ordered placed on file.

Orders

Indefinitely Postponed

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

WHEREAS, Mainers believe that fiddleheads are a gift of the gods which have been placed on earth

for the benefit of the human race; and

WHEREAS, Mainers believe that they are charter members of that race and must seek the permission of no man to pick fiddleheads; and

WHEREAS, every Mainer is born with the God-given right to be his own man, to be an authority on all matters of fish and game, and to pick fiddleheads; and

WHEREAS, one of our trusted leaders has stretched out his hand for this ambrosia of the gods and felt himself equal to all kings and of all princes and the brother of all men; and

WHEREAS, he is not ashamed of that divine fiddlehead passion which has made the world worth living in and has given some value to human life; now, therefore, be it

ORDERED, the Senate concurring, that we the Members of the 105th Legislature of the State of Maine, commend our friend and colleague, the Honorable Percy G. Porter, Assistant Majority Floor Leader in the great House of Representatives, for his exceptional display of leadership and clear, concise communication regarding one of the more beautiful and savory earthly objects, and further direct, irrespective of constitutional prohibition against the receipt of a civil office of profit created during such term, that said Assistant Majority Floor Leader be elevated to the high office of Chief Fiddlehead Warden for the State of Maine.

The Joint Order was read.

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

Mr. PORTER: Mr. Speaker and Ladies and Gentlemen: I am overcome by such an honor, I am sure this is the highest honor that has ever been bestowed upon me. However, I feel most unworthy. Therefore, I move that it be indefinitely postponed.

The SPEAKER: The gentleman from Lincoln, Mr. Porter, moves that this Order be indefinitely postponed.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I don't know as I can go along with the motion of the gentleman from Lincoln, Mr. Porter. I was going to make a motion that inasmuch as this order interferes with the serious business of a Committee of Conference, which has not had an opportunity to meet that I felt that possibly if we didn't indefinitely postpone it we should table it unassigned. However, I will go along with either motion.

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

Mr. BIRT: Mr. Speaker and Members of the House: Having a long association with the gentleman sitting aside of me and knowing that he is fully competent to live up to the responsibilities that are outlined in this order, I would hope that you would not support the indefinite postponement, and I would ask for a division.

The SPEAKER: A division has been requested. All in favor of the motion of the gentleman from Lincoln, Mr. Porter, that this Order be indefinitely postponed will vote yes; those opposed will vote no.

A vote of the House was taken. 88 having voted in the affirmative and 8 having voted in the negative, the motion did prevail.

Mr. Donaghy of Lubec was granted unanimous consent to address the House.

Mr. DONAGHY: Mr. Speaker and Members of the House: I am sorry to break in on this levity, but I just had an announcement made to me this noon that one of the largest employers in the State of Maine, who has six places of employment here, has just decided to build his plant in Louisiana instead of Maine because of the climate he finds here in the State of Maine at the present time — and I don't mean the weather.

I have here another thing that was given to me this morning that bears this out. Some of you folks failed to heed the warnings relative to Workmen's Compensation and chiropractors. I have a bill here from a chiropractor in the area for 32 calls, an orthopedic support, lumbar Xrays, for a to-

tal of \$230, and the final result was he was referred to a neurosurgeon, which any M.D. probably would have done on the first visit.

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

Mrs. CUMMINGS: Mr. Speaker, I would ask if the House is in possession of House Paper 960, L. D. 1321.

The SPEAKER: The answer is in the affirmative. The House is in possession of An Act to Include Imprisonment Among Those Penalties Provided for Violation of Environmental Protection Laws, which was indefinitely postponed in non-concurrence on passage to be enacted on June 4.

Mrs. CUMMINGS: Mr. Speaker, I would like to move that the House reconsider its action of Friday whereby this bill was indefinitely postponed.

The SPEAKER: The gentlewoman from Newport, Mrs. Cummings, moves that the House reconsider its action of June 4 whereby this Bill was indefinitely postponed.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I would ask for a division. We thrashed this out pretty well last Friday and as I said then and I still maintain there are some bills still in the committee that haven't come out yet and I think of your vote for this reconsideration you very well could be putting yourself in jail. So I hope you will vote against the motion to reconsider.

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

Mr. HEWES: Mr. Speaker and Members of the House: I oppose the motion to reconsider. I hope we will stand firm on our vote of the other day. This is a bill, if you have forgotten it, that under the present law as I understand it the person can be fined up to \$1,000 each day, a fine of \$1,000 per day is the maximum for violating environmental protection laws.

This proposed bill would expand the penalties to a jail sentence, not

only for corporation officers but also for municipal — that is town and city officers. I hope that you will vote against the pending motion.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: As Mr. Norris has said, we have debated this at great length. The vote last Friday was 62 to 61 for indefinite postponement, there were a number of people that were not here Friday that would like to be on record either for or against this bill. I would like to see us reconsider so that we can vote.

I don't know what Mr. Norris means when he says we might all end up in jail. I think that if any of us willfully violate the laws there is no reason why we shouldn't, be we municipal officers or corporate officers. I still believe this would be an added deterrent against the person who might willfully violate. I would ask you to vote for reconsideration.

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

Whereupon, Mr. Whitson of Portland requested a roll call vote.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Newport, Mrs. Cummings, that the House reconsider its action of June 4 where L. D. 1321 was indefinitely postponed. If you are in favor of the motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEAS — Ault, Baker, Barnes, Carrier, Carter, Clark, Clemente, Conley, Cooney, Crosby, Cum-

mings, Curtis, T. S., Jr.; Dam, Dow, Doyle, Drigotas, Emery, D. F.; Evans, Farrington, Fecteau, Gagnon, Gill, Good, Goodwin, Hanson, Hayes, Kelleher, Kelley, R. P.; Kilroy, Lawry, Lessard, Littlefield, Lizotte, Lucas, Lund, Lynch, MacLeod, Martin, Millett, Murray, Payson, Porter, Scott, Shute, Simpson, L. E.; Slane, Smith, D. M.; Smith, E. H.; Stillings, Susi, Trask, Tyndale, Vincent, Webber, Whitson, Wood, M. W.; Wood, M. E.; Woodbury.

NAYS — Albert, Bailey, Bartlett, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Berube, Binnette, Bither, Boudreau, Bourgoin, Bragdon, Brawn, Call, Churchill, Collins, Cote, Cottrell, Curran, Curtis, A. P.; Cyr, Donaghy, Dyar, Faucher, Finemore, Fraser, Gauthier, Genest, Hall, Hancock, Hawkens, Henley, Herrick, Hewes, Hodgdon, Immonen, Jalbert, Jutras, Keyte, Lebel, Lee, Lewin, Lewis, Mahany, Manchester, Marsh, Marstaller, McCormick, McNally, Mills, Mosher, Norris, Page, Parks, Pontbriand, Pratt, Rocheleau, Rollins, Shaw, Simpson, T. R.; Starbird, Theriault, White, Wight, Williams.

ABSENT — Birt, Brown, Bunker, Bustin, Carey, Dudley, Emery, E. M.; Hardy, Haskell, Kelley, K. F.; Kelley, P. S.; Lincoln, Maddox, McCloskey, McKinnon, McTeague, Morrell, O'Brien, Orestis, Rand, Ross, Santoro, Sheltra, Silverman, Tanguay, Wheeler.

Yes, 58; No, 66; Absent, 26.

The SPEAKER: Fifty-eight having voted in the affirmative, sixty-six having voted in the negative, with twenty-six being absent, the motion to reconsider does not prevail.

House Reports of Committees Ought Not to Pass

Covered by Other Legislation

Mr. Good from the Committee on Labor on Bill "An Act Amending the Unemployment Compensation Law Relating to Filing Payroll Reports" (H. P. 678) (L. D. 915) reported "Ought not to pass", as covered by other legislation.

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

**Ought to Pass in New Draft
New Draft Printed
Indefinitely Postponed**

Mr. Carrier from the Committee on Judiciary on Bill "An Act relating to Support of Children under Divorce Laws" (H. P. 910) (L. D. 1255) reported same in a new draft (H. P. 1390) (L. D. 1812) under title of "An Act to Provide an Alternative Method of Enforcing Orders of Support of Minor Children" and that it "Ought to pass"

Report was read.

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

Mr. NORRIS: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Cape Elizabeth, if he would care to answer or if he can answer, what effect would the Supreme Court ruling of last Friday on jail sentences for nonsupport, what effect it will have on this bill and if it will negate it? If he would care to answer for me.

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

Mr. HEWES: Mr. Speaker and Members of the House: I think that the Supreme Court ruling of the other day would in effect nullify the effect of L. D. 1812. I agree with what I think is the thought of the gentleman from Brewer.

Thereupon, on motion of Mr. Norris of Brewer, the Report and Bill were indefinitely postponed and sent up for concurrence.

**Ought to Pass with
Committee Amendment**

Mr. Shaw from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Food Stamp Program" (H. P. 1210) (L. D. 1657) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

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

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

House: This is the state-wide food stamp bill. There are several other bills on the table and once this is far enough along I think we will be able to indefinitely postpone those. This is the one that is necessary for the whole state to qualify.

Thereupon, the Report was accepted and the Bill read twice.

Committee Amendment "A" (H-417) was read by the Clerk and adopted and tomorrow assigned for third reading of the Bill.

Divided Report

Report "A" of the Committee on Labor reporting "Ought not to pass" on Bill "An Act Creating the Maine Workmen's Disability Insurance Act" (H. P. 1162) (L. D. 1598)

Report was signed by the following members:

Mr. TANOUS of Penobscot
— of the Senate.
Messrs. GOOD of Westfield
SIMPSON of Millinocket
Mrs. LINCOLN of Bethel
Messrs. LEE of Albion
KELLEY of Machias
— of the House.

Report "B" of same Committee on same Bill reported that it be referred to the 106th Legislature.

Report was signed by the following members:

Mr. MARCOTTE of York
— of the Senate.
Messrs. ROLLINS of Dixfield
GENEST of Waterville
McTEAGUE of Brunswick
BUSTIN of Augusta
— of the House.

Reports were read.

On motion of Mr. Good of Westfield, Report "A" "Ought not to pass" was accepted and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act to Incorporate the Jackman Water District" (H. P. 1372) (L. D. 1794)

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

**Third Reader
Amended**

Bill "An Act relating to Power to Loan under State Housing Auth-

ority's Law" (H. P. 1387) (L. D. 1810)

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

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

House Amendment "A" (H-426) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: This particular amendment, which I happened to have under my name, merely changes the section of the bill to in effect correct the section of what it ought to be in the law. The bill says that the reference is made to Section 476, where actually reference should be made to Section 4760; and for some reason the zero was left out. That is all that amendment does.

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

Bill "An Act making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973 and Raising Revenue for Funding Thereof" (H. P. 1388) (L. D. 1811)

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

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

House Amendment "B" (H-422) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: House Amendment "B" as you have it before you is the amendment that would deal with the University of Maine employees. If you will look at the amendment it says that it would provide \$2,000,000, \$1,000,000 each year of the biennium, "To provide additional appropriations necessary for salary increases equal to those for state employees for the classified employees of the University of Maine and cost of living adjust-

ments for professional and administrative employees." The funding for this bill in effect is one penny on the cigarette tax additional to what is already in the Part II budget.

You have had distributed to you this morning by the gentleman from South Portland, Mr. Gill, a sheet which indicates to you the appropriations that we have given the University and the amount that they have available for salary increases. It indicates that the Part I budget has \$52,102,000 and in L. D. 1730 there was \$1,200,000 for a total of \$53,300,000 which we have thus far appropriated to the University of Maine.

In order to continue existing services at the University, \$52,100,000 is indicated to you on this sheet. Therefore, the excess currently in the budget according to this sheet is \$1.2 million.

These figures are supplied to the finance office by Mr. Fowles, the budget officer for the University of Maine in Orono. The next paragraph says that to fund any salary increases for certain classified employees would cost as follows, the assumption being that the excess of \$1.2 million presently in the budget would cover any of the above increases.

Let me tell you what the problem is and then obviously the decision ought to be made by us as to what takes place. Maybe I got the wrong impressions some time ago, but for some reason I have been led to believe that salary increases for both professional and classified employees were not included in the Part I budget for the University of Maine. We indicate that \$52.1 million for the University has already been approved. The Legislature, as we have already indicated, has approved \$1.2 million from surplus for University equipment and library materials.

Now if we take the \$1.2 million, and this I think is the point that we ought to remember, and we apply it to salaries, then we have in effect a \$1.2 million for salaries. The \$1.2 million that we supposedly passed in L. D. 1730 was from surplus for University equipment and library materials. I would point out this \$1.2 million as com-

pared to the figure that the Governor had recommended to us which was \$2.7 million, a decrease of \$1.5 million.

Now basically if we are just going to tell the University that they have got no extra money than what we say they now have, and we admit that there is presently a serious problem of the same job at the University receiving less money than the same job position being filled in state government, then this would not solve the problem as purported to you in this material supplied to you by the gentleman from South Portland.

At the present time the base rate for University employees, for classified employees is \$1.53 an hour. That is the base rate, which I point out to you is below the federal and state minimum wage. For state employees the base rate presently is \$1.83 an hour, a differential of some 20 cents an hour for the University personnel as compared to a state employee. Now we admit that this problem already exists now, before we pass the Part II budget. Once we implement the budget proposals in the Part II budget the differential is going to be that much greater.

What I am suggesting in the amendment — and if you will note the way it is worded — it says, “to provide additional appropriations necessary for salary increases equal to those for state employees,” in effect those people could be placed on the same level as those in state government if we adopt the amendment. If we choose instead not to raise any money and we choose instead to give them 6%, supposing that the University could indeed do it, which I doubt they can with the existing budget, while we are giving state employees 12% University employees will be getting 6%. That is point number one.

And point number two, state employees get, after a certain number of years, the basic increase. This particular increase does not work the same way within the University system and the University classified employees would again fall behind.

Now you will note, and some-

one is going to point out I am sure, that I had included cost of living adjustments for professional and administrative employees. Let me be frank with you and perhaps with the University, that if this amendment is adopted the way it is worded there might be, and I repeat, there might be \$200,000 left for the professors, and that is a high estimate according to the figures I can get ahold of this morning.

My feeling always has been that when we give a percentage increase, whether it is 6% or 12%, we are helping the guy at the top and penalizing the guy on the bottom of the scale. This amendment would solve that problem. The average classified wage per year at the University of Maine now is \$4,996 compared to the state employee's figure of \$5,345, or a difference of \$349 per year.

Now this is assuming of course that the University is going to pass on to the classified employees. Two years ago I became very upset with the University when the Appropriations Committee gave money in the Part II for the employees and it was not distributed the way that we thought it was going to be. For this reason and because I share the concern of the classified employees, my amendment is worded in such a way that the money would have to go first to the classified employees so that they become on the same scale as state employees and if there is any left over then they can give it, but I can assure you there won't be much.

Now some people have suggested that the University has enough money, which is a point of course I am sure the gentleman from South Portland is going to tell us, as the sheet points out. This is assuming that we do not use or the University does not use that \$1.2 million for what it was intended to be used for.

Secondly, it is also assumed that the University would not have any money, I repeat, any money at all for the normal increases in the cost of supplies and services, and basically the University had allocated 2% which compared

to the figure that we have allocated for state departments is pretty minimal. The cost of that for one biennium is \$619,000.

But if we are telling the University, if we defeat this amendment, that number one, there is to be no money for surplus items which we originally passed in a previous L. D., and secondly, that there is to be no increase for the normal cost of supplies and services for the next biennium, then we are in effect saying you can use this money for salary increases even though we realize it isn't enough. If that should be the decision of the House or of this Legislature, all I will say is that before we go home we ought to put language into the Part II budget that is going to equate and make sure that employees get the same benefits that the state employees are going to get, realizing full well that the repercussions are going to be felt within the system.

Other people have suggested that the University can increase its tuition to take care of the problem. Since 1969, when the University was first created as the University of the State of Maine, tuition has increased twice and the latest increase is going to be implemented this fall. I don't think it is fair to tell the students that they now are faced with a third increase within a two-year period when they haven't even felt the cost of the second increase which would be in effect this fall. The University Board of Trustees is presently considering a proposal to increase tuition for 1972 and may have to regardless of what takes place.

Now I realize that I have been lengthy but I think that the issue merits it. I feel very strongly that we ought to solve the problem instead of passing it on. I hope that we adopt the amendment and, Mr. Speaker, when the vote is taken I request that it be taken by the yeas and nays.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: The gentleman from Eagle Lake has covered pretty much the whole field that we are probably going

to be discussing this afternoon. I think perhaps I might as well make my motion, and then I will attempt to cover some of the points that he has covered, and perhaps some other members of the Appropriations Committee will bolster up my stand after I get through.

I would now move that this amendment be indefinitely postponed. My reasons for this are incorporated, we will say, in the document which the gentleman has referred to. And I assume you all have it before you, and it probably is not necessary for me to enlarge upon it.

It does in effect show that the Appropriations Committee this session provided over \$6 million increase to the University of Maine for a program which was supposed to be a program continuing at the current level. And in all of the nine items that were mentioned here, we do come up eventually with a sum of \$1,200,000 which we say is available above and beyond the things that they requested of the committee.

We say that they can provide the salary increases at 10% for these badly needed cases, the classified employees which the gentleman refers to, which will require, I believe we are agreed, in the neighborhood of a million dollars. We say they have this money, and if they choose to use it for that purpose that is their prerogative.

At this point I want to point out to the gentleman and to the members of the House, that this money that this Legislature gives to the University of Maine now is nothing but a grant pure and simple. When we set up the Part I budget in the Appropriations Committee there were those within the committee—this again was, as you understand, the continuing budget at the present level, which we set up in the Part I budget. There were members of the Appropriations Committee who felt very strongly that we should write into that act language which would require the University to spend this money for that, and for nothing else, so that they would be assured that we would be continuing the student enrollment at the present level.

Certain members of the committee expressed strong opposition to taking this language out, as well as members of leadership, because of the fact and the fear, which again the gentleman from Eagle Lake refers to, that the University would not spend the money for the thing that the Legislature intended them to spend it for, but perhaps would use it for salary increases, possibly in the upper brackets where many of you may agree that they probably already are too high.

Now I think that the members of the committee that had this fear were completely justified in their fear. However, at the request of the Chancellor of the University and the Governor of the State of Maine, we in the Appropriations Committee agreed that this was a University matter, and we would not set up the rules by which they would operate. We were giving them a grant, and we had to have faith in them that they were going to do this thing that we hoped they would do. The gentleman from Eagle Lake now expresses the same fear with regard to the money he is talking about. In his amendment he wants to pin it down so that he knows they will use it for the things that he wants them to.

There is another thing that I have wanted to call attention to, and I think this is the best opportunity that I expect to have to do it. I hope that on this occasion the press will make note of what I say. When we in the committee discussed the matter of the level of enrollment, we understood the level of enrollment meant no reduction in admissions. I think perhaps to explain what I am saying I have got to use figures.

We will say that four years ago the University accepted a thousand freshmen students. Over the period of four years we would say that they graduated 750. Now these are only figures that I pick out of the air just for the purpose of bringing my point across. The Chancellor insisted before the committee, and has since I think no later than three weeks ago in the Sunday Telegram he had a long article in which he reiterated his position. His position was that

maintaining the student enrollment at the present level was in enrolling only as many students as he graduated. Now my arithmetic may be pretty near obsolete, but I can't seem to see any — what little I was taught years ago, it seems to me, and following the philosophy of the Chancellor, for a number of years you would inevitably reach absolute zero.

In other words, if you dropped the enrollment 250 on that class which entered four years ago, and say you can only enter a class this year which is equal to the number that graduated, in my money you are reducing the enrollment of the University of Maine by 250. And I am willing to argue it anywhere with the Chancellor that there may be some merit in my type of figuring. I leave it to you in your good judgment to how much merit it does have.

I had a telephone call last night with regard to the salary problem for the University of Maine. It came from the branch of the University of Maine in Presque Isle, which is quite natural because that is the one I am the closest to. The contact that I had assured me completely that they were only interested in bringing the salaries of these people whom Mr. Martin refers to as classified employees, and who he and we probably all agree are very much underpaid — that was the only group that they were interested in. They were not worried about increases in the overall.

Now I can't explain to you the intricacies of the state employees pay plan; however, there are others here I am sure that could if this matter comes up. If Mr. Martin is saying we are setting this up on the same basis of the state employees' plan, which we in the Appropriations Committee have agreed to do for employees, I am sure that there is involved a larger percentage of money for these classified employees than there would be for the higher brackets.

Now we are facing a document here that has many out and out opponents. We believe that there is in this document now taxation measures which we in this House can get a two-thirds vote on. This is absolutely necessary if you im-

plement this document as it is before us. It does include everything that the state employees asked for in their requests. We would assume that those who are interested in the state employees as such would be reluctant to do anything that would jeopardize their chances of this whole document going down the drain. As we increase the amount of taxation we are increasing the possibility of that very thing.

We came up with a million dollar increase in the wildlands tax. Friday I heard an argument in favor of increasing this to two million. I think I can safely say that the wildland people probably are resigned to accept a million dollar increase in their wildland tax, and that we are not going to hit any particular opposition to making that a part of our Part II budget.

Now as far as the cigarette tax is concerned which the gentleman from Eagle Lake refers to, as far as I am concerned you can raise it ten cents on a pack if you want to, it won't cost me a nickel. However, I assume that there are others who might object to increasing it the three cents which he mentions.

So I think these are the things that you must very carefully consider. I think we have a document here that will take care of these things that we have been talking about. We have taxation measures which I am sure we can pass with a two-thirds vote.

I am sure that if the University of Maine wishes to increase the salaries of these very low employees, there is sufficient money in their budget to do this. And I for one am not one to regulate, to attempt now to regulate what the University is going to do with the money we give them. I am going to take the attitude, this is their problem and they must settle it. They can come up with any kind of an agreement with their underpaid employees as far as I am concerned which they wish. I don't think we should get into it. If we are going to in one breath say that we are making a grant to the University, let's say the same thing in the next breath.

Now with these few remarks I

will hope that you will see fit to go along with the indefinite postponement of this amendment, and the eventual passage of this bill as it came out of the committee, because I feel there is a lot of good in it for a lot of people, and the good that is in it is necessary. Please do not jeopardize it by adding things to it that you are not sure that you can get the two-thirds vote of both branches of this Legislature to pass.

I think this, ladies and gentlemen, is the problem that you must consider when you vote on this amendment.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: We in the Legislature stand between those who plead for increased expenditures for various purposes in state government and the people in Maine who, I believe, have indicated to us rather clearly that they would like us to keep expenditures within reason during this session. So far as the University and its budget is concerned, the Appropriations Committee, I am sure, has spent long hours in considering their needs, and the ability of the people of Maine to meet these needs, and they came up with around \$52 million with no strings attached, no directions as to how it should be spent as against \$46 million in the last biennium. An increase of about 12%, which, considering the times and the mandate that we are working under, is not, in my opinion, niggardly.

From my observations in connection with Part II up until this time, there are a large number of members of this House of Representatives who, in the spirit of compromise, and hoping thereby to expedite the early adjournment of this session — or early as possible — have reluctantly agreed to go along with the report which came from the Appropriations Committee at the level of \$15 million plus.

Now in the light of economic conditions in the State of Maine as they are now and have been, this attitude in my opinion is rea-

sonable and responsible. I think there is real danger, as the previous speaker has indicated, that if we go start loading this Part II, we are going to run into the real danger of having to back up and not being able to get support for it at the two-thirds level which we need.

I hope that you will defeat the amendment which is before us, and let our Part II go along.

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

Mr. CAREY: Mr. Speaker and Members of the House: The gentleman from Eagle Lake, Mr. Martin, has given you his proposal, and I will tell you that that is fiscal irresponsibility. He has proposed spending an extra \$2 million, and funding it with one cent on the cigarette tax. That one penny on the cigarette tax would bring in a million and a quarter. Certainly the gentleman should tell us where he is going to pick up the other three-quarters of a million dollars. At least the Appropriations Committee has presented to you a Part II budget which is balanced.

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

Mr. GOOD: Mr. Speaker and Members of the House: Mr. Bragdon has mentioned about faith in the trustees to administer their money. Our faith in the University of Maine Trustees has already been violated because these workers are underpaid. We have to order them to correct this or they will not do it as has been shown by past experience.

I don't know how to do it, but I will find out. I want the Trustees of the University of Maine to correct the inconsistencies in the pay setup before a single raise is given to a professor, a teacher, or a supervisor; or a single building is built on any campus. It is utterly ridiculous to expect a man to work for \$64 a week. They have the money, they should be ordered to correct it.

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

Mr. CURTIS: Mr. Speaker and

Ladies and Gentlemen of the House: I would like to concur with the comments made by the last speaker. I would also like to briefly say that I support the present proposal before us. If it does fail, as you know before you you have an amendment that I will be introducing.

It seems to me though that this morning we found \$1,300,000 in surplus for buildings and equipment at the University of Maine, and we ought to be able to find some money for the employees.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I rise to concur with the remarks of my good friend from Westfield, just commented about. I have had a number of phone calls over the weekend, and I expected them, and I perhaps expect some more concerning these people that are underpaid. I am not one in this House that is going to vote for a pay raise for a professor or a department head, or anyone in that category. I want to give the money to the fellow that deserves it, and not the guy that is getting nine, ten, twelve or fourteen thousand dollars. These are the people that do not deserve it; they shouldn't get it. If we have a limited amount of money, we should give it to the people that need it, and not the people that are getting a fairly — not fairly, but a darned good income. And the little guy that is earning \$60, \$70, \$80, or \$90 a week, he is the guy we want to help; not these other people.

Money is tight, you know it is tight. It is tight in your communities just like it is in mine. And they are not for any more expenditures in Bangor than they are in Pittsfield, but they are willing — and I know the people that I represent are willing to support a pay raise for the people that deserve it; these are the people that are in the lower brackets. I concur wholeheartedly with the gentleman from Westfield.

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

Mr. GILL: Mr. Speaker and Ladies and Gentlemen of the House: Actually the document before us today is the Part II budget, which I feel some members of this House would like to see in the vicinity of \$9 million or less. There are some here that would like to see it from \$20 million to \$25 million. What we have come up with is a compromise in our thinking, and we think we can get the support for this proposal as it is.

In relation to the remarks that have been made about the trustees in regard to this, I agree in this aspect. These trustees should be served notice that they are to run their affairs in a responsible manner. But as long as they come up here every two years and just want a bag of money, which was over \$52 million this time, and they go back and they spend it where they want it — and of course this classified employees is an important area, but there is a lot more in that University that you would like to see where this money is spent.

I would simply submit that this is a land-grant college. It has been with us for many years. We are spending a little more than 12 percent more in support of it than we did last time. And in regards to the action of the trustees, I would simply suggest to you, at the time that there is a vacancy that is open on a trustee for you people to recommend a man and support him. Get the type of people on there that you believe would do a responsible job.

I would also concur that they certainly are not lackadaisical about going out retaining some assistance to the Chancellor, twenty-seven, twenty-eight thousand a year. I see where a month ago where one got through, and before the body was cold there was another one that was hired. And I state that the trustees can control this, and they should be putting this money into the classified service. But certainly the fact that we are going to throw them some extra money now is absolutely no guarantee that it will be done. And I don't feel it would be responsible for us to at this particular time, because we have got a feeling from

the taxpayers of the state that there may be a lot of them in the field, that 12 percent is too much to increase the University of Maine budget. I think 12 percent is needed, but not a bit more.

So I am in favor of the indefinite postponement of the amendment.

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

Mr. CAREY: Mr. Speaker and Members of the House: I want to apologize to the gentleman from Eagle Lake. While the weather is hot here, certainly my mathematics is cold, and a one cent would give us \$2.5 million.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: While we are considering the funding at the University of Maine, this point, which has not been made here and which I feel is important, and I would like to make it.

To begin with, a state university has more than one source of funds. It is not absolutely necessary that the University rely entirely upon state funding for their finances. They do have the alternative, as has been suggested here, of increasing tuition. I might say that the expense of most land-grant universities of public higher education throughout the United States has found that this has been necessary in almost every instance.

However, that isn't the point that I would like to make. I have made this point to the chairman of the Board of Trustees of the University privately. I have also made this point to the Chancellor in the Executive session of the Educational Committee. I think the University trustees have been extremely remiss in not insisting that the Chancellor devote an extremely intensive campaign to increase the level of federal funding at the University. I say this because the average experience of public institutions of higher education in the United States currently received approximately 18% of their total budget from federal funding.

Now if the University of Maine was having average success in generating federal funding, they

currently would be generating about \$7,616,000 a year, when they are currently generating \$1,250,000. So you project that difference over a biennium and you see that we get up into a ten or twelve million dollar area of potential income that is not being generated by the University because, in my view, of their failure to launch a really intensive campaign to raise their level of federal funding.

So I suggest that some of their problems could be solved if they sought aggressively to increase their federal funding. Some of their problems could be solved if they did institute a more realistic tuition policy. So it is not absolutely necessary that increases in finances be sought only at the state level.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I am in somewhat of a quandary here in regards to some of these employee raises. Owing to the fact that over the weekend I received four different phone calls from people who are in the age bracket of 60 to 61 years of age on being eligible for social security or retirement at that age at the University of Maine. Now the thing I am curious about is, is there a step rate increase scale at the University of Maine, and what would be the reason for laying these elderly people off and replacing them with people 22 or 26 years of age? Is there anybody here that can answer those questions?

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

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

Mr. BIRT: Mr. Speaker and Members of the House: In answer to the gentleman's question, I don't know that I can give him any answer as to the reason for lay off, but I do have the University of Maine's job classification compensation schedule here and it does have a step rate increase some-

what similar to the one that the State of Maine operates under. It has six steps and two longevity steps. There is a longevity step at six years and a second one at sixteen years. This is in addition to the six steps.

Now as to why the lay off, this would be a faculty problem that I would know nothing about.

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

Mr. JALBERT: Mr. Speaker and Members of the House: On Friday morning, early, at an informal caucus, I suggested that the method of possibly getting more money for programs might be in the area, as presented by the good gentleman from Eagle Lake, Mr. Martin. Going home over the weekend, because I don't feel that I am representing myself but representing the people who send me here, I religiously went to all of the areas that I physically, possibly could go to in different areas to discuss with them as briefly, concisely, without trying to indicate to them my knowledge and their ignorance of programs, I specifically spelled out to them what we were about to do and what they thought of it. And what I have thought and what they have agreed with, and that is that generally the program has proved to be one of excellence.

It was my thinking on Friday that the classified employees of the University of Maine could and should be taken care of. And I have not changed my thinking in that area one iota.

I also, as I have stated this morning, was of the thinking, because I had signed the report to go with the bond issue that scaled itself around the area of \$8 million, and that situation came directly, of my thinking, came directly from the University of Maine hierarchy itself. So that instead of going for a bond issue I changed and went along giving an additional \$1,300,000 out of the surplus that we have, and we do have it, as was mentioned by the good gentleman from Orono, Mr. Curtis.

However, adding to it, that these programs of \$1,300,000 would also release and relieve the University

of Maine of \$1,300,000. It would give them an added \$1,300,000 because they could not get Report "A" which was \$1.3 million and Report "B" which was a bond issue, and naturally Report "C" was nothing anyway. But restricting it to Report "A" and Report "B", they could not get both reports. So now the ball game, in my humble opinion, would change itself completely around, and there are those who might want to indicate that figures do lie. But in the Gill presentation of the figures, I think they are accurate to themselves.

Insofar as the state employees within the state complex are concerned, I have a breakdown of what percentages they are. The Appropriations Committee has gone even further than had been suggested by the Governor. However, it would start their programming on October 1. Whereas in my humble opinion, with \$1,200,000 in excess of what is currently in the University of Maine budget, even if it is to be watered down a little bit, certainly the \$1,300,000 cannot be watered down because it is being given to them through the procedure of surpluses.

So I think that by and large the University of Maine — and it should be spelled out in the budget that they should take care of their classified employees — I have stated loud and long and for many many years the real looksee at all the programs of the University of Maine, that all of the expenditures of the University of Maine should be looked into by the Legislative Research Committee. I think we have a tremendous investment there.

We keep talking about the Highway Department and its big dedicated funds. In my humble opinion \$56 million is not necessarily a small sum of money.

Now for a moment I am going to delve into the past. Back four years ago His Excellency, the Governor of the State of Maine had committed himself to no taxes whatever. The friendly Majority Party wanted to increase a one cent tax program, in my words are nothing new to the older members who were here at that time. But the Majority wanted to increase

the sales tax one point. I suggested as a compromise a half cent increase in the sales tax.

And it is common knowledge, and the record of the legislature does not lie, it is common knowledge that what happened was exactly what I said would happen, that we would come back. When my package was defeated I asked for unanimous consent, and my package being the one half cent on the sales tax, I asked for unanimous consent to speak. I was granted unanimous consent to speak and I made the comment on that second day in July that we would be back six months hence, in January, and pass a half cent on the sales tax, and the only difference would be that my name would not be on the bill and that there would be nothing changed in the bill.

And practically to the day, in January, at special session, with my Floorleader's name on the bill, without one comma changed, presented a one-half cent in the sales tax, and it passed without one word of debate. In the meantime, we had lost \$7 million of summer trade money, tourist money, hotel and motel money. How well I remember that episode.

Two years ago — and I again have the record of the Legislature in my hand in which I stated that I was not against the tax itself, speaking about the corporate income tax, I was making comment that the package was too big. I didn't think we needed, quote from me "that big a package, it would bring too much of a surplus." And certainly that prophecy has held true, and we find ourselves now in excess of a \$30 million surplus. And I am not going to go through that charade all over again.

I have come out with a nine to one report, along with eight other colleagues, with a bill that I think is appropriate, and I think, as I was told over the weekend by several people who usually are more on the knocking end than the praising end, that for once that the people of the State of Maine are going to get some sort of relief.

We do have coming before us very shortly a package that would

possibly bring chaos to the state in the repealing of the income tax. And if we build this one up beyond repair, and if we build it up even at the last closing moments of the legislature, as we did two years ago, we will find ourselves again in further trouble.

I think the University of Maine can well use the \$1.3 million that we gave to them out of surplus this morning. I think there is certainly some monies to be taken as fact from the Gill presentation distributed to us, and I think that suffices insofar as I am concerned, because I practically begged the hierarchy of the University of Maine yesterday to accept the bond issue. They chose the million three. Let them take that out and take care of their employees. They should consider themselves lucky that they are going to get the million three.

I wholeheartedly support those who would go along with leaving things status quo.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I think that the Appropriations Committee did a tremendous job in putting this together, but there is one thing that I have listened to when the chairman stated that he would like to leave it up to the University with that amount of surplus they had to see that their employees got a decent raise.

Now I think that would be very commendable if they would do it, but here a few years ago, at our last session, we gave a raise of \$9 across the board per week to our state employees, and lo and behold many of us left here with the thought that our University employees would get a like amount. But they did not. Some got \$3.25, some got \$2.75, and some of the professionals got I don't know what. That is one of the reasons why I will be glad to see that so-called snoop book.

Over the weekend I received over eighty calls from the working class from the University, the classified employees. And they were very very distressed over the fact that the press had given out the

statement that the state employees were going to get an 11% increase. I can hardly blame them for that, when there was no increase in sight for them, where they are already being underpaid. Therefore, I feel anything we can do to equate the situation between the state employees and our classified employees of the University I will be glad to do it.

Even if it is through an amendment, or through an order which we will force the University Trustees to utilize that surplus which has been shown to us by Representative Gill, and put that towards an increase. But we have no guarantee, because once you give them the money they do anything they damn please with it. I really believe we have to do something, even if we have to put an amendment in. I think I will support this amendment.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I don't know as I can have any particular quarrel with the remarks of the gentleman from Old Town. However, if he feels that we should regulate every activity of the Trustees of the University of Maine, or the management of the University of Maine, I would hope that he would include, if he recalls this back to this body — I would hope that he would include the former recommendation of the Appropriations Committee which said that we insisted under that wording of that order, which we did withdraw at the request of the Chief Executive — I wish that he would bring that back if he is going to insist on how they spend every other nickel they have. I wish he would surely bring that back and allow us again to vote upon the wording of that bill which insisted that they maintain the level of their enrollment, and not spend the money for salary increases.

I say this somewhat facetiously, because I am one of those who firmly believe, and I have said many times, I guess I did with regard to the bond issue this morning, that I think that — I

know that the trustees and management of the University of Maine are keen minded and honorable men. And I am sure that very shortly they are going to get the message that the voters of the State of Maine have been giving to them for two or three years, and they are going to correct some of the things that the people of the State of Maine are objecting to.

I think that I subscribe to this method, because I firmly believe that sooner or later they will see the handwriting, and certainly I don't look upon it as very much of a function of the legislature, or a committee of the legislature, to go into the finer acts of how an institution as big as the University of Maine shall spend every last dollar that they have. I think that the management will eventually see the light, will do the things that the people of the State of Maine are insisting on. And then they will be able to again get bond issues, as they have got bond issues in the past, and we will go merrily on our way together in the advancement of the cause of higher education.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: In all this discussion there is one thing that I haven't heard anything about, and that is the alumni of the University. We know that all through our country the private universities are in trouble. And when they get in trouble, they can't go to a state legislature and get more and more and more money. They get out and dig it up themselves.

Now is there anything in our statutes that prohibits the trustees from putting on a great drive amongst their alumni? It seems to me that anyone attending a state university is subsidized to a great extent on the low tuition. And it seems to me that anybody that goes to the University of Maine and gets a good education, and gets out and makes a good living, would be very glad under a little pressure to contribute to that university.

I don't know whether they do take alumni funds, or how urgently

they are pressed. But it seems to me, where all of our educational institutions are in such trouble, our great ones, Harvard, Dartmouth, the little school that I went to, Colgate, they are out to get money, and they are cutting down on their athletic programs even. Now it seems to me that necessity is the mother of invention, and it seems to me that something along this line could be done.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I think again we can hear wise words, and I think the gentleman from Portland has made wise words. As an alumnus from the Portland area of the University of Maine, I mean I would be willing to contribute a few dollars if ever I would have gotten a letter. It might not be much, but if the thousands and thousands and thousands would get letters, it would come up to something.

Also while I am on my feet, I must make comment to a remark that was made by the Chancellor, and certainly I am not taking issue with him in a harsh manner today, nor am I taking issue with anybody in a harsh manner. But one comment that sticks in my mind since we had the hearing concerning the University of Maine budget on the Appropriations Committee, is when the Chancellor made the statement to the effect that a few years ago education could not — you couldn't kill an education bill no matter what you did. Now it has turned away from education; people have turned away from education, and they have gone strictly to environment.

The same situation, he stated, exists now for environment in favor of as existed for education in favor of a few years ago. I didn't do it at the hearing, but after the hearing I went to him and some of the members of the Board of Trustees, and I said, "If that argument holds true, then will you then explain to me why it is that on two separate occasions there were bond issues concerning education that went before the people. The first one concerned a bond issue for the University of Maine; and

on the same ballot was a bond issue for vocational educational. The bond issue was defeated for the University of Maine, and the bond issue for the vocational education passed overwhelmingly.

A few months later the same situation happened. Another bond issue for the University of Maine, again on the same ballot another bond issue for vocational education. Again, the people of Maine said 'No' to the University of Maine bond issue, and another overwhelming 'Yes' to the vocational education bond issue."

The situation is simply this. Somewhere along the line the University of Maine is going to have to pick up some of its own freight. I think the Appropriations Committee has gone far enough. I think we even went one step further this morning. And as has been stated, if you want to endanger the passage of this thing here, I think you should exercise some care as to how much more you heep onto L. D. 1811.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure why the gentleman from Lewiston hasn't received a letter from the University, because I have received my share. I think they mail them out every two weeks it appears. I am not sure, maybe it's even sooner. I do know that on at least once a year I try to make as large a contribution as I can to the alumni account, alumni fund. Unfortunately, I can't do as much as I would like to because I am still paying off my education.

Now let's take a look at a couple of the things that have been mentioned. First of all, I am happy that the gentleman from Waterville, Mr. Carey, realized that those were one year figures that he first quoted, and not the two year. And I am actually providing for a half million dollar surplus which probably, I am sure, someone could dream a way of spending it before we get through here.

Two years ago, as was pointed out by the gentleman from Perham and also the gentleman from Old

Town, we failed to put into the Part II budget a requirement as to how the University was going to give those wages. We can argue that they are responsible for having not given the \$9 across the board, and I happen to believe in that argument. But I was also one of those on the Appropriations Committee two years ago that argued hard and long to writing that type of legislation into the bill. But as I recall, "Well, let's let the trustees decide where it is going to go." And that is exactly what took place.

Now there have been two mentions made by previous speakers of a million-three and a million-two. We indicate that there is a million-three in the bill that we passed this morning dealing with taking items out of surplus to take care of certain capital construction. And then reference is also made for this one million-two of L. D. 1730. Now that in effect is \$2.5 million for the biennium, which goes to the University earmarked for two specific purposes.

Now if we are willing to remove the earmark provision saying that the University can then determine priorities, that is one thing. But I don't realize, and maybe I am just plain stupid, how we can say that there is going to be a million-two surplus, excess and over what was shown to us in that sheet by the gentleman from South Portland, Mr. Gill, when in L. D. 1730 it says that a million-two shall be "for all other (capital expenditures)." That to me does not mean salary increases.

Secondly, we talk of a million-three, which is a point that was made this morning. That doesn't deal with salaries at all, has nothing to do with salaries. If you are in favor of giving the classified employees the salary increases then you shall vote for my amendment; if you are opposed it is very simple, then you vote against it.

One other point I think that ought to be made. I am not all happy with what has been going on at the University, because I happen to think that there are certain areas where they ought not to be involved also. I am also aware, however, that they do certain

interesting studies for various groups in this state that really supplement private industry. And I for one would be more than happy to see those eliminated and save us all a great deal of money.

I am not all too pleased with the amount of money that we pour into the Cooperative Extension Service for the study of potatoes, the study of blueberries, the study of poultry, the study of name them and you've got them. That money does not go to educate students. It goes to supplement private industry of this state. If we want to eliminate that, let's slap on an amendment. I will support it. But to simply say that we are going to hurt classified employees is not the approach we ought to take. I hope that you vote against the motion of the gentleman from Perham, Mr. Bragdon, on the question of indefinite postponement.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I agree with the remarks of the gentleman from Eagle Lake with regard, we will say, to some of the functions that have existed over the years in the University complex, and he makes reference to the Extension service. And I am in 100 per cent concurrence with his thinking.

The county commissioners in our county, and I believe I can safely say the county commissioners in other counties, have taken the same position that the gentleman from Eagle Lake and I personally are taking now.

The question that I ask, and I ask it is no uncertain terms, when is the administration of the University of Maine going to get wise to these things that the people of the State of Maine don't like and take hold and eliminate them and go ahead on the kind of a program and the kinds of programs that the people want?

Mr. Donaghy of Lubec moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question it must have the consent of one third of the members present and voting. All those

in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one third of the members present having expressed a desire for the previous question, the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. All in favor of the main question being put now will say aye; those opposed will say no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Perham, Mr. Bragdon, that House Amendment "B" be indefinitely postponed. The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Perham, Mr. Bragdon, that House Amendment "B" be indefinitely postponed. If you are in favor of indefinite postponement of House Amendment "B" you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Bailey, Baker, Bartlett, Bedard, Berry, G. W.; Berube, Birt, Bither, Bragdon, Brawn, Bunker, Call, Carey, Carrier, Carter, Churchill, Clark, Collins, Conley, Cooney, Cote, Cottrell, Crosby, Cummings, Curtis, A. P.; Cyr, Dam, Donaghy, Dyar, Emery, D. F.; Evans, Faucher, Fecteau, Finemore, Gagnon, Gill, Hall, Hancock, Hanson, Haskell, Hayes, Henley, Herrick, Hodgdon, Immonen, Jalbert, Kelley, R. P.; Keyte, Lawry, Lee, Lessard, Lewin, Lewis, Littlefield, Lizotte, MacLeod, Maddox, Mahany, M a n -

chester, Marsteller, McCormick, McNally, Millett, Mosher, Norris, O'Brien, Orestis, Page, Parks, Payson, Pontbriand, Porter, Pratt, Rocheleau, Rollins, Ross, Scott, Shaw, Shute, Simpson, L. E.; Stillings, Tanguay, Theriault, Trask, Webber, White, Wight, Williams, Wood, M. W.; Woodbury.

NAY — Albert, Barnes, Bernier, Berry, P. P.; Binnette, Boudreau, Bourgoin, Bustin, Clemente, Curran, Curtis, T. S., Jr.; Dow, Doyle, Drigotas, Farrington, Fraser, Gauthier, Genest, Good, Goodwin, Hawkens, Hewes, Jutra, Kelleher, Kelley, P. S.; Kilroy, Lebel, Lucas, Lund, Lynch, Marsh, Martin, McCloskey, Mills, Murray, Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Starbird, Tyndale, Vincent, Whitson, Wood, M. E.

ABSENT — Brown, Dudley, Emery, E. M.; Hardy, Kelley, K. F.; Lincoln, McKinnon, McTeague, Morrill, Rand, Santoro, Sheltra, Silverman, Susi, Wheeler.

Yes, 91; No, 44; Absent, 15.

The SPEAKER: Ninety-one having voted in the affirmative and forty-four having voted in the negative, with fifteen being absent, the motion does prevail.

Mr. Curtis of Orono offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-419) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: This also is another amendment designed to do very specifically one thing, provide for the increase in pay for classified workers at the University of Maine, for nothing else. We have discussed this in great detail and at great length. I would just like to say very briefly that the strength of any institution lies more in its people than in its buildings; and this legislature, I am afraid, seems to be more concerned about buildings than people.

We have 1,800 classified employees in the University of Maine system who are being paid a minimum of \$1.60 an hour. With the increase in the state minimum wage and with the passage of the Maine State Employees Association pay bill, the state employees will be receiving a base minimum of

\$1.94. That is a 34 cent differential. That is why I am introducing this amendment. I hope you will vote with me.

The tax provided is a 5 mill increase in the wildlands tax. I chose that tax only because I understand the people on the Taxation Committee who have studied the problem extensively, have decided that a 10 mill increase in the wildlands' tax is a reasonable increase and the Appropriations Committee has used only 5 mills so far.

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

Mr. DAM: Mr. Speaker, I move this amendment be indefinitely postponed.

The SPEAKER: The gentleman from Skowhegan, Mr. Dam, moves that House Amendment "A" be indefinitely postponed.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I concur with the motion of the gentleman from Skowhegan, Mr. Dam. I don't really feel it is necessary to go over the arguments which we have already gone over before. We in the Appropriations Committee firmly believe there is \$1,200,000 overlay in the University of Maine budget which the Trustees can use for this very purpose. It is sufficient to do the thing that the gentleman from Orono mentions. We hope they will do it. It does provide a 10 percent increase for these low paid employees, and I somehow feel confident that the University Trustees are going to use this money for this purpose. We have no occasion to consider raising extra money to do this.

Mr. Brawn of Oakland moved the previous question.

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

A vote of the House was taken, and more than one third of the members present having expressed a desire for the previous question,

the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable for five minutes by any member. All in favor of the main question being put now will say aye; those opposed will say no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Skowhegan, Mr. Dam., that House Amendment "A" be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

91 having voted in the affirmative and 35 having voted in the negative, the motion did prevail.

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

House Amendment "C" (H-423) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I can assure all of you that I am not under an illusion that this amendment is going to fare any better than the previous amendments. However, I do want to read to you a memo from the Commissioner of Health and Welfare for your consideration, I suppose, as well as mine. Basically what the amendment would do would be to provide an extra \$600,000 for the Department of Health and Welfare in one area alone. And this, of course, is to aid the families with dependent children. I fully realize, as I stand before you, what a popular subject this is with all of you.

Let me read to you the memorandum that comes from the Commissioner: "Projecting AFDC caseloads for the next year is uncertain and obviously the accuracy of prediction of financial needs is completely dependent on the extent to which caseload projections prove to be correct. By July 1, 1971 we shall have a caseload of at least 17,000, involving some 46,000 children. About 1/3 of the caseload have no income other

than AFDC. About 1/3 have budgeted needs met by a combination of AFDC and other income, such as support payments. Thus, about 2/3 of the caseload have less than full budgeted need met. In the 1/3 with no income other than AFDC, about 49 per cent of budgeted need is being met. Our average grant is \$148.00, with the average case including one adult and 2.7 children, with the equivalent of about \$40 per person.

Our caseloads are projected to increase at least at an average of 300 per month in the absence of the 'unemployed father' (UF) segment which has approximated 100 per month the past few months. Closure of the UF cases now in the caseload will affect about 900 grants. If all UF cases could be closed by July 1971, our July caseload would be about 16,100. A rate of increase of 300 per month for 1971-1972 would get us to July 1, 1972," one year from this coming July, "at a level of 19,700." We presently have 1,700, including those people, so-called unemployed father cases, which this bill eliminates entirely.

"This results in an average caseload for the year of a minimum of 18,000." This is the important part. "The funding proposed in Parts I and II will finance about 17,500 cases. With this funding we would anticipate a deficit of about \$600,000 unless administrative steps were taken, or unless some additional group were to be removed.

With Part II of \$1,400,000 (and in the absence of UF) we would need to apply a general grant reduction of 7 per cent — 10 per cent at the beginning of the year. The later in the year the reduction is applied, the larger the reduction percentage will need to be.

Other than the removal of categories (UF, step-fathers) there is no very satisfactory way of making significant numerical reductions in the caseload. Thus, expenditure control can only be achieved by manipulating sizes of grants."

That is the end of the memo. Very briefly, what it boils down to is this: If we adjourn without what Dr. Fisher refers to as \$600,000, he is going to implement

a 7 to 10 per cent decrease in the amount of grants AFDC families are presently receiving. Now I don't think that some of you want to do that, others of you may say let's cut it all out.

I think the point I am making is a very simple one. If we do not adopt the amendment, then we must realize that when we go home and this deduction does take place, that the responsibility for that deduction will not be Dr. Fisher's, but ours; and that is where the responsibility ought to lie, with us. If we make that decision and that decision is no, then we have made the decision and it is no one else's to make.

Two years ago pretty much the same thing happened. But as you well recall, they used the Part II budget in the second part of the biennium to fund current levels, increased caseloads, during the first half of that second part of the biennium. So as a result, we came here in January, we had a deficit that we have been meeting ever since. The Appropriations Committee, and wisely so, has included language into the bill that says that this cannot be done, and so, it will not be done. What I am indicating very simply is, if the amendment is not adopted, we go home and cuts are made, people cry to us, we ought to realize that the burden fell upon our shoulders. And I assume that the decision probably will be the same as the previous. I would merely ask for a division.

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

Mr. DAM: Mr. Speaker, I move that this amendment be indefinitely postponed.

The SPEAKER: The gentleman from Skowhegan, Mr. Dam, moves that House Amendment "C" be indefinitely postponed.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Again I concur with the motion of the gentleman from Skowhegan, Mr. Dam. With regard to this appropriation, I think it was pretty near the unanimous opinion of the Appropriations Committee that this

matter of welfare payments is rapidly, we will say, if it has not already got out of hand, it is certainly rapidly getting out of hand.

When a crisis arose between this session and the last session that called for the expenditure of some five million or so dollars, where I believe that the Governor should have called the legislature into session at that time, when the crisis did arise, and Fisher allowed that he has got to have this much additional money to maintain the program, I think then the legislature should have come in and made the decision as to whether they were going to provide the additional money or whether they were going to recommend cutting the department either by reduction of numbers of caseloads or reduction of payments that would cut down the costs. The Governor did not choose to do this, and so this session of the legislature, month by month, has had to provide a substantial number of millions of dollars — I believe it was in the area of \$5 million — to make up the deficits that occurred in last year's appropriation.

We discussed this at some length in the Appropriations Committee the other day, and I think I led off, and I still take the position that somebody, and if it has to be the Appropriations Committee, it has got to be the Appropriations Committee, somebody has got to flex their muscles with regard to this runaway program of welfare assistance. So the result of our discussion, we reduced the requests of the Health and Welfare Department by, I believe, in the neighborhood of \$2.5 million.

Now I sincerely subscribe to the philosophy that it is the duty of legislators to provide the funds. It is the duty of those who administer them to attempt to administer them within the amount of funds that the legislature in its wisdom sees fit to provide. In the fear that Dr. Fisher would not abide by this decision, we carefully wrote into this act provisions whereby we believe he must live within the appropriation that we have provided.

Now I am perfectly willing to go back before my people and take the blame, we will say, for being

the foolish guy that led off in this move. I feel it has to be done. I don't believe we can continue to live as a welfare nation, and the sooner we stop this trend in its tracks, even to the point that those who are on welfare have got to live upon reduced amounts, then maybe it may not be as attractive to be on welfare as it would be perhaps to get out and look a little harder for a job. These are the reasons why I feel that we must stop this welfare thing in its tracks. We must reverse it. No nation can ever grow strong as a welfare nation. We have got to find some other way. I don't believe we can provide for our welfare recipients at the same level as those who are willing to get up at four o'clock in the morning and attempt to do an honest day's work to obtain the money to support themselves and their families.

I hope you will go along with the motion to indefinitely postpone this amendment and I hope that the Department of Health and Welfare will find a logical means of making the appropriations which we have provided suffice during the next biennium.

Mr. Brawn of Oakland moved the previous question.

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

A vote of the House was taken, and more than one third of the members present having expressed a desire for the previous question, the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable for five minutes by any one member.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I can appreciate the gentleman from Oakland, Mr. Brawn's haste, but I think these are very important problems. I stated my position very clearly on previous questions

Friday that I made twice, the first and last time that I was going to make a motion. I don't think that we should cut off people on such important items as these. I saw four or five people get up. What I have to say might not be important, but I might or might not like to have to say it on important issues such as this. I think it ought to be said anyway by anybody who wants to.

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

Mr. PORTER: Mr. Speaker and Members of the House: Inasmuch as this is one of the more important items, I suggest that we debate it thoroughly. I would suggest that you not put the question now.

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

Mr. MARTIN: Mr. Speaker and Members of the House: If there is one area that ought not to have a previous question involving it, it is probably the budget. It is probably the one item that is the most important and probably the real reason that we all ought to be here. And I would hope that you would vote against the previous question, even though I suspect that everyone who is going to speak will be speaking against my amendment.

The SPEAKER: The pending question is, shall the main question be put now. All those desiring that the main question be put now will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think in reading any of your national publications you will find that this same problem is facing states all over the country. Many states are facing up to the thing in the same way that the Appropriations Committee has recommended, that the administration live within their budget. I

think we discussed this very thoroughly, and I think it was one of the comments that affected our decision.

I can't help but think one other item on this is that many times people have indicated that we should keep welfare control at the lowest level. Just about a year ago, after many many years of trying, they removed the 18 percent cost the municipalities have been paying. And at that time there were 9,000 caseloads. The gentleman from Eagle Lake, Mr. Martin, has just indicated the increase in caseloads that have developed in this last year and the potential that is ahead of us. Certainly somebody is doing a lot of work hunting up caseloads, or else somebody was going a great deal without, I am not sure which. But I think possibly it is more apt to be the former. There are a good many cases on the rolls today that are very questionable whether they should be.

I have in front of me just a little bit of the figures of what is involved in this overall program and how much money is being spent. At the present time, with the Part II funding of \$1.4 million, which will generate \$41 million of federal funds, it indicates that the ADC caseload alone will be spending \$60 million in the State of Maine. Our overall welfare costs, including hospital and medical care and aid to the blind and disabled, the total on that, including the state appropriation and the federal appropriation, comes to just under \$145 million.

It seems that we are on a very extensive program. I think that it is certainly time that the administration of the Department of Health and Welfare gives some thought to trying to put their house in order. And I am certainly sure that this \$600,000 in relation to a \$60 million appropriation, is not going to result in any major harm to anybody that is presently under ADC, and I completely support the motion to indefinitely postpone.

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

Mrs. BERRY: Mr. Speaker and Members of the House: I am sure

that we all heard this sob story from the department, but I do not have any tears in my eyes. I am sure if there was a removal of all of the undeserving cases that just you and I and all the folks here in the House know of, it would help out considerably.

Also I think, and I am going perhaps into some things that might be a little on the shady side perhaps, but we have been told in some of our hearings by Mr. Wyllie, and I am speaking his name, that it is his opinion that all of these ADC mothers, or that ADC mothers in general should have male companions. And also, when they go to inspect the home when they have complaints, they give them in writing three days' notice. And who of us, when we know we are having somebody coming to inspect, isn't going to clear our house a little. And I am sure that some of these so-called social workers are soliciting this type of aid, but I am sure that all of us would go along with the department when they do put their house in order.

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

Mr. CAREY: Mr. Speaker and Members of the House: I am ready for lesson number two in mathematics. The five mill wildlands tax would raise \$1 million. It is unfortunate that the gentleman from Eagle Lake is not in his seat. He proposes a one mill increase. Now one fifth of \$1 million I understand to be \$200,000. Now if this is true and the gentleman was wrong when he said he was adding \$600,000, he is in fact adding \$700,000. I would ask him where he plans on getting the other half a million dollars?

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

Mr. MARTIN: Mr. Speaker and Members of the House: I just want to assure the gentleman from Waterville that he is right once today.

What I was hoping to do of course was that we would adopt House Amendment "B" and that would give me the extra half a million to take care of the rest

of the cost of this particular amendment. I am assuming that if House Amendment "B" was not accepted that there is less hope for House Amendment "C".

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

Mr. JALBERT: Mr. Speaker and Members of the House: In a good area the gentleman from Eagle Lake, Mr. Martin, is correct. I had heard about the amendment and I am chagrined that there is a price tag put on it. The philosophy of the gentleman from Eagle Lake I accept; the philosophy of lowering the payments of the gentleman from Perham, Mr. Bragdon are fortunate because the children should not suffer for the errors of other people.

Because if we would read right in the preamble: "The Governor and Executive Council shall not approve any allocation of funds for a department by which funds are transferred from one quarter to another, when the transfer will result in a request for a deficiency appropriation at a special or regular session of the Legislature."

The gentleman from Eagle Lake is absolutely right. We tried to get that language in two years ago; it should have been put in two years ago. Had it been put in two years ago we wouldn't have found ourselves plunged into an area of a five million dollar shortage that we have to pay whether we like it or we do not like it.

Now as I understand it, this \$2,500,000 that comes before us now in the L. D. 1811 that I support would take care of us in the area of eight to ten months. After that there are only two things to do. It will be to either lower or cut out one or the other, or come back here in special session, and indications all prove that we are coming back in special session.

I think the fallacy in the amendment of the gentleman from Eagle Lake therefore is the fact that he has money in it. I would have preferred to have seen the language. As it stands now I cannot support it. If you have language, and I have discussed it with him, I would be very happy to support him. However, as it stands now I cannot

support it in this present form of money.

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

Mr. MARTIN: Mr. Speaker and Members of the House: In deference to the gentleman from Bath, Mr. Ross, I won't speak very long. If it is the feeling of the members of the House there ought not to be a decrease in the grant until we come back in January and we make this part of the law, and then in January we could make a decision. And I might suggest that we put this into the preamble and as the gentleman from Lewiston, Mr. Jalbert, points out, and if that is the willingness of the House that it would be wise to table until later in the day and we put that amendment on. But I do think that something has to be done.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I know that I am not going to get anywhere, but I am warning you that unless you go along — and I am speaking now in the same terms as I recall a few weeks ago the gentleman from Perham was warning us concerning itself to Part I, this item ought to be not disposed of in this fashion now. I think that this — I don't say later in the day's session, I certainly would hope, because I know the intention of the gentleman from Eagle Lake, Mr. Martin, would be to reword his amendment which might be acceptable, at least we ought to look at it, and I would strongly suggest — I can't vote for it as it is now, I would like to see some language put in which I would agree to, and I for one would hope that this item be tabled until tomorrow.

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

Mr. LYNCH: Mr. Speaker; I would like to ask that this be tabled until tomorrow.

Whereupon, Mr. Donaghy of Lubec requested a division.

The SPEAKER: A division has been requested on the tabling motion. All desiring that this mat-

ter be tabled until tomorrow will vote yes; those opposed will vote no.

A vote of the House was taken.

35 having voted in the affirmative and 65 having voted in the negative, the motion to table did not prevail.

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

Mr. ROSS: Mr. Speaker and Members of the House: If there is any misabused program, the most misabused is AFDC. Those of us who have been here for a long while have known this for a long while. But there is a feeling that if we should cut down on this we would be hurting many worthwhile cases. As a matter of fact, I would only consider an increase if it could mean policing it better. There are so many inequities in this law that it is not only a state but a national disgrace. It is prone to make families adopt welfare relief as a permanent profession and I support indefinite postponement.

The SPEAKER: The pending question is on the motion of the gentleman from Skowhegan, Mr. Dam, that House Amendment "C" be indefinitely postponed. All those in favor of the motion will vote yes; those opposed will vote no.

A vote of the House was taken.

100 having voted in the affirmative and 22 having voted in the negative, the motion did prevail.

Thereupon, Bill "An Act making Supplemental Appropriations for the Expenditures of State Government and for other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973 and Raising Revenue for Funding Thereof," H. P. 1388, L. D. 1811, was passed to be engrossed and sent to the Senate.

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

Mr. BRAGDON: Mr. Speaker, if I am in order, I would move under suspension of the rules that this document be sent forthwith to the Senate.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, requests that this be sent forthwith. Is there objection?

The Chair hears objection.

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

Mr. BIRT: Mr. Speaker, I move that we reconsider our action whereby this bill was passed to be engrossed and I hope you all vote against me.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, now moves that the House reconsider its action whereby L. D. 1811 was passed to be engrossed. The Chair will order a vote. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

31 having voted in the affirmative and 89 having voted in the negative, the motion to reconsider did not prevail.

Amended Bills

Third Reader

Tabled and Assigned

Bill "An Act Empowering the Environmental Improvement Commission to Conduct Studies Relating to Noise Pollution" (S. P. 407) (L. D. 1223)

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

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: There is apparently an error in Committee Amendment "A" and I would hope that someone would table this for one legislative day.

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

Third Reader

Tabled and Assigned

Bill "An" Act Revising the Laws Relating to Real Estate Brokers and Salesmen" (H. P. 838) (L. D. 1161)

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

(On motion of Mr. Jalbert of Lewiston, tabled pending passage to be engrossed and tomorrow assigned.)

Constitutional Amendment Tabled and Assigned

Resolution Proposing an Amendment to the Constitution Providing for Regulation of Municipal Borrowing by the Legislature (H. P. 1041) (L. D. 1099)

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

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I rise in opposition to passage of L. D. 1099. We debated this briefly about a week ago when it was in its first stage. As you may remember, this bill proposes to eliminate the present constitutional debt limitation of 7½ per cent and in place of that L. D. 1099 would give the legislature the authority and the power to set the individual debt limitations for various municipalities.

I submit that economic conditions the way they are this would be a very unwise move. I hope that you will vote against enactment. Since it needs two thirds of the present membership of the House for passage, I will not make a motion to indefinitely postpone. But I would urge you to vote against passage of this document.

I believe that many municipalities, especially the larger cities, are already overburdened with excessive tax rates because their municipal officials are unwilling or unable to keep spending to a minimum. The present 7½ per cent indebtedness limitation serves as a stopgap. It serves as a guarantee to the taxpayer that his tax burden will not be excessive. I hope that you will all vote in favor of the taxpayers in your community and vote to retain the present system to protect them.

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

Mr. PORTER: Mr. Speaker and Ladies and Gentlemen: I would urge the enactment of this resolution. As it is now there is a limitation of 7½ per cent. However, that does not apply to sewer districts nor school districts. So in certain towns we have much larger bond

issues than we would have if this had been enacted. This, if enacted, means that the 106th Legislature will have to look at the situation and try to come up with a figure that will be satisfactory to all towns. Again I urge this enactment.

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

Mr. LUCAS: Mr. Speaker, Ladies and Gentlemen: Briefly, the bonded indebtedness limit which is imposed upon the communities in the State of Maine is one of the lowest in the nation. It does not provide communities, especially in the larger cities, with the flexibility that they require to undertake capital improvement projects. I believe the Legislature would be doing very well to consider the doubling of this current 7½ per cent to the proposed 15 per cent.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Somehow or other the Constitution is a very sacred document to me. I always resist seeing it amended or tampered with. I know that our little town got in plenty of trouble, and I am not sure whether we can keep on paying our bills and keep from being deorganized when we were laboring under the present debt limitation. And somehow or other I shudder to see it increased.

We have many ways around this by forming sewer districts and water districts and school administrative districts. It seems to me that we can do all the borrowing that it is safe to do with the present constitutional amendment. I am going to vote against this bill, and I hope there may be some others who may agree with me that will go along with me.

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

Mr. HEWES: Mr. Speaker, Members of the House: I regret to oppose the gentleman from Perham. I feel this is a good resolve. As I understand it, a municipality may not borrow more than seven and one-half per cent of its

assessed value. But we have other quasi - municipal organizations, School Administrative Districts, or sewer districts, water districts that can borrow. In fact SAD's I believe can borrow up to 12½ percent. So if one community has an SAD, it can borrow 12½ percent towards its evaluation of the SAD, plus seven and one-half percent — or at least it can borrow up to 12½ percent on the SAD, whereas the neighboring community without the SAD can only borrow up to seven and one-half percent of its assessed value.

This bill, as I understand it, would let the legislature review a particular town's request to increase its borrowing. It only seems fair that the legislature should have that authority to do that. And if we vote for this resolve it doesn't become law unless the people at a general election do endorse or support this. So I hope you will vote for the pending enactment.

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: In the town which I come from — and the fellow says that sounds like someone else in the House — we had seven and a half percent. We went into an SAD; they were granted 12½ percent. They borrowed every cent they could borrow. And if you go to 15½ percent they are going to that also.

We have a debt there now of interest of \$147,000 a year for these little towns in the SAD. Before we had \$14,500 was all we were indebted, at four percent. Now we are paying seven percent.

I hope you will go against this, because the taxpayer cannot stand this amount of interest any longer.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: If I really believed the arguments of the gentleman from Cape Elizabeth, I would probably go along with him. I think what he is saying is that he believes that the legislature would review individual requests by municipalities and

judge what was a safe debt limit for that particular municipality. Because I am fearful that it would not work this way, I don't think I can ever hardly recall seeing a legislative committee cut down the request of a town for a sewer construction job, or any other kind of a job. I just don't think it is going to work this way, and I feel a little safer under the protection of the old Constitution, with the seven and a half, then I do with the proposal that he is putting before you.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: Just to clarify one point that was made by Mr. Brawn, this does not raise the debt limit of any municipality to 15 percent; this does not do that. It simply gives them, as Representative Hewes from Cape Elizabeth has said, the right to come to the next legislature and apply for an increase, whether it would be eight percent or ten percent or whatever it is.

Now the reason behind this is that they can go into a sewer district or an authority now, and the municipality can borrow the money under this district or authority, but they have to pay more for it. If they borrowed it under their debt limit then they can borrow the money cheaper and therefore save money over the long run. So I would hope that you would support this legislation.

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

Mr. BRAUN: Mr. Speaker and Members of the House: The gentleman told me we could save money. Now I don't see how anyone can save money by spending more money than they ever did before, because it costs you more interest. If these people find out that they can have one million dollars is all they can, then you double it, they can borrow two million dollars. And I will guarantee they will borrow every cent they can. And you people that own these little homes have got to pay this. I know in the area from which I come they

are paying all the taxes they can struggle under now.

This year we start paying the principal on our bills. Last year we went up 12 mills on our taxes; the year before we went up eight mills on our taxes; and they are going up again this year. And every cent of this was SAD schools; it was not the municipality, not one single cent. I am asking that you hold it right where it was.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I tried to attend a few of the hearings this winter when my committee wasn't meeting, and I happened to be up to Legal Affairs when this particular item was presented. I talked this over at considerable length with my good friend from Cape Elizabeth, Mr. Hewes.

The people that were there in favor of this bill were my City Manager from Bangor, and the gentleman from Portland, and one from Lewiston. And I think that Mr. Brawn has got a right point here, if we don't hold the present level that the burden on the taxpayer, property tax owner, is only going to be increased.

Now in my area we had a revaluation up there and the taxes went up very considerably. We have had a number of spending programs. You people that have been to Bangor and looked at the Urban Renewal projects, it looks more or less like we have a bombed out city down there. They keep tearing down the buildings, and then some of these buildings are not being replaced, and the burden goes back again on the small home owner.

I realize the position of this bill, and it is only going to be so that they can come down here and petition the legislature for this or that. But as far as I am concerned, I am satisfied with the present setup, and I hope that we support the gentleman from Rockland's motion. I ask for the yeas and nays, Mr. Speaker.

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

Mr. HODGDON: Mr. Speaker,

Ladies and Gentlemen of the House: This bill was heard before State Government. In its original form it asked that the debt limit be raised from seven and a half to 15 per cent. There were objections at the hearing. There were objections from the committee members. The committee strived to come out with some sort of a piece of legislation whereby time would be used to come up with legislation that would be satisfactory to all.

As I stated the other day, there is a line in this present bill that prohibits the raising of the seven and a half per cent debt limit which we enjoy now until such time as other legislation was passed changing the Constitution.

Now rather than to increase this, it is my belief that under the present setup by forming water districts, sewer districts, and so forth, that towns can go out and borrow to their own free will. The idea behind this was to allow a change in the Constitution whereby if municipalities wished to form these districts they would be penalized on their overall debt limit by a percentage for every district they went into. So rather than to raise the overall debt limit, I believe this bill would actually protect the present debt limit.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I would remind my good friend from Bangor, Representative Kelleher, that he sponsored a parking authority bill which is nothing more nor less than a means to circumvent the seven and a half percent debt limit. We passed out of Legal Affairs the other day a bill that was in third reading today, Bill "An Act to Incorporate the Jackman Water District," which does nothing more nor less than circumvent the bonded debt limit of the municipality. And you pay more money when you borrow money under this vehicle.

So I would hope you go along with this measure this afternoon.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: And particularly my good friend from Brewer. I don't think we always sponsor and support things that come from our area, but we are obligated, I suppose, by our constitutional position of being here, to put in these types of authorities. And I am quite sure that had I not put it in, I don't think I would have been as enthusiastic about it as someone else.

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 final passage of Resolution Proposing an Amendment to the Constitution Providing for Regulation of Municipal Borrowing by the Legislature, House Paper 1041, L. D. 1099. If you are in favor of final passage you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Ault, Bartlett, Bernier, Berry, P. P.; Bither, Boudreau, Bourgoin, Bustin, Collins, Conley, Cote, Cottrell, Cummings, Curran, Curtis, T. S., Jr.; Cyr, Donaghy, Dow, Doyle, Drigotas, Faucher, Fraser, Gagnon, Genest, Gill, Goodwin, Hancock, Hanson, Haskell, Hawkens, Hayes, Herrick, Hewes, Hodgdon, Jalbert, Jutras, Kelley, P. S.; Kelley, R. P.; Kilroy, Lebel, Lessard, Lewin, Lewis, Lucas, Lund, Lynch, MacLeod, Marsh, Marsteller, Martin, McCloskey, Millett, Mills, Murray, Norris, Orestis, Parks, Pontbriand, Ross, Scott, Simpson, T. R.; Smith, D. M.; Starbird, Stillings, Tanguay, Tyndale, Vincent, Whitson, Wood, M. W.

NAY — Bailey, Baker, Barnes, Berry, G. W.; Berube, Binnette, Bragdon, Brawn, Call, Carrier, Carter, Clark, Clemente, Cooney, Crosby, Curtis, A. P.; Dam, Dyar,

Emery, D. F.; Evans, Fecteau, Finemore, Gauthier, Good, Hall, Hardy, Henley, Immonen, Kelleher, Keyte, Lawry, Lee, Maddox, Manchester, McCormick, McNally, Mosher, Page, Payson, Porter, Pratt, Rocheleau, Rollins, Shaw, Shute, Simpson, L. E.; Slane, Smith, E. H.; Theriault, Trask, Webber, White, Wight, Wood, M. E.; Woodbury.

ABSENT — Bedard, Birt, Brown, Bunker, Carey, Churchill, Dudley, Emery, E. M.; Farrington, Kelley, K. F.; Lincoln, Littlefield, Lizotte, Mahany, McKinnon, McTeague, Morrell, O'Brien, Rand, Santoro, Sheltra, Silverman, Susi, Wheeler, Williams.

Yes, 70; No, 55; Absent, 25.

The SPEAKER: Seventy having voted in the affirmative, fifty-five in the negative, with twenty-five being absent, seventy being less than two thirds present and voting, this Resolution fails of final passage.

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

Mr. EMERY: Mr. Speaker, I move that we reconsider our action, and when we do I hope you all vote against me.

The SPEAKER: The gentleman from Rockland, Mr. Emery, now moves that the House reconsider its action whereby this Resolution failed of final passage.

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

Mr. PORTER: Mr. Speaker, I move this lie on the table for one day, please.

Mr. Emery of Rockland requested a division.

The SPEAKER: The gentleman from Lincoln, Mr. Porter, moves that L. D. 1099 be tabled pending the motion of the gentleman from Rockland, Mr. Emery, that the House reconsider its action whereby the Resolution failed of final passage, and tomorrow assigned. A division has been requested. All in favor of tabling for one legislative day will vote yes; those opposed will vote no.

A vote of the House was taken.

68 having voted in the affirmative and 49 having voted in the negative, the motion did prevail.

Passed to Be Enacted

An Act relating to Indian Tribal Meeting on Proposed Legislation and Lowering the Voting Age for Biennial Elections (S. P. 609) (L. D. 1787)

An Act relating to Appointments to Housing Authorities (H. P. 782) (L. D. 1048)

An Act relating to Pari-mutuel Pools in Harness and Running Horse Racing (H. P. 1332) (L. D. 1746)

Finally Passed

Resolve Authorizing Conveyance of Ministerial and School Lands by Trustees of Town of Mattawamkeag to the State (H. P. 1350) (L. D. 1772)

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

Orders of the Day

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

An Act to Revise Laws Relating to Outdoor Advertising (H. P. 605) (L. D. 807)

Tabled — June 3, by Mr. Carey of Waterville.

Pending — Passage to be enacted.

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

Mr. ROSS: Mr. Speaker and Members of the House: The gentleman from York, Mrs. Brown, has been duly excused for the next two days, and I would hope that somebody would table this for two legislative days, please.

Thereupon, on motion of Mr. Hardy of Hope, retabled pending passage to be enacted and specially assigned for Wednesday, June 9.

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

An Act to Authorize a Food Stamp Program for Piscataquis County, Sagadahoc County, Aroostook County, Penobscot County, York County, Oxford County and Washington County (H. P. 1143) (L. D. 1584)

Tabled — June 3, by Mr. Trask of Milo.

Pending — Passage to be enacted.

On motion of Mrs. White of Guilford, retabled pending passage to be enacted and specially assigned for Wednesday, June 9.

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

An Act relating to Boarding Kennels or Pet Shops (H. P. 1336) (L. D. 1752)

Tabled — June 3, by Mr. Farrington of Old Orchard Beach.

Pending — Passage to be enacted.

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

Mr. EVANS: Mr. Speaker and Members of the House: I am having an amendment prepared to go on this, and I wish somebody would table it for one day.

Thereupon, on motion of Mr. Bartlett of South Berwick, retabled pending passage to be enacted and tomorrow assigned.

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

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

Tabled — June 3, by Mr. Hancock of Casco.

Pending — Passage to be enacted.

On motion of Mr. Hancock of Casco, retabled pending passage to be enacted and specially assigned for Wednesday, June 9.

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

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

Tabled — June 3, by Mr. Bragdon of Perham.

Pending — Passage to be enacted.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: The Appropriations Committee has not yet found it convenient to arrange a meeting that we are looking forward to. I hope we are able to bring it about sometime this week. For this reason I hope somebody will table this for another two days until we can set up this meeting.

Thereupon, on motion of Mr. Shaw of Chelsea, retabled pending passage to be enacted and specially assigned for Wednesday, June 9.

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

Bill "An Act to Revise the Site Location of Development Law" (H. P. 1373) (L. D. 1790)

Tabled — June 3, by Mr. Evans of Freedom.

Pending — Passage to be engrossed.

On motion of Mr. Starbird of Kingman Township, retabled pending passage to be engrossed and specially assigned for Wednesday, June 9.

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

Bill "An Act to Increase the Fee for Steam Engineer and Fireman Licenses" (S. P. 604) (L. D. 1777)—In Senate, passed to be engrossed. — In House, passage to be enacted reconsidered, passage to be engrossed reconsidered.

Tabled — June 4, by Mr. Lawry of Fairfield.

Pending — Passage to be engrossed.

Mr. Good of Westfield offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-425) was read by the Clerk and adopted, the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

SENATE DIVIDED REPORT — Majority (8) "Ought not to pass" — Minority (4) "Ought to pass" in new draft — Committee on State Government on Bill "An Act relating to the Maine Area Land

Development Authority" (S. P. 462) (L. D. 1385) — New Draft (S. P. 612) (L. D. 1792) under same title. — In Senate, Majority "Ought not to pass" Report accepted. — In House, Majority "Ought not to pass" Report accepted.

Tabled — June 4, by Mr. Martin of Eagle Lake.

Pending — Motion of Mr. Donaghy of Lubec to reconsider.

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 remind you that in asking to reconsider I am asking you to vote against me. Vote no on the reconsideration motion, please.

The SPEAKER: The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that the House reconsider its action of June 4 whereby it accepted the Majority "Ought not to pass" Report. A roll call has been ordered. If you are in favor of reconsideration you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Bernier, Berry, P. P.; Berube, Clemente, Conley, Cooney, Cottrell, Cyr, Dam, Doyle, Drigotas, Fecteau, Gauthier, Goodwin, Jalbert, Kelley, P. S.; Kilroy, Lawry, Lebel, Lessard, Lucas, Lynch, Manchester, Martin, McCloskey, Murray, Orestis, Rollins, Simpson, L. E.; Slane, Smith, D. M.; Smith, E. H.; Starbird, Vincent, Webber, Whitson.

NAY — Ault, Bailey, Baker, Barnes, Bartlett, Bedard, Berry, G. W.; Binnette, Birt, Bither, Boudreau, Bourgoin, Bragdon, Brawn, Call, Carrier, Collins, Cote, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Donaghy, Emery, D. F.; Evans, Faucher, Finemore, Fraser, Gagnon, Genest, Hall, Hancock, Hardy, Hawkens, Hayes, Henley, Herrick, Hewes, Immonen, Kelleher, Kelley, R. P.; Keyte, Lee, Lund, MacLeod, Maddox, Mahany, Marsh, Martaller, McCormick, McNally, Millett, Mosher, Norris, Page, Parks, Pontbriand, Porter, Pratt, Rocheleau, Ross, Scott, Shaw, Shute, Simpson, T. R.; Stillings, Theriault, Trask, Tyndale,

White, Wight, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Brown, Bunker, Bustin, Carey, Carter, Churchill, Clark, Curran, Dow, Dudley, Dyar, Emery, E. M.; Farrington, Gill, Good, Hanson, Haskell, Hodgdon, Jutras, Kelley, K. F.; Lewin, Lewis, Lincoln, Littlefield, Lizotte, McKinnon, McTeague, Mills, Morrell, O'Brien, Payson, R a n d, Santoro, Sheltra, Silverman, Susi, Tanguay, Wheeler, Williams.

Yes, 37; No, 74; Absent, 39.

The SPEAKER: Thirty-seven having voted in the affirmative, seventy-four in the negative, with thirty-nine being absent, the motion to reconsider does not prevail.

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

Bill "An Act relating to the Management of Solid Waste" (H. P. 1383) (L. D. 1803)

Tabled — June 4, by Mr. Whitson of Portland.

Pending — Passage to be engrossed.

Mr. Smith of Waterville offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-424) was read by the Clerk and adopted, the Bill was passed to be engrossed as amended and sent to the Senate.

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

An Act relating to the Location of Solid Waste Disposal Areas" (H. P. 820) (L. D. 1094)

Tabled — June 4, by Mr. Hardy of Hope.

Pending — Motion of Mr. Lee of Albion to indefinitely postpone.

The SPEAKER: The pending question is on the motion of the gentleman from Albion, Mr. Lee, to indefinitely postpone. The Chair will order a vote. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

61 having voted in the affirmative and 43 having voted in the negative, the motion did prevail in non-concurrence.

Sent up for concurrence.

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

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

Tabled — June 4, by Mr. Martin of Eagle Lake.

Pending — Motion of Mr. Marsteller of Freeport to reconsider passage to be enacted.

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

Mr. MARTIN: Mr. Speaker, I would request a division, and ask you to vote against reconsideration. This bill has been before us, I believe, four times. We have endorsed it by a two to one margin each trip around. So I would ask you to vote against the request of the gentleman from Freeport, Mr. Marsteller.

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

Mr. MARSTALLER: Mr. Speaker and Ladies and Gentlemen of the House: We have a number of these so-called conservation bills before us, and I think it is something like the gentleman from Lewiston, Mr. Jalbert, said a while ago; that a few years ago any kind of an education bill or a bill of that title would go through. And I think this is the condition we are in at the present time, that anything with the title of conservation or related activity is something that is sort of sacred.

I think no one disagrees with the purposes of this bill. These purposes are to protect our waters and shorelines. However, some of us disagree with the methods of this bill. I hope you will look at the bill, L. D. 1543, and I refer to the mandatory zoning provisions, and the right of the EIC and the Land Use Regulation Commission to overrule the local zoning provisions.

Now we have other bills before us, and we have other ways to accomplish the purposes of this bill. First I want to point out that L. D. 1800 was amended the other day, and this bill is about relating to municipal regulation of land subdivisions, and we added a new section here which says, "Whenever situated in whole or in

part within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of such body of water, or unreasonably affect the shoreline of such body of water."

Now this comes out of the L. D. 1543 before us. We have the Land Use Regulation Commission for the unorganized territories, and this Commission can do these very same things in the unorganized territories.

Now we do have some communities that are not zoned, or do not have planning boards. I think better enforcement of the plumbing codes and other regulations would prohibit at least the pollution of the water in these areas, and we have other bills before us that will affect these areas.

Now most of us believe in home rule, and the traditional concept that government is the servant of the people and not the master. And this bill violates both of these concepts. So I hope you will vote to reconsider so we can handle the purposes of this bill in other ways.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I oppose the pending motion to reconsider, and I request a roll call.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Previously today when I have spoken I did so out of duty in my position as Minority Floor-leader. Now I am speaking as an individual legislator on his own individual bill.

I knew that the gentleman from Freeport, Mr. Marstaller, was

going to use this tactic to kill my bill after he adopted the amendment on L. D. 1800. There are three points very briefly that ought to be made. One, L. D. 1800 applies only when municipalities wish to do so. If they don't do anything there is nothing anyone can do about it.

Number two, this bill or L. D. 1800 have nothing to do with the Land Use Regulation bill, because the Land Use Regulation bill, which I assume we will get sometime this week, applies only to unorganized territory, and my bill applies only to organized communities.

Finally, three, the argument that was made by the gentleman in reference to home rule. As I pointed to him after the session last Friday, that it has always been my belief that every lake and every stream and every river was the property of every citizen of Maine, and not just the property of the Town of Freeport.

So I would ask you to vote against his motion for reconsideration.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman from Eagle Lake's last comments probably are one of the reasons why he is in the lower left hand corner and always will be there.

I have had seven years' experience on a planning board in my municipality. The last five years' experience is as chairman of that particular board, and I guess I don't know anything that is probably any more controversial, or any more in a position to be controversial, than a planning board member—even more so than town assessors, Mr. Pratt. But in the last seven years it seems as though all I have worked with have been ordinances in my town, and I happen to be a very very strong proponent of zoning and I am a very strong proponent of subdivisions. However, I feel that these are things that a local municipality should make up their own minds what they want to do. And in my case, my municipality has turned down these proposals,

and I would be, I think, very remiss if I came here and tried to impose these upon the municipality from the state level.

I would like to have you look at page two of this particular bill because it says, "With respect to the shoreland areas defined in section 4811, municipalities shall be given until June 30, 1973 to adopt zoning and subdivision control ordinances."

And furthermore on down, it says if they do not, "The Environmental Improvement Commission, the Maine Land Use Regulations Commission" — I will read it from the beginning.

"If any municipality fails to adopt zoning and subdivision control ordinances for shoreland areas as defined in section 4811 by June 30, 1973 or if the Environmental Improvement Commission and the Maine Land Use Regulation Commission determine that particular municipal ordinances because of their laxity and permissiveness fail to accomplish the purposes outlined in section 4811, the Environmental Improvement Commission and the Maine Land Use Regulation Commission shall, following consultation with the State Planning Office, with respect to these shoreland areas, adopt suitable ordinances for these municipalities, which ordinances the respective municipalities shall then administer and enforce."

Now I submit to you that that is really dictating from the top down.

There is a distinct difference between zoning and a distinct difference between subdivisions. And I think if you look at L. D. 1800, some guidelines have been adopted for subdivisions for municipalities with planning boards, agencies or officers to look at when they are approving subdivisions.

I would submit that the passage of L. D. 1800, with the other bills and statutes that we have — bills before us and the statutes that we have on the books at the present time, that we can definitely control any building and anything that is going on within our shoreland areas.

I would question the constitutionality of zoning just 250 feet next to

any particular body of water and not zoning the rest of that entire municipality.

Ladies and gentlemen of the House, I feel that this bill is not a good bill. I think that what was supposed to have been encompassed in it has been put in L. D. 1800, and I would hope that you would reconsider our action of enactment and that we give it a burial.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly. I want to take exception to the remarks made by my good friend Mr. Marsteller as to the fact that environmental bills are sacred. I think a good example of that, a case in point would be item ten on today's calendar which just went under the hammer, which passed this House twice previously and was indefinitely postponed.

I was interested in item nine, which is my bill, and didn't get on my feet, and I don't know whether other members of the Natural Resources Committee have had sun strokes or if they are just worn down, but believe me, I don't think it is easy at all to put a bill through. This bill has gone through and I think it is a good bill. I think the majority of the Natural Resources Committee thought it was a good bill, and I hope that you will oppose the motion to reconsider.

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

Mr. MARSTALLER: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the good gentleman from Eagle Lake, Mr. Martin, I am glad for him to come and sail on the boat or canoe or any type of craft on Casco Bay, and I am not going to tell him what kind of boat he is going to sail in. And I don't want him telling me what kind of cottage I can build on the shore.

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

Mr. HARDY: Mr. Speaker and Members of the House: I will

admit that the majority of the Natural Resources Committee did endorse this bill, but I happen to be one that did not. It always annoys me to have people say, and I am referring to Mr. Martin's comments a few moments ago, and I understood him to say, in not so many words, but this is my understanding of it, that they would like to control all of this land; however, they don't want to own it. And this thing always bothers me.

I happen to own a few acres in the State of Maine, and I have a few acres with streams running through it, and I am a little resentful when they come along and want to zone — originally it was the 500 feet; it isn't quite as bad now that it is down to 200 feet. And I go along wholeheartedly with the motion made by Mr. Marstaller of Freeport.

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

Mrs. CUMMINGS: Mr. Speaker, Ladies and Gentlemen of the House: This really is a permissive bill in that you don't have to do anything unless you don't do something. In other words, this group, the people that are here, are elected leaders of their communities. The chances are, if you want to be on a planning board in your own community you certainly can be, and you can see to it that the plans that are made for regulating what is going to happen to your town in the future will go along the way that you see are best for your communities.

Master plans should be made, and although we know, many of us who have been on these committees, that it is hard to do. I still think that there are many of our communities that are just not getting on their feet and getting to work. This kind of a bill will do it. It will scare some of them into action and it will also give a little impetus to those who have tried and failed and not been able to put something across. I certainly hope you vote against reconsideration.

The SPEAKER: The pending question is on the motion of the

gentleman from Freeport, Mr. Marstaller, that the House reconsider its action whereby An Act to Provide Certain State Level Land Use Controls, House Paper 1125, L. D. 1543, was passed to be enacted. A roll call has been ordered. If you are in favor of reconsideration you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Bailey, Berry, G. W.; Birt, Bragdon, Brawn, Call, Carrier, Crosby, Curran, Curtis, A. P.; Donaghy, Hall, Hancock, Hardy, Hawkens, Hayes, Henley, Herrick, Hodgdon, Immonen, Kelley, R. P.; Lee, MacLeod, Maddox, Manchester, Marstaller, McCormick, McNally, Millett, Mills, Mosher, Norris, Page, Porter, Pratt, Rollins, Scott, Shaw, Simpson, L. E.; Simpson, T. R.; Starbird, Trask, Wight, Woodbury.

NAY — Albert, Baker, Barnes, Bartlett, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Bither, Boudreau, Bourgoin, Bustin, Carter, Clemente, Collins, Conley, Cooney, Cottrell, Cummings, Curtis, T. S., Jr.; Cyr, Dam, Doyle, Drigotas, Dyar, Emery, D. F.; Faucher, Fecteau, Finemore, Fraser, Gagnon, Gauthier, Genest, Gill, Good, Goodwin, Haskell, Hewes, Jalbert, Jutras, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lucas, Lund, Lynch, Mahany, Marsh, Martin, McCloskey, Murray, Orestis, Parks, Payson, Pontbriand, Rocheleau, Shute, Slane, Smith, D. M.; Smith, E. H.; Stillings, Theriault, Tyndale, Vincent, Webber, White, Whitson, Wood, M. W.; Wood, M.E.

ABSENT — Brown, Bunker, Carey, Churchill, Clark, Cote, Dow, Dudley, Emery, E. M.; Evans, Farrington, Hanson, Kelley, K. F.; Lessard, Lewin, Lewis, Lincoln, Littlefield, Lizotte, McKinnon, McTeague, Morrell, O'Brien, Rand, Ross, Santoro, Sheltra, Silverman, Susi, Tanguay, Wheeler, Williams.

Yes, 45; No, 73; Absent, 32.

The SPEAKER: Forty-five having voted in the affirmative and seventy-three having voted in the negative, with thirty-two being absent, the motion does not prevail.

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

An Act relating to Disposition of Portion of Fees Collected by Maine State Park and Recreation Commission (S. P. 20) (L. D. 48)

Tabled — June 4, by Mr. Gill of South Portland.

Pending — Passage to be enacted.

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

On motion of Mr. Hawkens of Farmington,

Adjourned until nine o'clock tomorrow morning.