

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

Thursday, June 10, 1971

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

Prayer by the Rev. Mr. Norman Rust of Eliot.

The journal of yesterday was read and approved.

Order Out of Order

Mr. Norris of Brewer presented the following Order and moved its passage:

ORDERED, that Anthony, Elizabeth, and Joseph Valley of Brewer be appointed to serve as Honorary Pages for today.

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

Papers from the Senate**Final Report of Committee**

Final Report of the following Joint Standing Committee:

Legal Affairs

Came from the Senate read and accepted.

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

Non-Concurrent Matter**Tabled and Assigned**

Majority Report of the Committee on Natural Resources on Bill "An Act to Encourage Aquaculture in Maine's Marine Waters" (S. P. 408) (L. D. 1242) reporting "Ought to pass" as amended by Committee Amendment "A" and Minority Report reporting "Ought not to pass" which Reports and Bill were indefinitely postponed in non-concurrence in the House on June 8.

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

In the House:

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

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen: This is the bill that I opposed the other day. There is a great deal of good in

it but there is a lot of bad in it.

I have been talking with the sponsors and the people interested. There are amendments being prepared, and I hope somebody will table it for two days so we can get the bill fixed up.

Whereupon, on motion of Mr. Hardy of Hope, tabled pending further consideration and specially assigned for Monday, June 14.

Non-Concurrent Matter

An Act relating to Voters Resigning or Removed from the Voting List (S. P. 561) (L. D. 1701) which was indefinitely postponed on passage to be enacted in non-concurrence in the House on June 8.

Came from the Senate passed to be enacted in non-concurrence.

In the House:

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

Mr. ROSS: Mr. Speaker, I move that we recede from our former action and concur with the Senate and would speak to my motion.

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

The gentleman may proceed.

Mr. ROSS: Mr. Speaker and Members of the House: This bill has been debated several times and there is no sense repeating the things that were said then. It certainly should not be a partisan bill, and I guess it is not because it is the only bill that I have noticed a rather strange alliance. The gentleman from Lewiston, Mr. Jalbert, and the gentleman from Bridgewater, Mr. Finemore, are in complete agreement; they are both against the bill.

We don't want to disenfranchise anyone; we only want to straighten up the voting list. They are in a mess statewide, and this would be a start to untangle this snarl.

If a person's name was removed in error, the gentleman from Freeport, Mr. Marstaller, put an amendment in there, House 328, which says they can be replaced right at the polling place.

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

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

Mr. FINEMORE: Mr. Speaker and Members of the House: This bill here is not workable in small towns. I am not going to dispute the gentleman from Bath, Mr. Ross, but it is not effective. We couldn't use it in small towns because we have no method whatsoever of holding on to the voting list, the check list, to find out who voted and to send out letters to the voters. It is impossible to do this because the registrar doesn't have a chance to hold it. The lists have to go right over to the clerk, and if the State calls for them they have to be mailed to the State. Therefore it is not workable in small towns. There is no use in us trying to fool ourselves.

I do believe that if the big cities want to clean up their voting lists they can clean them up by the town council and city council. They are doing it. I think it is — I won't say laziness, but probably that is the proper word in not cleaning them up. I think they could do it themselves.

I hope you will go along with the indefinite postponement of this bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I can remember the days when it was just as hard to pound something into my head as it is to pound something into some other peoples heads today.

Now in order to check back and find out who has voted you would have to keep the voting list for two years. Anybody could come up to a town clerk, who doesn't keep the voting list for over three months by law, and they don't know whether anybody has voted or not. This bill would create the most mass confusion that anything could possibly ever create

Now as far as my city is concerned, our voting lists are in proper order because we have a good board of registration made up of members of both parties. The same thing should prevail elsewhere.

Now this is absolutely an impossible bill, and the gentleman from Bath, Mr. Ross knows that it is. It is an unworkable bill, it is an unenforceable bill, and it is just another plain gimmick. When the vote is taken I move it be taken by a roll call, and I hope that you defeat the motion to recede and concur so that we can adhere and finally get rid of this piece of legislation.

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

Mr. BRAWN: Mr. Speaker, I would like to ask a question through the Chair. Who is going to replace these names at the polling place? I understood the gentleman from Bath to say they could go on. The only one who can do it is the registrar, not the town clerk. So I would like to ask, who is going to check it and who is going to put them on there?

The SPEAKER: The gentleman from Oakland, Mr. Brawn, poses a question through the Chair to the gentleman from Bath, Mr. Ross, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. ROSS: Mr. Speaker, whoever is in charge of the polling place at the time. In the cities it would be the warden of the ward, and the warden would make a phone call to the board of registration, which is in session that day, and they would put the name back on right then and there.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: I think Mr. Ross is in error because there are a lot of communities that do not have a telephone connection from their wards to the board of registration.

I think that this bill has, as Mr. Ross has said, had many a hearing. And I certainly can say this, from the original day that that bill was presented to our committee I tried to explain my objections, and I still believe that it is going to be an extra burden on these cities because they will have to keep these books for two years. They would have to go over them and in the

interim somebody could vote and cause a lot of dissension.

I think that amendment that Mr. Marstaller put in sounds good, but in order to make it applicable it is going to be almost impossible to get a voter who has been disenfranchised to go up to the board of registration. And I certainly am going to stay with the motion to indefinitely postpone this bill.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I know that the gentleman from Bath, Mr. Ross, is a great bird lover. He could conceivably make some hay with this bill if he would just spend a little more time in Merrymeeting Bay, train a pack of courier pigeons, train them, say he has got them trained for all the precincts that don't have any phones, and then bring the bill back two years from now and I can see Mr. Marstaller smiling, and I think he knows that I am right.

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

Mr. CALL: Mr. Speaker and Members of the House: I will not speak at length. My political experiences in the City of Lewiston alone over the years are enough to assure me that this bill must be defeated. It won't work and it will cause untold confusion.

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 Bath, Mr. Ross, that the House recede from its former action and concur with the Senate on An Act relating to Voters Resigning or Removed from the Voting List, Senate Paper 561,

L. D. 1701. All in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Barnes, Bartlett, Berry, G. W.; Bither, Bragdon, Bunker, Churchill, Clark, Collins, Crosby, Cummings, Curtis, T. S., Jr.; Dyar, Emery, D. F.; Gagnon, Haskell, Hayes, Henley, Hodgdon, Immonen, Kelley, R. P.; Lee, Lewis, Lincoln, Littlefield, Lund, MacLeod, Maddox, Marsh, McCormick, Millett, Mosher, Norris, Parks, Payson, Porter, Pratt, Rand, Rollins, Ross, Scott, Shute, Simpson, T. R.; Stillings; Susi, Williams, Wood, M. W.; Woodbury.

NAY — Albert, Bailey, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Brawn, Bustin, Call, Carrier, Carter, Clemente, Conley, Cooney, Cote, Cottrell, Curran, Cyr, Donaghy, Dow, Drigotas, Dudley, Emery, E. M.; Evans, Farrington, Faucher, Fecteau, Finemore, Fraser, Gauthier, Good, Goodwin, Hall, Hancock, Hardy, Hawkens, Herrick, Hewes, Jalbert, Kelleher, Kelley, K. F.; Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lessard, Lizotte, Lynch, Mahany, Manchester, Marstaller, Martin, McCloskey, McKinnon, McNally, McTeague, Mills, Morrell, Murray, Orestis, Page, Santoro, Shaw, Silverman, Slane, Smith, D. M.; Smith, E. H.; Starbird, Theriault, Tyndale, Vincent, Webber, Wheeler, Whitson, Wood, M. E.

ABSENT — Birt, Brown, Carey, Curtis, A. P.; Dam, Doyle, Genest, Gill, Hanson, Jutras, Lewin, Lucas, O'Brien, Pontbriand, Rocheleau, Sheltra, Simpson, L. E.; Tanguay, Trask, White, Wight.

Yes, 50; No, 79; Absent, 21.

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

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

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

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I know that my very, very, very

good friend from Lewistown, Mr. Jalbert, expects me to make another motion now, but I will not make that motion. I will go along with the motion to adhere.

The SPEAKER: The Chair understands that the gentleman from Lewistown, Mr. Jalbert, moves that the House adhere to its former action.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I am mighty pleased to see that my good friend from Bath, Mr. Ross, has seen the light and is willing to adhere.

Thereupon, the House voted to adhere.

Non-Concurrent Matter

An Act relating to the Location of Solid Waste Disposal Areas (H. P. 820) (L. D. 1094) which was indefinitely postponed on passage to be enacted in non-concurrence in the House on June 7.

Came from the Senate passed to be enacted in non-concurrence.

In the House:

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

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

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

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

The SPEAKER: The pending question is receding and concurring.

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

Mr. LEE: Mr. Speaker and Members of the House: I spoke about this bill some the other day and I thought I made it clear that this bill was one of the bills that brings the waste dump areas for every town, and any business as far as that is concerned; but I was thinking particularly on towns, if they were within 300 feet of a stream they are going to have to stop dumping there and find another waste dump. I think we did the right thing in indefinitely postponing it.

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I understand the objection of my good friend from Albion, Mr. Lee, but I couldn't agree with it. I think that this is perhaps one of the most important pieces of nonindustrial pollution avoiding legislation that we have before us this session. It gives us an opportunity to get dumps that leach nutrients into our streams and water supplies back away from these water supplies. It doesn't require that these dumps be moved and picked up and closed; it means that they must cease.

Which was something of a concession because of the impossibility of being able to move these things. It carefully defines bodies of water as classified bodies of water so that we are not stopping dumping where we are talking about these mud puddles or these pits around dumps. We are talking about moving dumps back away from classified bodies of water, so that we don't run the risk, that we are all aware of, of having these dumps leach into water supplies. I think that we ought to recede and concur.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Wayne, Mr. Ault, 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.

70 having voted in the affirmative and 46 having voted in the negative, the motion to recede and concur did prevail.

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

Non-Concurrent Matter

Majority Report of the Committee on Judiciary on Bill "An Act relating to Power to Loan under State Housing Authority's Law" (H. P. 961) (L. D. 1322) reporting same in a new draft (H. P. 1387) (L. D. 1810) under same title and that it "Ought to pass" and Minority Report reporting "Ought

not to pass" on which the House accepted the Majority Report and passed the Bill to be engrossed as amended by House Amendment "A" on June 7.

Came from the Senate with the Minority Report accepted in non-concurrence.

In the House:

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I move that we recede and concur and would speak to my motion.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that the House recede and concur.

The gentleman may proceed.

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I would like to apologize to you for having spoken out of order the other day. I had bad information. The funds involved in this proposed program would not be state funds, and it was very accurately stated that it would be federal money. Now it puts me in the position of looking as though I was blindly prejudiced against the bill.

I still do object to the bill as an individual legislator, so as to clear up that point I am not speaking as a floorleader. I object to it as an individual legislator on the basis that I doubt if it is wise for us, as a state agency, to get involved in housing loans. I particularly don't like the program which makes money available to people and their terms of repayment are connected to their ability to pay and all this. To me it sort of indicates that anyone who up until now has scrambled to make payments on a home over a long period of time, and has gone this tough route has been a sucker compared to the guy who can move in now and get funds under these beneficial programs.

I just don't like the thing and I would hope that you would support the recede and concur motion.

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

Mr. DUDLEY: Mr. Speaker and

Members of the House: I am opposed to receding and concurring and I don't think you have accomplished too much except to say to the people in the State of Maine that we do have some feeling for the poor people that never in their lifetime have been able to buy a home. Now I know many people who live in very low class places and very poor renting conditions that really need a home. And they have needed one all their lives, and their life ambition has been to own a home of their own.

Now if this bill could pass they would be getting the money at one per cent, federal money of which the man in the opposite corner has just told you he now admits that it is federal money. However, we probably never can get it through, but it seems ironic to me, actually a shame, that poor people in this nation, the United States of America, including 49 other states are going to be available in most of the other 49 states, a good part of it at least, to receive federal funds for low priced housing.

This doesn't affect me; I couldn't get one of these loans, and I doubt if there is any member of this House that could. But for a lot of poor people that there is no other means, and the standards are quite strict, to get this money at one per cent and finally in their lifetime own a home. I think it would be one of the greatest things and one of the greatest things for this state to make labor available, and jobs for people building the homes; and I think it would be a great boost to our economy. I could go on here for a long time and tell you some of the good things. I really feel for these people. I would like to see them own a home, and I don't see any other way they can do it.

Certainly when I bought my place probably I paid a high rate of interest, and just because I paid a high rate of interest that is not saying that I would like some of these poor people to pay a high rate of interest. And so for this reason I hope that we do not recede and concur, that we eventually insist on our former action.

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

Mr. HEWES: Mr. Speaker and Members of the House: I concur with the remarks of the gentleman from Enfield, Mr. Dudley, and respectfully ask for a division on the motion to recede and concur.

I feel that we do not want to recede with the Senate, which indefinitely postponed this bill. I feel that there is a housing shortage in this state and hopefully this bill will help provide needed funds and very low interest rates for people who want to buy homes.

As I understood the gentleman from Pittsfield, Mr. Susi, he made reference to some of these "beneficial programs" by the federal government, and I feel we should take advantage of these beneficial programs. I understood him to say he felt we should not in this particular field, and I don't understand why, if the other forty-nine states — at least many of the other forty-nine states are taking advantage of these programs, and they are called Title 235 and Title 236 programs, why the people of the State of Maine shouldn't have the advantage of those federal programs.

So I respectfully ask that you vote against the motion to recede and concur.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I would ask through the Chair of the gentleman from Cape Elizabeth, or anyone else knowledgeable in the field, if we do not already have these beneficial programs under the Federal Housing Administration and the Farmers Home Administration. They have these one per cent loans, I am quite sure. If not, I would like to be corrected.

I think what actually probably will be happening, that we will be starting another agency. The State will have to continue to collect money on and handle the loans long after the need is passed. It is just another field that we are trying to get in competition with; the federal government is already doing this for us. Let's let them do it. They are funding it and they have the federal agencies to handle

it, as far as I know. If I am wrong I would like to be corrected.

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

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

Mr. DUDLEY: Mr. Speaker and Members of the House: It rather pleases me this morning to try to enlighten the gentleman from Lubec on the question that he has asked. If I understand the question, he thinks that there is already existing programs — there are some. But they involve five and six per cent money and even in some cases eight per cent money. The programs that are in existence have been in existence since 1936 and they are covering a certain field. They are covering a bracket of people that have an income — to qualify they have to have a pretty big income now to qualify to get one of these loans. And they have to pay five to eight percent, and they have to pay the bank one per cent for handling it, one percent of whatever the deal is.

Now the difference between the ones we have now and the one we are talking about is a difference of whether they pay five percent or eight percent or one percent. Now that is the basic difference. So far as starting another agency, we don't start another agency, we already have the agency. The Maine Housing Authority, which we set up some time ago, and it has quarters in this monstrosity next door and occupies space and they are there doing business. The only thing, they don't have any right to participate to any great extent.

So basically the answer to the man's question, Mr. Donaghy, is this. We do have the programs but they are five to eight percent, and the new program is one percent. That is the basic difference. And we don't need to start a new agency; we already have it.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen: I think you have to consider some other factor

in this document. I think you should consider that this is a government for all the people of the State of Maine. We are very much concerned about increasing our welfare costs and I am quite sure that at least a small percentage of that welfare cost goes to those who have no right for assistance, who are taking an easy way out at the cost to the taxpayers of the state.

I am sure that there are many low income people in this state who are striving hard to make their own way, pay their own bills, and carry on as well as they can. I would like to remind all those who have been so earnest in the environmental field that the alternative is for many of these people tarpaper shacks set up on posts, and I wonder if you want that.

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

Mr. PAGE: Mr. Speaker and Members of the House: I looked into this last week and talked with FHA and it is true that they have this same program. The interest rates, as Mr. Dudley from Enfield suggests — and the seven and eight percent are not correct, the interest rates are adjusted according to income as low as one percent. So I do not see the need of this legislation.

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

Mrs. McCORMICK: Mr. Speaker and Ladies and Gentlemen of the House: The last statement in this bill states that the recipient trying to get a loan has to show in writing that they have been turned down by three banks within a hundred mile radius of the proposed construction site, and as I can see it, anyone that has been turned down by three banks would be a pretty poor risk; and I would hate like heck to see the State have to guarantee their loan.

Mr. Lynch said that this state is for all of the people and feels that this should be, and I would ask him if it was his banking business if he would give a personal loan on this low income.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I just briefly want to put myself firmly on record in favor of this legislation. One of the greatest things to build up a person's pride and ambition is home ownership. If he is striving earnestly to try, even though he has a low income, I think we should help him. I am firmly in support of Mr. Hewes' and Mr. Dudley's statements.

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

Mr. HEWES: Mr. Speaker and Members of the House: In response to the question of the gentle lady from Union, the fact that three different banks have turned down a loan doesn't mean that it isn't a good loan when the federal government is guaranteeing the money. I wish to point out that the banks may prefer to invest their money in more lucrative matters, and I use for example mobile homes versus home ownership. It is my understanding that the interest rate that banks receive on mobile homes is greater than the amount that they receive on single family dwellings, wooden structures.

So that although banks are loaning money on mobile homes at perhaps one percent a month, which is twelve percent a year, they are turning down loans, as I understand it, on buildings that would provide only perhaps nine percent a year or three quarters of a percent per month. In other words, the banks, although they do loan money for homes, they would prefer to loan where they can receive the greatest income for their stockholders or if they are mutual, for their depositors.

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

Mr. COLLINS: Mr. Speaker and Ladies and Gentlemen: I suspect that some of us are under the illusion that this is strictly a federally insured program. And while it may be, I should like to point out to you that the way that I read the law and the amendment, that

this is not necessarily so, and that the State may make, under certain conditions, these loans in return for first mortgage as security. But it does not indicate that they have to be federally insured programs. So I think that we should consider this if we are to enact this type of law, that we are not just saying that this is a federal program, because in fact it is not.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I understand that Representative Page has sort of come through and said that I wasn't wrong and the Farm Home Administration wasn't wrong when we, back a couple or three months ago, went through and got a one percent loan for a widow lady in Lubec that needed it. As a matter of fact, the Farm Home Administration has opened two new offices in Washington County; one in Calais, one in Milbridge. They have had one for many years in the Machias area to handle this type of thing because they have a little over 200 accounts that they could divide up among these offices. So now we have a nice big federal agency with 200 mortgages to handle. If a bank operated on this basis it would be sort of ridiculous to have one bank handling just 200 mortgages, or in that neighborhood.

Now I think if the federal government is willing to go ahead and set up offices on the basis of 200 loans, why we better let them go ahead and do it.

And also I would call your attention to what Mr. Collins has just said. Think well before you vote for this program. It isn't that we don't want the people that have a hard time getting a home — we want them to be able to have the home, but let's not set up another agency that is going to use up more money unnecessarily so that there won't be as much money to spread around to help them.

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

Mr. SMITH: Mr. Speaker, Ladies

and Gentlemen of the House: I must confide to you that I am a little bit surprised at the comments of Mr. Donaghy this morning. He lives in an area very similar to mine. In my area one third of the families have incomes of less than \$3,000 a year. I can assure you that they have that income level not because there is any lack of ambition, because there is anything morally wrong with them, or because they don't want to work. It is simply that in this particular area there is not the kind of opportunity available for them to have the kind of incomes that most of us enjoy. I know also in that area that we have some of the worst housing conditions, and I am sure that it must be true in Mr. Donaghy's area.

I think it is really quite unjustifiable for us to state here today that we are not going to allow people, who are just as correct in every way as we are, to have the same kind of opportunities to own their own houses that people in other states have, particularly when it is not going to cost us anything here in this legislature.

One other point that I would make very briefly is that I have been concerned for some time now about the tremendous proliferation of mobile homes around the state. I don't know too much about mobile homes, but I have seen enough of them to realize that in about ten years they are dilapidated tin boxes. And at the rate that they have been selling here in the last five years, we are going to have a real problem on our hands if we don't provide some decent housing or help make the means for providing decent housing available to the people of Maine. I think that when it is so readily accessible as this program is, it would be just completely unjustifiable for us here in the state legislature to turn our backs on the people who live in my area and areas like it.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I have some objections to this bill, just

as I stated the last time. I don't believe that the 235 program is such a hot program, because I think and I know that they push people into buying homes at a much higher price than they can afford, and I suggested and I said that the last time I spoke on this bill.

Now there is quite a lot said about 235. Well I concur with some of the statements that were made here. The 235 program is available, whether you get it through the State Housing Authority, is available at the same rate of interest as you will get it through the regular banks. But let's make it very clear here today why the loans are not available right now, to my knowledge and to my information, is the fact that there is so much money appropriated. Some people will tell you that there is \$13 million available. This is not true. The money available for the program has been all used up right now, and until there is a new appropriation you cannot have this particular mortgage.

Now I submit to you that the banks are in a better position to actually qualify somebody for a mortgage than the Housing Authority would be. I also submit to you that the Housing Authority should not be in the banking business.

Now we always talk about housing shortage and everything. Under housing shortage I submit to you that some people are better off to be in probably rental property than they are to be forced into some houses around Portland and other vicinities which are built for — they cost around eighteen or twenty thousand dollars. Now these people cannot afford even the down payment. So how feasible can it be for somebody that cannot afford a \$500 down payment to buy a \$20,000 house?

I realize, and I want to state to you, that when they buy under this title, I think it is every two years that they are supposed to have a reevaluation whether they can pay or not. I think this is a very serious matter. I don't think I would suggest to somebody to buy a \$20,000 house even if he had a \$5,000 down payment, never mind having no down payment.

I also submit to you that any 235 loans throughout the state, if you have a qualified customer, that I believe it can be placed—maybe not in that particular locality, but it doesn't make any difference where it comes from — I think that he can place through the state as long as the money is available, and to my knowledge right now there is no money available.

Now it was mentioned here about the old homes. To my latest information, and I might be wrong on this, but to my latest information the old homes or used homes under the 235 program can be bought. But the cute thing about this program is the fact that I understand that the seller has to put in escrow, I think around 6 per cent or one per cent, or something, guaranteeing the house for a year. Well nobody will do this, nobody that I know of.

I submit to you also that a little while ago it was mentioned that there were other types of loans, such as GI loans or something, which have been made for two months in this locality. They write GI Loans, this is not true. There are three banks in Portland that have made over 70 loans with this since April 1, and these are all GI Loans. There are certain banks in Portland that have never refused any loan whatsoever at any time to qualified buyers.

In the first place, I think this Housing Authority should not get involved in this. And in the second place, I suggest that almost any place, I don't care where you live in this state, if you have a good customer and you have a qualified customer and you have a house that will pass the appraisal, that you can get a loan. If you can't just send me a letter and I will call somebody and we will try to get them a loan. If they can't get it there, well the situation is the same in Portland or any other place. If you can't qualify you don't get it, and I think we are doing them a favor if they don't qualify.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen: I am not going to address myself to the bill but simply to the 235 program. In

answering Mr. Carrier from Westbrook, the 235 program, the federal government does subsidize a portion of the down payment and a portion of the monthly payments. This is a known fact. This is the way the bill is written and it is written for low income people that do not have the money to participate in buying a home otherwise.

Now the second thing is, he says that there is no money available for existing construction. He is absolutely right, but there are many millions of dollars available for new construction — many millions of dollars available for any low income person that would care to participate in the loan process for new construction.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen: I see this in a much different light than our learned real estate men and lawyers. I would call your attention to the fact that we are already paying the taxes to maintain these kind of programs, and when we don't accept them and utilize them here in the State of Maine that tax money goes through to Washington and is utilized in other parts of the country. It is about time we accepted these programs and brought some of the taxpayers' money back into the State of Maine.

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

Mr. DUDLEY: Mr. Speaker, possibly I need permission to speak a third time; however, I was attempting to answer a question the last time I spoke.

The SPEAKER: The gentleman may proceed.

Mr. DUDLEY: Mr. Speaker and Members of the House: I had just two points that I would like to make, and I will try to be brief. I was pleased to hear the gentleman from Dover-Foxcroft mention that — this is one of the reasons I felt so strongly for the bill — I hate to see my district being bared in house trailers, and I see this as a method of stopping some of this erosion of house trailers that soon deteriorate so

fast. This is one of the reasons I was for the bill.

And the other point I would like to make is this, and I hope we will consider it highly. The federal government saw a need for this program. They passed it and they are working hard on it, and I hope we see a need for it and concur with the federal government that it is a needed program, that we need it in Maine.

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi, that the House recede from its former action and concur with the Senate on Bill "An Act relating to Power to Loan under State Housing Authority's Law," House Paper 961, L. D. 1322. The Chair will order a vote. 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.

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

Thereupon, on motion of Mr. Hewes of Cape Elizabeth, the House voted to insist and ask for a Committee of Conference. (Later reconsidered)

Non-Concurrent Matter

Bill "An Act relating to Validation of Certain Instruments and Recording of Plats of Subdivisions of Land in Municipalities" (H. P. 1028) (L. D. 1415) which was passed to be engrossed as amended by Committee Amendment "A" in the House on May 27.

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

In the House: On motion of Mr. Pratt of Parsonsfield, the House voted to recede and concur.

Non-Concurrent Matter

Report of the Committee on Judiciary on Bill "An Act relating to Support of Children under Divorce Laws" (H. P. 910) (L. D. 1255) reporting 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" which Report and Bill were indefinitely postponed in the House on June 7.

Came from the Senate with the Report accepted and the Bill passed to be engrossed in non-concurrence.

In the House:

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

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

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

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

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

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, moves that we insist and ask for a Committee of Conference.

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

Mr. NORRIS: Mr. Speaker, I would pose a question through the Chair to the gentleman from Cape Elizabeth, Mr. Hewes, and see if his decision has changed from last week. If he could answer me I would be perfectly willing to go along with him.

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: In answer to the gentleman's question, there has been some discussion in the hall certainly that the U. S. Supreme Court ruling does not affect this bill and at least if we have a Committee of Conference we can iron matters out I hope.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I would certainly hope that

we could insist and ask for a Committee of Conference.

Thereupon, the House voted to insist and ask for a Committee of Conference.

Orders

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

Mr. FINEMORE: Mr. Speaker, may I inquire as to whether the House is in possession of L. D. 1788.

The SPEAKER: The answer is in the affirmative. Bill "An Act Revising the Maine Land Use Regulation Commission Law," Senate Paper 610, L. D. 1788, which was passed to be engrossed as amended by Senate Amendment "A" and House Amendment "A" in non-concurrence yesterday.

Mr. FINEMORE: Mr. Speaker, I now move that we reconsider our action of yesterday whereby the bill was passed to be engrossed.

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

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that the House reconsider its action of yesterday whereby this Bill was passed to be engrossed as amended. If you are in favor of reconsideration you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Bailey, Barnes, Bartlett, Berry, G. W.; Bragdon, Brawn, Bunker, Call, Carrier, Churchill, Cote, Crosby, Curtis, A. P.; Donaghy, Dudley, Emery, D. F.; Emery, E. M.; Evans, Finemore, Fraser, Hall, Hancock, Hanson, Hardy, Hawkins, Henley, Herrick, Hodgdon, Immonen, Kell-
eher, Kelley, K. F.; Kelley, R. P.; Lawry, Lee, Lewis, Lincoln, Littlefield, Lizotte, Lynch, Maddox,

Marstaller, McCormick, McNally, Millett, Mosher, Norris, Page, Pratt, Rand, Rollins, Shaw, Shute, Silverman, Simpson, T. R.; Stillings, White, Wight, Williams, Wood, M. W.

NAY — Albert, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Bither, Boudreau, Bourgoin, Bustin, Clark, Clemente, Collins, Conley, Cooney, Cottrell, Cummings, Curran, Curtis, T. S. Jr; Cyr, Dam, Dow, Doyle, Drigotas, Dyar, Farrington, Faucher, Fecteau, Gagnon, Gauthier, Good, Goodwin, Haskell, Hayes, Hewes, Jalbert, Jutras, Kelley, P. S.; Keyte, Kilroy, Lebel, Lessard, Lucas, Lund, MacLeod, Mahany, Manchester, Marsh, Martin, McCloskey, McKinnon, McTeague, Mills, Murray, O'Brien, Orestis, Santoro, Scott, Slane, Smith, D. M.; Smith, E. H.; Starbird, Susi, Tanguay, Theriault, Tyndale, Vincent, Webber, Wheeler, Whitson, Wood, M. E.; Woodbury.

ABSENT — Baker, Birt, Brown, Carey, Carter, Genest, Gill, Lewin, Morrell, Pontbriand, Rocheleau, Sheltra, Simpson, L. E.; Trask.

Yes, 60; No, 76; Absent, 14.

The SPEAKER: Sixty having voted in the affirmative, seventy-six in the negative, with fourteen being absent, the motion to reconsider does not prevail.

Mr. Stillings of Berwick presented the following Joint Order and moved its passage:

WHEREAS, the Noble Knights of Noble High School, School Administrative District 60, have captured the State of Maine Class B baseball championship for 1971; and

WHEREAS, the road to victory included the Southern York Secondary Schools Association Championship, South Western Maine Championship, Western Maine Championship and the State Championship; and

WHEREAS, an undefeated season of Class B baseball competition is a unique and splendid record of achievement and the result of a total field effort; and

WHEREAS, this is an exceptional group of champions, both on and off the field, who are not only a great credit to their community,

parents and themselves, but the State of Maine as well; now, therefore, be it

ORDERED, the Senate concurring, that we, the members of the Senate and House of Representatives of the One Hundred and Fifth Legislature, now assembled, take this opportunity to recognize and honor this outstanding baseball team and its coach for their accomplishments in the field of sports and wish them continued success in bringing honor to their community, school and state; and be it further

ORDERED, that duly attested copies of this Order be transmitted forthwith to Principal George Anderson and Coach John Sullivan of Noble High School in token of the sentiments expressed herein. (H. P. 1403)

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

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

Mr. Hodgdon from the Committee on State Government on Bill "An Act Revising the Laws Relating to Baxter State Park" (H. P. 160) (L. D. 226) reported same in a new draft (H. P. 1402) (L. D. 1820) under same title and that it "Ought to pass"

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

Third Readers Tabled and Assigned

Bill "An Act to Limit the Tax Exemption for Certain Corporations Which Conduct Their Operations Primarily for the Benefit of Nonresidents of the State" (S. P. 621) (L. D. 1804)

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

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

Bill "An Act relating to Terms of Department Heads" (H. P. 1101) (L. D. 1507)

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

The SPEAKER: The Chair recognizes the gentleman from Gray, Mr. Woodbury.

Mr. WOODBURY: Mr. Speaker, I have an amendment to this bill in preparation, but it has not reached the desks. So I would hope that someone would table it for two legislative days.

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

Passed to Be Engrossed

Bill "An Act to Amend Biennial Elections of Penobscot Tribe of Indians" (H. P. 1399) (L. D. 1816)

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

Amended Bills

Third Reader

Tabled and Assigned

Bill "An Act relating to Indian Tribal Governors, Lieutenant Governors and Council Members" (H. P. 308) (L. D. 408)

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

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

Mr. DONAGHY: Mr. Speaker, this morning I received a copy of a communication to the chairman of the State Government Committee from the Deputy Attorney General and I would ask someone to table this for two legislative days, please.

Whereupon, on motion of Mr. Marstaller of Freeport, tabled pending passage to be engrossed and specially assigned for Monday, June 14.

Bill "An Act relating to Service Retirement of Teachers under State Retirement System" (H. P. 1329) (L. D. 1743)

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

The SPEAKER: The Chair recognizes the gentleman from Windsor, Mr. Hayes.

Mr. HAYES: Mr. Speaker, Members of the House: I am not planning to make a very long speech.

As a matter of fact, this is only the third time I think that I have said much of anything on the floor of the House. I have listened to a lot of them, and frankly I am ready to go home any time the rest of you fellows are.

But it has been suggested to me that in connection with this bill that is presently pending, that somebody who is somewhat familiar with the retirement system should point out some of the facts of life to this group maybe. And since I sort of ran this show for 23 years as far as the State Retirement System is concerned, having come into the picture as the Executive Secretary at the inception of the law and stayed with it until I retired five years ago, I feel that I know something about the operation of this system perhaps.

Another reason I think you should know something about it is because it is your system. The legislature created it; the legislature has made all the changes that have taken place over the years, and at the last count 92 of you fellows — and maybe some of the ladies — were members of this system; and six of the present members of this House retired from this system, obviously I am one of them.

Now you should take some interest in this thing and with particular respect to the bill that is pending, because if this should go through in its present form it requires a contribution from both the state employees and the teachers. The purpose of this bill of course is to give to the teachers a little better formula for retirement, changing the prior service credit so-called from 1/70 to 1/60.

The Committee considered this bill at great length, wanting to do something for the teachers, but it had a price tag on it — as far as the original bill was concerned of about \$4 million for the biennium, and the Committee didn't — they had a couple of alternatives. They could have reported it out and let it go to the Appropriations table, and you and I know that that's where it would die, because no such kind of money is to be discovered this year around here.

So they decided to take the bull by the horn, and on the strength of the fact that most of the teachers or the proponents of the bill who appeared before the Committee at the hearing indicated their willingness to contribute to this thing in order to help pay for it, they reported out, the original report was on the basis of 1/60 for prior service rather than the 1/50 which they originally asked for, and a certain percentage of increase in contribution rates which should be paid by the teachers.

Now that didn't suit the teachers worth a hoot but you can't blame them for that. So they cooked up an amendment and got it through the House here a few weeks ago, changing the rate of contribution to point seven or seven tenths of one per cent, provided all of the members of the system, state employees and teachers, should make the contribution.

Now obviously the state employees already have these benefits, and better ones as a matter of fact, and they have paid for them. They aren't interested in making this additional contribution; and there is no reason why they should. And as I said a moment ago — or maybe if I didn't I would point out here now, that if the bill does go through you fellows who are members of the system are going to have to make that additional contribution to help out the teachers too. Because you as members of the system here are state employees under the retirement law.

Now there are one or two other things that I think you should know. There has been much misinformation circulated around with respect to what the last legislature was supposed to have done.

I was around here more or less during the last session and I know from my contacts with the then Committee on Retirement and the legislature, that there was no intent on the part of either the Committee or the legislature to do what some of the teachers are claiming should have been done. In other words, when they revised the law the teachers were under the impression, according to the people that have been talking

about it, that they were going to get the same benefits that the state employees got at that time. Now that wasn't true.

Two bills were introduced at the last session of the legislature to effect some changes involving both teachers and state employees; one by Senator Boisvert, and his bill was as I recall it drafted by the Maine Teachers Association. And nowhere in that bill did anything but membership service occur. Nothing was said about prior service at all.

The other bill was presented by the then Senator Hanson, who was chairman of the Retirement Committee two years ago, and I think that that bill was drafted primarily by the state employee group. They were both very similar. The Committee considered them carefully and reported them out eventually in one bill and it provided about as follows.

It cut the membership credits as far as retirement is concerned to 1/60 as opposed to the 1/70 that had been in vogue. Now that applied to both state employees and teachers, but it did not change in any degree at all the prior service credits which are still under the law, 1/70 would be just 1/50 to the state employees.

You have got to realize, and I think the teachers don't realize it; I am sure that the Maine Teachers Association did know it; I am sure that the State Employees Association knew it; and I am reasonably sure that there are times the Committee knew it, that these things, these prior service and membership service are defined terms under the law. Remember that prior service means for state employees service rendered to the State prior to July 1, 1942, the date the Act became operative. Prior service so far as teachers is concerned refers to service rendered prior to July 1, 1947, which was the date on which the teachers were included under the law. Membership service refers to that service rendered by state employees subsequent to July 1, 1942 and to the teachers subsequent to July 1, 1947. You have to keep these things in mind, if you don't you get confused.

Now somebody might have been confused, but if anybody was confused frankly it was, in my opinion, the Maine Teachers Association because they drafted their own bill. The Retirement Committee didn't change it. They just put them together and reported them out. What that did, as I started to say, was to change the formula for membership service — and mind you, there is a five-year difference as far as membership service for state employees and teachers is concerned, from July 1, 1942 - July 1, 1947, but it did change that formula from 1/70 to 1/60.

It changed the formula so far as salaries are concerned, upon which benefits are based, from the best five-year salary to the best three. It also established a minimum retirement benefit of \$80 a month for anyone who had at least ten years of service. It further provided that adjustments in the retirement benefits being paid then to teachers and state employees should be made on the basis of the new formulas, which was done effective as of July 1, 1970.

Now to finance this proposition the legislature, in its wisdom and at the suggestion of the actuary of the system, changed the contribution rate from the flat 5 percent to 6.14. Now this was supposed to take care of all of the additional costs occasioned by the changes in formulas.

Now the Board of Trustees under the law were given the right to take this additional contribution off any time they saw fit, with the advice and consent of the actuary. Along later in 1970 they decided that the earnings of the system justified doing just that. In my opinion they were wrong in doing it. I think they should have waited a while and we wouldn't have had all of this trouble this year maybe. But that is what they did.

They did that and now you are faced with the necessity of refinancing some of this new formula for the teachers. I admit that it is a very small amount, but again I say that the state employees aren't at all interested in paying

it and I am sure that the teachers are very happy about it.

Now I am in sort of a spot here. By virtue of my experience with this outfit, I was a state employee obviously all of these years but I also had a great deal to do with 10,000 or 12,000 schoolmarms, and I don't want to get in wrong with them because I love them. You know, as a matter of fact, you fellows wouldn't be here today if it wasn't for some of the schoolmarms. They are the people that brought you up and taught you the way you should go. I am assuming that you are in favor of doing something for them.

As a matter of fact, let me point this out to you just as a matter of interest and I am sure you know it anyway. Over my long experience with the State Retirement System and the appearance at public hearings with respect to increasing benefits or what not for teachers, I don't remember of an instance — including this year, as a matter of fact, I don't recall an instance of anybody ever appearing in opposition to anything that the teachers wanted. They just didn't dare. Nobody ever had the temerity to get up and oppose anything that these dear old souls wanted. You know we did everything but break out a violin and play Hearts and Flowers or something on the occasion of these hearings.

Let me point out something else to you that may be of interest. When we first took the teachers over, there were two groups, there were two retirement systems, so-called, for teachers—the old non-contributory system and the Maine Teachers Retirement Association. It applied to teachers in different categories. Those teachers who taught prior to July 1, 1924 were in the old non-contributory system and never made any contributions to the Retirement System, those who began to teach after July 1, 1924 were members of the Maine Teachers Retirement Association. And of course when they came over to us we took them over and they brought about \$3 million with them, as a matter of fact. But incidentally, at the same time that they brought \$3 million in cash with them they brought

about \$40 million worth of accrued ability that hadn't been paid for, and we are paying for that today.

These things cost money. This is big business. I don't know whether you know it or not but the — and incidentally I wish that all of you fellows would take time to read the annual report of the Maine State Retirement System. You all have copies of them. It is very illuminating and it would answer a lot of questions that you fellows have been asking me all winter, if you would read it carefully.

But this thing, as I say, is big business. We have probably \$165 million in reserves invested in gilt-edged securities, triple A and double A bonds, so-called blue chip stocks. Every nickel that goes into this system, as contributed by the employees and by the State, becomes the property, in effect, of the members of the system as a trust fund. Pure and simple, this Retirement System is set up as a quasi-state agency. It's independent of everything. It is answerable only to the legislature which created it and has over the years been very generous in making changes to the benefit of the members of the system.

Now as I said before, I just wanted to give you a little rough outline of what this thing is all about. I am saying to you all that you have just got to follow your conscience. The Committee reported out the bill in the form that they thought it ought to go and now you have got to make up your minds what you are going to do. I am not going to tell you to vote for it or to vote against it, and at this point I am not quite sure what I am going to do. But I just want to leave it with you and if you have any further questions with respect to the operations of the Retirement System I would be glad to conduct early morning classes in instruction for you sometime.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I would like to thank Mr. Hayes for his explanation. I certainly have been waiting for an explanation because

this is one of the controversial measures which I have been contacted a lot by those same retired schoolteachers. They have pestered the life out of me and as he says, they are in a good many cases people that I have known a good many years. I had hoped that I could act very favorably for them. I am in favor of it and I certainly appreciate the very good explanation that Mr. Hayes gave us.

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

Mr. MILLETT: Mr. Speaker and Members of the House: You have heard a very lengthy and a very informative explanation of the past history of the Maine State Retirement System by the man who probably knows more about it than any row in this House here today, and I would be unwise I am sure to try to debate the information as he has presented it because I think he has done so quite fairly.

My involvement in this bill has come about as a result of my concern for the people who would stand to benefit by the improvement that my amendment and the present bill in its subsequent form would produce. Without trying to go into past history I would like to describe to you a little bit of what the group of people that we are talking about, how large it is, who they are, and who else would be involved in paying for this improvement in the system.

There are presently active about 12,000 schoolteachers. It is estimated that about 70 percent of them are younger than age 45. Now I use the age 45 because a person to be teaching before 1947 presumably would have been in his early twenties at the time, and that being 24 years ago I am saying that all of those people who are less than 45 really are not in any position to benefit from this bill.

Now if this estimate is accurate, that leaves 30 percent or approximately 3,600 people actively teaching now who would stand to benefit from the proposed legislation. In addition to that there are estimated to be somewhere in the vicinity of 4,000 currently retired teachers who would benefit. So we are talking about a rather substantial group of people. I am talk-

ing now on approximately 7,500 to 8,000 or maybe even more people who would benefit.

Now there is a sizable group of people. The group of people who would be proposed to pay for this are also sizable in size. And I am referring of the state employees whose number is now in the vicinity of 10,000, and that would be the active state employees, and also the remainder of the teaching profession who are presently younger than 45. And if I use my arithmetic again I am talking still about a group of 8,500 active teachers who would share it.

So rather than take the position that we are just really hitting the state employees, I want to make it clear to you that a group of approximately 8,500 teachers, myself included and others in this body if they return to teaching, would actually be paying for benefits which we will derive no actual improvement in our retirement upon our eventual retirement. The group of state employees are the group who have probably lobbied this bill most actively; and it stands to reason that they would.

For that reasoning I would like to quote to you what I think Mr. Hayes said, and I would not quote this word for word, but basically this is what he said in a comment, and I think he said it with a lot of thought and I think he is right in his statement. He said, "They", referring to the state employees, "have these benefits now and more too, and they have paid for them, and they do not want to pay any more."

Now I would like to analyze that statement because I think it contains the whole crux of the issue here today. They do have these benefits and more still, and I would admit more than this bill would do for the teachers, because we are only going part way toward equalizing the two systems. We are not proposing according to this bill to go all of the way. Okay, they have these benefits. They are really retiring now on a state service at a reasonably good system, and I might admit a very healthy system.

They have paid for them, he indicated, I suppose you could say this is true and I do not intend to dis-

credit the gentleman's intent for saying this, but I would say that since 1947 when the system merged it has been an equal payment throughout that period of time. So to say that the state employees have paid for what they are getting and that the teachers have not I think would be misleading you somewhat, because in fact they have been paying at the same percentage rate continuously since that time.

Now the question of whether or not they should continue to pay for it is another point which I feel is the basis of my argument; namely, that I am willing to pay for it and I am not getting any benefit. And along with about 8,500 other teachers, and I have not polled them and I suspect there is disagreement within their group, most of them I would suspect are willing to pay in order to protect the elderly retired teacher and the teacher who had taught before 1947.

So it is not a case of a group of teachers wanting something for nothing because believe me we would be paying for it. I would be paying, myself, in excess of \$75 a year for something I would get no benefit whatsoever for, and I don't do that very often without really thinking about it, but I am willing to do that in this case. And I would like to just close by illustrating a point of how much this means to some elderly teachers.

For an example, I took the case of a teacher and a state employee who have retired in 1970, for round years, with the average salary of the best three years of their service of \$8,000. I determined over a 30-year continuous period of time, going back to 1940, just what those two people, one under state employment service and one a teacher, would be getting on an annual retirement income. It works out this way. The state employee would be receiving \$4,053.33; the teacher would be receiving \$3,866.66. Now there is a difference there, which upon subtraction would be obvious, of \$187. Now that is an annual difference. It doesn't sound like much, but believe me it is. Indicated over a monthly period of time, or a monthly basis, this works out to be about \$15.50 per month that

would be involved in a differentiation between two employees of equal salaries, equal service, both serving the people of the State of Maine.

Now beyond that I think that you ought to consider the fact that the retirement system was changed markedly in the 104th regular session. The gentleman is very correct. The two bills presented were drafted by the various organizations. The apparent problem comes about through the definitions of prior service and membership service. And I as an individual legislator, not being knowledgeable like Mr. Hayes is, in my own mind felt that we were doing the same thing for both systems.

It turns out that obviously we were not, and for a very good reason, that all of us probably, excepting maybe the committee and others who were more knowledgeable, were not sure just what we were doing. Well it turns out that we didn't do what I think the actuaries predicted their estimates upon. And I do not intend to disagree with those who are saying otherwise. But actuaries are trained people. They don't make mistakes involving two to three million dollars readily and easily. And this is apparently what happened. An overestimate was made of a substantial amount. And as Mr. Hayes said, probably the biggest error was that they took off the increase in contribution rate too early. If they hadn't, if they had kept it on maybe for another half year, probably we would not have had to fund this bill here today.

I would close by that because I do not want to bore you, and Mr. Hayes has not made a motion. I think his explanation has been very concise. And I don't know just how the minds are made up here today, but I am not sure too many minds are going to be made up from this point on because I think the lobbying has been extensive. I indicated that on my first remarks, and probably I am not changing anybody's mind at all.

I would just make my own point of view in these words by saying that I have intended to vote for a state employee pay raise. I feel a moderate pay raise is due and I

think we are doing very well by them by that amount proposed in the Part II budget. But I do resent a little bit the implication that state employees want everything and are not willing to share in a sister group of people all under the same system and basically working for the same goal, that of serving the State of Maine.

If the lobbying efforts have been that sufficient to cause this bill to go down the drain here today, I would seriously consider — and I am not doing this out of a sour grapes attitude or anything along that line — of reassessing my position, because I feel if I am willing, and I am not benefitting, to pay for this, then I think a lot of other people should be interested in their fellow man, particularly the person who is getting along in years. And really, without any doubt, we have all gone on record in support of tax relief for the elderly. Without any doubt, this is a form of tax relief. And make no bones about it, it means a lot to a lot of people.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Over the last few years the same point was brought out only it concerned the retired wardens in our Fish and Game program, and they were taken care of, and I can see no reason why we shouldn't take care of the teachers in the same manner.

And while I am on my feet I would like to commend Mr. Hayes for his fine explanation. It was just another explanation that he used to make when he was head of the Retirement System. He did it well then and he did it well today.

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

Mr. BITHER: Mr. Speaker, Ladies and Gentlemen of the House: I do not intend to debate or refute anything that has been said because Mr. Millett has said it so much better than I could say it, and Mr. Hayes certainly cannot be refuted in any way. I wholeheartedly endorse everything that Mr. Millett has said. I would just

simply like to remind you again of a point that he has mentioned briefly.

A few weeks ago, two or three weeks ago I checked up on this and there were 4,064 old, dear old teachers, I think the term was used here a minute ago. I would like to reiterate too that this is aid to the elderly. These are old teachers indeed, and you are looking at one of them right now; old retired teachers.

Just remember this, most of these people, including myself, were teaching during the depression at a very small salary and were teaching during the war. So when they retired they had — and many of these teachers retired years ago and had a very minimum amount of retirement. Now just keep this in mind because these people do deserve to be brought in under the system and treated the same as the other state employees.

I wholeheartedly endorse everything Mr. Millett has said, and I hope we will go along with this.

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

Mr. PORTER: Mr. Speaker, Ladies and Gentlemen: I am not only a retired teacher, I am a tired teacher, I have taught 35 years, only one of which was in the State of Maine, and that was way way back in 1926. However, I retired from Connecticut which has a system nowhere near as good as we have here in the State of Maine.

I think all of us would like to have our state employees and teachers treated alike. I think the citizens of the state would like that to be done. But in order to have it done it has got to be costing somebody some money. The question is, are we willing to contribute to have both groups treated alike? I for one am willing. However, my service to the state is very very limited. But I think that is the question that we must decide. Are we willing to put these two groups on an equal basis? I think your vote will determine how you feel.

The SPEAKER: The Chair

recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, I request that this matter be put to a vote, but I believe that the old retired teachers here in this House who stand to benefit from this should disqualify themselves from voting.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday a gentleman stood on this floor and denied our committees some books because he said we could not afford it. I wonder why today, when things are coming his way, he wants it.

The SPEAKER: All in favor of this Bill "An Act relating to Service Retirement of Teachers under State Retirement System," House Paper 1329, L. D. 1743, being passed to be engrossed will vote yes; those opposed will vote no.

A vote of the House was taken.

109 having voted in the affirmative and 5 having voted in the negative, the motion did prevail.

Sent to the Senate.

Passed to Be Enacted

An Act Providing Notice of Severance Pay by Employers (S. P. 155) (L. D. 424)

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

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

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Labor Committee and as a erstwhile employer, I have reviewed with considerable apprehension the flood of labor bills submitted to this legislature.

Now one would think that in today's financial climate in Maine that a moratorium on labor legislation would be in order. In actual fact, we have gone the other way and have enacted bill after bill designed to complicate the employers' problems. L. D. 424 is a case in point. This bill has thus far slid along through the legislature with little or no comment

and no one has paid particular notice of it.

In fact, that reminds me of a story. Downeast a number of years ago we had a man who had a rather large family, had a rather casual attitude toward the members of the family. One day a bookkeeper from the company who employed this man met him on the street and he said, "Gibby, I am preparing your income tax return but I must have the name of your youngest child. What is his or her name?" Gibby scratched his head for a moment and he says, "Damned if I know. I always called him Bobo."

Now that is the same with this bill right here. This little Bobo has thus far slid along with little or no notice. But what it provides in effect is, if an employer wants to go out of business, for whatever reason, he must provide, you might say, a bonus for his employees if he employs a hundred or more.

Now no one is kidded by this business of 100 or more. This is a foot in the door. The next time it will be 50 and so on down to 3 or 4. It was amended to include the word "voluntarily," if he voluntarily goes out of business. Now the word voluntarily is one to conjure with in the context of this bill.

For instance, suppose the employer's building burns down and he decides not to rebuild. Has he voluntarily gone out of business? Or let us say that market conditions are such that he decides to close out. Did he voluntarily come to this decision, or should he have hung on until he faced bankruptcy? Or take the case of pollution abatement. That is rapidly becoming a factor in many business decisions today. If he cannot afford this, he closes his doors, did he "voluntarily" go out of business?

But in the final analysis, our present employment security laws are designed to take care of this situation. What matter if the employee is laid off or if the business goes under? In either case he has access to unemployment; he is not thrown out into the labor market with no financial aid whatever.

In essence, this little bill amounts to a compulsory bonus, due and payable regardless of the employer's financial predicament.

Mr. Speaker, ladies and gentlemen of the House, I move the indefinite postponement of this bill and all of its accompanying papers.

The SPEAKER: The gentleman from Machias, Mr. Kelley, now moves that L. D. 424 be indefinitely postponed.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: Because, as Mr. Kelley has stated, this bill has not been debated before, and because the matter is in enactment, the calendar does not reflect the committee report. Therefore, I would like to read the signers of the committee report for whatever help that may be to the members of the House. "Ought to pass" with the Committee Amendment — that is, as the bill is before you — Senators Tanous, Marcotte, Levine; Representatives Rollins, Simpson, Bedard, Genest, Bustin, McTeague and Good. "Ought not to pass," Representatives Lincoln, Kelley and Lee. In other words, it is a ten to three report.

This is a bill that I think is particularly appropriate to be considered at this session of the legislature, because of the difficult economic circumstances under which we do exist nation-wide, and certainly here in the State of Maine. I would like for you to keep this point in mind as a fundamental one if you evaluate this bill.

This bill does not require the large employers that it applies to — and by the way, as Representative Kelley has suggested, it only applies to employers of 100 or more. He fathoms an intention to take it down to employers of five or three. This is beyond my knowledge, and I believed beyond the knowledge of any of the ten members of the committee that voted for the bill. But the option given is this: When an employer is going to go out of business, particularly a large employer of 100 or

more — and I think all of you have experienced either in your own towns or in adjoining towns what a tragedy this is, not only for the employees immediately involved and their families, but for municipal government because of the effect of the tax rate for the whole town.

We have had closings in places like Lincoln, Brewer, Brunswick and many other communities, of large industries employing well over 100 people. We had a closing in the Town of Brunswick of a shoe shop that employed about four or five hundred people with not as much notice as we might have had, and it caused very significant difficulty from which we have not yet recovered.

All we ask is this, that if they are going to close and they know it, and it is voluntary — and in answer to the question if the mill is burned down is the closing voluntary or not, I would say, assuming that the fire was caused under normal circumstances, that of course it is involuntary. How can you operate a shop out in the open? But if they are going to close down, we ask only this; they don't have to pay a nickel. They do have to extend the decency and the courtesy that I am certain many employers do use at any rate, to give some notice to their employees and the town so they can plan.

Imagine being a citizen of a town, you go to town meeting, you make up your tax rate, you estimate your income from taxes, you set the rate, and gee, just after that town meeting — a week after — a mill in your town that employs 500 people and pays a good share of your taxes closes down.

In practical terms you are not going to be able to collect the taxes, so your town's income has gone down. Your welfare costs are going to go up, and other costs in your town are going to go up.

You have got a real problem. And the reason you have the problem is because the owners of this particular mill that we are using for an example, did not have the courtesy, were not good enough citizens of the community to bother to let the other people in the town, their employees, the munic-

ipal officials, other businessmen know.

Imagine yourself as a small businessman in a town with two or three thousand with a shop that employs three or four hundred people that is your major employer. You are just about to order some spring or summer goods for your business. You assume business conditions are rather good. Unbeknownst to you, after you have invested ten or twenty thousand dollars of your money ordering new stock and you are committed to it, this large employer closes down. Mr. Kelley has expressed concern for the small businessman. I think we all have that. What happens to the small businessman when one of these large employers closes down without the courtesy of even giving some notice? He is caught. He is the one holding the bag.

The outfit that ran off that goes to set up a plant in South Carolina or Mississippi, with their stockholders and often their board of directors in New York, they are fine. They don't care about us. But we are here. We earn our living here. If they choose to pay severance pay to the employees laid off, well, at least that is a little help. But it is not too much. Much better that they choose to say, "We are going to have to close down."

Now does an employer, a large employer of 100 or more know that he is going to close down a month or so in advance? You bet your bottom dollar he does. He has probably known it a year in advance, and all we ask is for a month's notice. The object again is not to have severance pay paid so much to the employees who are laid off, it is for the protection of those people to get advance notice.

Let's look at the situation of a small employer. A small employer who employs two or three or five or ten or even fifteen closes down. Well, why shouldn't we apply the law in that case? The reason is simple. We don't really need it with the small employer because when it is only a small employer, let's say, in the City of Rockland closes down, lays off two or three people. If the rest of the commun-

ity is functioning fairly well, there is a good chance that those two or three people can get jobs elsewhere.

But when you have the major employer in a community closed down, it is not a matter of only two or three people looking for work. It might be two or three hundred, or two or three thousand; and then it is almost impossible to find work in that area. You may have to go elsewhere; you may have to go to Connecticut.

Again, if you are going to have to do this, isn't it fair that you ought to have some time, some notice on it? I think we were all taught perhaps at the time we came to quit the first part-time job that we may have had as teenagers, that it is only good courtesy if you are going to leave the employment of an employer, it is only good sense and good morals to tell him a little in advance. Because the employer might have to hire another employee to replace you.

I remember it was suggested to me, and I as a matter of fact quit my first job without giving two weeks notice, and the employer didn't say much — maybe he was glad to be rid of me. But I can remember when I got home and told them I quit and told them without notice, I was let know that this was not the way you should act if you wanted to be a responsible employee.

It is not the way you should act if you want to be a responsible employer, either. The basic thing again is that if you give the notice, if you tell your employees that you are going to be leaving, the cost to you is a zero. If the large employer who closes down doesn't tell the employees that he is going to close down until that Friday afternoon when they get their final paycheck and at 3:00 o'clock the word spreads in the plant, "Well, at 4:30 we are all out of work," you have a situation which is desperate, desperate for those employees, their families and the community. And this bill can prevent this sort of thing in regard to those employers who have decided to leave, and they have decided to leave voluntarily, and all we ask

is that they bother to tell us about it.

Mr. Speaker, when the vote is taken, I ask for a roll call.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: When Mr. Kelley, the gentleman from Machias, initiated his attack on this bill, he apologized for the fact that so much labor legislation was coming before this House, because the economic condition of the state was in trouble. I find this a nebulous argument at best to apply to a bill that requires only that workers be given a 30-day notice before their jobs are being wiped out.

The severance pay provision, as the gentleman from Brunswick has indicated, is really only an incentive to be decent. He only has to pay severance pay if he doesn't give the 30-day notice that the business is going to be closed. This provision doesn't even apply to employees who have been there less than a year, and it does not apply to employees who have been discharged for reasonable cause.

It is often said that labor has no rights unless they are negotiated at the bargaining table or unless they are legislated. And this is a right that should be legislated; a right that workers should have. For all it calls for is fair play and decency.

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

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

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

Mr. HENLEY: Mr. Speaker and Members of the House: I am in complete agreement with Mr. Kelley, although I do not see much danger in this bill. I say we are just wasting our time. We had the very thing occur in my area rela-

tive to a firm employing over 100 people, they did notify the people. But I say this bill has no value, because most any industry of that size would notify their employees, and it doesn't make any difference whether they do or not, those people are still out of work. And the town still receives the impact.

So I don't see much sense in this legislation anyway. I would just as soon see it killed.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: I would just like to read the Statement of Fact on this bill 424. "Employers of large numbers of employees have closed their businesses without notification to their employees of the impending close-down.

"Such lack of notice enhances a period of economic recession which invariably results in a community where large numbers of people simultaneously lose their jobs.

"This bill would alleviate the adverse economic impact upon the employees and the community in which they live."

This bill was primarily written up because of the conditions, the situations which developed in both Lincoln and Brewer, and I am sure those people in Lincoln and Brewer can tell you what the impact was when those two businesses closed their doors.

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

Mrs. LINCOLN: Mr. Speaker, Members of the House: If I remember right, this bill was heard quite a few months ago. But if I remember correctly it was the shoe industry that came and testified that many times they do not know a month ahead that they will have to close. It depends upon how the orders come in. And they felt that this was very much of an injustice to that one particular industry.

We all know how the shoe industry is having difficulties right now, we get so many imports. And I distinctly remember that that was one reason why I had voted the way I did on this bill. I certainly hope the bill is defeated.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Coming from one of the largest shoe centers in the world I can assure you and the lady from Bethel, Mrs. Lincoln, that the shoe manufacturers know when they are going to start a shoe here, send it to Spain to be practically finished, and then bring it back here to be polished off. The Spain area, of course, is the extremely low area. But I assure that lady that they know. They know a long ways ahead of time. Their programs are long and well planned and long range.

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

Mr. MILLS: Mr. Speaker, I pose a question through the Chair to any member of the House that cares to answer. It is my information that one division of Bates in Lewiston closed without notification, there were two shoe factories in Norway closed and one in Brunswick. Is this true?

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

The pending question is on the motion of the gentleman from Machias, Mr. Kelley, that An Act Providing Notice or Severance Pay by Employers, Senate Paper 155, L. D. 424, be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Baker, Bragdon, Bunker, Clark, Crosby, Cummings, Dudley, Hall, Hardy, Haskell, Hayes, Henley, Immonen, Kelley, K. F.; Lee, Lewis, Lincoln, Littlefield, MacLeod, Maddox, McNally, Mosher, Norris, Page, Payson, Porter, Pratt, Rand, White, Wight, Williams.

NAY — Bailey, Barnes, Bartlett, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Berube, Binnette, Bither, Boudreau, Bourgoin, Brawn, Bustin, Call, Carrier, Carter, Churchill, Clemente, Collins, Conley, Cooney, Cote, Cottrell, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Dow, Drigotas, Dyar, Emery, D. F.; Emery, E.

M.; Farrington, Faucher, Fecteau, Finemore, Fraser, Gagnon, Gauthier, Genest, Good, Goodwin, Hancock, Hanson, Hawkens, Herick, Hewes, Hodgdon, Jalbert, Jutras, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lessard, Lizotte, Lucas, Lund, Lynch, Manchester, Marsh, Marstaller, Martin, McCloskey, McCormick, McKinnon, McTeague, Millett, Mills, Morrell, Murray, Orestis, Parks, Rollins, Santoro, Scott, Shaw, Shute, Silverman, Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Starbird, Stillings, Susi, Tanguay, Theriault, Tyndale, Vincent, Wheeler, Whitson, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Albert, Birt, Brown, Carey, Donaghy, Doyle, Evans, Gill, Kelley, R. P.; Lewin, Mahany, O'Brien, Pontbriand, Rocheleau, Ross, Sheltra, Simpson, L. E.; Trask, Webber.

Yes, 32; No, 99; Absent, 19.

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

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

An Act to Increase the Fee for Steam Engineer and Fireman Licenses (S. P. 604) (L. D. 1777)

An Act relating to Prevention by Landowners of Acquisition of Rights-of-way, Easements and Public Rights by Dedication (H. P. 708) (L. D. 954)

An Act relating to Record of Plans by Registers of Deeds (H. P. 728) (L. D. 816)

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

An Act relating to Qualifications for Municipal Law Enforcement Officers (H. P. 1379) (L. D. 1799)

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

Orders of the Day

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

Mr. **COTTRELL**: Mr. Speaker, I would inquire if the House is in possession of L. D. 1489.

The **SPEAKER**: The answer is in the affirmative; the House is in possession of Bill "An Act relating to the Maine Turnpike Authority," Senate Paper 507, L. D. 1489, on which the House accepted the Minority "Ought not to pass" Report yesterday in concurrence with the Senate.

Mr. **COTTRELL**: Mr. Speaker, I now move the reconsideration of our action of yesterday.

The **SPEAKER**: The gentleman from Portland, Mr. Cottrell, moves that the House reconsider its action of yesterday whereby it accepted the Minority "Ought not to pass" Report in concurrence.

Mr. Lee of Albion requested a division.

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

Mr. **WHITSON**: Mr. Speaker, Ladies and Gentlemen of the House: Currently the Turnpike Authority engineers have recommended the complete reconstruction of sections of the turnpike. The cost of the recommended work is \$61,130,000. If this work is done, then the bond debt will be carried well past the earliest practical payment date of 1976.

The present projected liquidation date for Turnpike indebtedness is 1983. With new periodic reconstruction projects of this size, this date could be well extended up to 1989.

It seems economically feasible to me to use the toll revenues to pay off our bond indebtedness by the end of 1975, as is entirely possible. If we do this, we will be eligible for federal 90-10 money, and then if we need a new turnpike, build it.

What the Turnpike Authority wants to do now is in effect to build an entirely new turnpike in sections. When the Turnpike Authority was created, no provisions were made for such massive reconstruction programs. Maintenance only was provided for.

This bill allows for administrative change of hands to the Highway Commission. There is no cost involved, only savings in administration and maintenance. And

the Highway Commission, by paying off our bond indebtedness, will obtain these coveted federal funds which I spoke of earlier. I would suggest that if we are economically minded we would consider the economies of these greater savings as evidence enough to make the administration change which this bill does.

Presently the law states that the Turnpike bond indebtedness shall be paid off at the earliest practical date. This is all that this bill does. It insures that the Turnpike bond indebtedness will be paid off at the earliest most practical date.

I don't think that we can overlook the savings created by this bill. It must appear obvious that the Maine State Highway Commission is best able to coordinate the needs of the State of Maine relative to highway development, and through its constant contact with federal programs be in the best position to fully integrate the turnpike into the federal Interstate 95 system, as was intended when the turnpike was built.

I urge you to vote for this bill for the economies which it does introduce.

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

MR. FINEMORE: Mr. Speaker, Members of the House: I know I am not qualified as well as the young fellow who has just spoken on this, and I know that he has made much more research. But there is just one thing I would like to mention, and I didn't mention it yesterday, is the fact of the bonds that the Maine Turnpike Authority now has.

Those bonds are worth around \$75 or \$80 maybe; but if we buy them up as the State, we have to buy them at \$100, par value. And also the rate of interest on those bonds are very very very low. They were sold when you could sell Turnpike Authority bonds, which you can't do now because people are getting a little leery of these municipal bonds, because the federal government will eventually in the near future put a tax on them, as well as on any other income.

And I would be very afraid to go along with this. I am not going

to debate it too long, but I think we would be making a very very poor move to buy up those bonds at this time, because we are going to buy them up at face value. We aren't going to buy them at market value. We are going to buy them at face value.

The only reason they are down is the rate of interest. People don't want to hold bonds any longer with the small rate of interest, and they will be putting them on the market. And that is the reason they are down.

As I said, again, Mr. Whitson is much better prepared and much better qualified to speak on this than I am. But financiallywise for the state it would pay us to leave it right straight alone, even if they are repairing the road. If we get it, we are going to repair it. And Mr. Whitson has mentioned the fact that we can get 90-10, but where are we going to get the ten percent? We are still building roads around Portland and Westbrook, and we aren't getting any in Washington County or in Aroostook County. If we do this we sure as the world will never get it. I won't even get my Monticello Bridge.

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

MR. McNALLY: Mr. Speaker and Members of the House: I just happened to go out in the corridor and peeked in the post office and saw I had some mail. And for some of the statements that were made here yesterday, I would like to read you something in comparison about the cost of tolls.

Maine Turnpike, two cents per mile; Massachusetts Turnpike, 2.2 cents per mile; Massachusetts Extension, 4.6 per mile; Connecticut Turnpike, 1.6 per mile; New Jersey, 1.5; Pennsylvania, 1.49. Down in Oklahoma, 1.9; the Will Rogers Turnpike, 1.8; A. C. Bailey Turnpike in Oklahoma, two cents. The Berkshire section of the New York Thruway, 3.1 cents.

So I don't see where the Maine Turnpike is the highest priced toll in the country.

Now another thing, you go on the Connecticut Turnpike from Norwalk to Madison, from Norwalk to Stratford, 15.9 miles and you

pay 25 cents; from Stratford to West Haven, you go 10.9 miles and you pay 25 cents. You only go seven miles in Bradford; 11.7 miles at Madison, but you go 34.5 miles in Montville. This is just toll sections.

Now I have been having the pleasure for the last two days of going into executive session on Transportation Committee. We are talking about finding \$52 million-plus to buy the turnpike. And then there has got to be some way, of course, to pay for it. And just as long as the tolls are kept on it there is no 90-10 money.

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

Mr. WOOD: Mr. Speaker and Members of the House: I would like very much to see the State own this turnpike. I would like to see the tolls taken off the road and all the bridges in the state. But if the State takes this over at this time, with all of the best information that I can find anywhere, that they have got to take the tolls off before the federal government will even promise to put anything into this highway. And after the tolls are removed, with the best information I can get, it would probably be six years before final action would be taken for the federal government to put any money into this road. And it could cost the state several millions of dollars, money that we haven't got now to even build the roads that we are building. And this is one thing that you want to think about, of the millions it will cost us to take away from our other highway programs.

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

Mr. WHITSON: Mr. Speaker, Ladies and Gentlemen of the House: I never contended that this would instantly remove the tolls from the turnpike. What in effect this administrative change — and that is all it is, it is purely an administrative change — it doesn't wipe out the bond indebtedness. What it does is curtail the plans which the Turnpike Authority presently have to undertake a massive new construction

program and increases the bond indebtedness.

By increasing the bond indebtedness, of course, they prolong the period of repayment. And this period of repayment could be prolonged by statute as long as up until 1989. Whereas under data which I have received from the sponsor of this bill, it is practical now, if we don't undertake any major construction programs, to have our bond indebtedness paid off by 1976. The highway will be ours, we will be eligible for 90-10 funds; and 90-10 I am sure you are all aware, we could, I think, much more economically — it would be much more economically feasible to go under 90-10 funds to improve our turnpike than to increase and bear the entire burden of the construction program by increasing the bond indebtedness, as the Turnpike Authority now proposes to do.

Also there are economies involved in placing the Maine Turnpike Authority — placing the turnpike under the authority of the Maine Highway Commission. One of the economies which comes to mind is the fact that the turnpike will be integrated with the rest of the highway systems in this state, rather than having a special maintenance program of its own.

I once again would urge that you support the bill. It is simply a very simple administrative change, and it lives up to the statutory provision that the bond indebtedness should be paid off at the early most practical date, 1976. This is what the sponsor of this bill wants to see, is the bond indebtedness paid off in 1976, rather than 1989, making us eligible for very reasonable economical federal aid programs.

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

Mr. LEE: Mr. Speaker and Members of the House: I would like to refute just a little bit of what my good friend from Portland has just said. At the committee hearing the Turnpike Authority said that they were going to rebuild this turnpike by program under current revenues. Now while this might make the payment of

the bonds just a little bit longer, it isn't making the bond indebtedness any higher. In fact, it is going to be reduced each year, because they have to pay under law each year.

Now let me specify something else just a little bit. Under the 90-10 program, any construction has to be under contract in 1975 and completed in the year 1976. This is when this program is to be finished. So we would lose all this construction that would be done, and we would have to rebuild it out of state funds. We can't even find the money right now to build what we ought to build.

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

Mr. FRASER: Mr. Speaker and Members of the House: This massive program spoken of this morning is something that is absolutely necessary. Those of you who travel south on that turnpike on a weekend, or especially on a holiday weekend, can see traffic backed up for miles there because it is congested.

At the time this road was built, the present traffic was definitely not anticipated; and the future traffic is anticipated to be even much higher. So whether the Authority does it or whether the Highway Commission does it, it still has to be done if we want traffic to come into the state. And we need them.

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

Mr. LUCAS: Mr. Speaker, Ladies and Gentlemen of the House: I rise to refute the statement by Mr. Fraser recently concerning the widening of the turnpike from Scarborough down to York. I support reconsideration of this bill not only to do away with these (displaying turnpike tickets) as soon as possible, which I have duly paid for and I think a number of you have, traveling back and forth to this session. But I also think that we need more comprehensive planning for transportation within the State of Maine, and I would like to share with you the concern of the City of Portland in

relation to the widening of the turnpike south of Portland.

This comes from the City Manager, John Menario. "I feel that an early decision to widen the turnpike is premature. This recognizes not only the need for adopting a comprehensive approach to transportation planning in Maine, it also recognizes the mounting problems of air pollution and traffic congestion such as the widening could precipitate in the State's largest metropolitan center.

"The resultant pressures from local public expenditures to accommodate this increased traffic which, would be widening the streets and improving the arterial highways, parking, can only further aggravate the financial strait-jacket in which municipalities like Portland find themselves."

Now where we have just passed a high speed rail transport feasibility study bill, what we are saying, basically, maybe we have the foresight and we could at least correct some of the mistakes that have been made in the other states, that perhaps we don't need to widen this turnpike from 4 to 6 or even 8 lanes, as suggested; and if this Turnpike Authority can go and do this on their own without regard to our position, I feel this is merit enough to place it under the Highway Commission where at least we might have some say.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am still bloodied from the three times I arose to speak yesterday on this measure. I do not intend to get bloodied this morning nor do I intend to speak very long.

The gentleman from Ellsworth, Mr. McNally, speaks about an area in Connecticut that pays 25 cents for about 34.5 miles. It costs 15 cents to go 3½ miles from Lewiston to Auburn. Now somewhere along the line that is a big vast difference in price, and that makes that area of Connecticut at least one heck of a lot higher than the area at home that we pay for.

As far as I am concerned, as I said before, I am not going to argue this thing very long. We have

talked long and loud here over the years about quasi-industries or quasi-programs that we finance like the University of Maine. I can assure you that I am working on a little bobble called an order that is going to smoke out the high priced engineers, their fees and the expenditures spent along the line as far as the Maine Turnpike Authority is concerned. I would like to have it where it belongs, where we could put our hands on it.

I am very pleased that the gentleman from Ellsworth, Mr. McNally, proved my point of yesterday.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I am going to take the privilege and read it once more. Let's start right at the New York State line on the Connecticut Turnpike — 0.0 miles to Norwalk 15.9 miles, 25 cents; Norwalk to Stratford, 15.9 miles, 25 cents; Stratford to West Haven, 10.9 miles, 25 cents; West Haven to Branford, 7 miles, 25 cents; Branford to Madison, 11.7 miles, 25 cents; Madison to Montville — and I even brought this up — 34½ miles, 25 cents; Montville to Plainfield — the end of the turnpike — 22.9 miles, 25 cents. Only one place that there is 25 cents for 34 miles.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Without the benefit of a letter, I am still going to make my remarks. Lewiston from Auburn or Auburn from Lewiston, 3½ miles, 15 cents.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: You have heard my good friend, Mr. Jalbert from Lewiston, speak about the rate down there. He is absolutely right. If the Turnpike Authority had any consideration for our area at all they would have put an extra lane or two on the turnpike bridge over the Androscoggin River and we would have saved the state \$4.5 million for a third bridge in Lewiston and Auburn, and they didn't do this.

Mr. Norris of Brewer 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 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?

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I don't know as it is any use to debate this any further; however, I did have some remarks that I wanted to make. Perhaps they would not prove effective but I did debate this a little yesterday. I am not much of a hand to want to debate things over and over, but I would like the opportunity to make a few remarks.

The SPEAKER: All in favor of the main question being put now will vote yes; those opposed will vote no.

A vote of the House was taken. 71 having voted in the affirmative and 32 having voted in the negative, the motion did prevail.

Mr. Whitson of Portland requested a roll call vote.

The SPEAKER: The main question is reconsideration. 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. Cottrell, that the House reconsider its action of yesterday whereby it accepted the Minority "Ought not to

pass" Report in concurrence on Bill "An Act relating to the Maine Turnpike Authority," Senate Paper 507, L. D. 1489. If you are in favor of reconsidering you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Bedard, Bernier, Berube, Bourgoin, Carter, Clemente, Conley, Cooney, Cote, Cottrell, Curran, Dam, Dow, Drigotas, Emery, D. F.; Emery, E. M.; Farrington, Faucher, Fecteau, Genest, Hancock, Herrick, Jalbert, Kel-leher, Kelley, P. S.; Kilroy, Lebel, Lessard, Lizotte, Lucas, Lynch, Mahany, Manchester, Martin, McCloskey, McKinnon, McTeague, Murray, O'Brien, Orestis, Rand, Rocheleau, Ross, Santoro, Silverman, Slane, Smith, D. M.; Stillings, Tanguay, Theriault, Tyndale, Vincent, Wheeler, Whitson.

NAY — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Berry, P. P.; Bither, Bragdon, Brawn, Bunker, Call, Carrier, Clark, Collins, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dudley, Evans, Finemore, Fraser, Gagnon, Gauthier, Good, Hall, Hanson, Hardy, Haskell, Hawkins, Hayes, Henley, Hewes, Hodgdon, Immonen, Jutras, Kelley, K. F.; Kelley, R. P.; Keyte, Lawry, Lee, Lewis, Lincoln, Littlefield, MacLeod, Maddox, Marsh, Marstaller, McCormick, McNally, Millett, Morrell, Mosher, Norris, Page, Parks, Payson, Porter, Pratt, Rolins, Scott, Shaw, Shute, Simpson, T. R.; Smith, E. H.; Susi, Webber, White, Wight, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Binnette, Birt, Boudreau, Brown, Bustin, Carey, Churchill, Donaghy, Doyle, Dyar, Gill, Goodwin, Lewin, Lund, Mills, Pontbriand, Sheltra, Simpson, L. E.; Starbird, Trask, Williams.

Yes, 55; No, 74; Absent, 21.

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

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

Bill "An Act relating to Certain Laws Relative to Great Ponds"

(H. P. 1374) (L. D. 1791) — In Senate, indefinitely postponed in non-concurrence. — In House, receded from passage to be engrossed.

Tabled — June 8, by Mr. Smith of Waterville.

Pending — Adoption of House Amendment "A" (H-431).

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday I offered an amendment which has not yet been adopted and today we have a new amendment on our desks, and I would hope that someone would tab'e this so that we might study them and come up with the best of the two.

Whereupon, on motion of Mr. Lund of Augusta, retabled pending the adoption of House Amendment "A" and specially assigned for Monday, June 14.

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

HOUSE DIVIDED REPORT — Majority (8) "Ought to pass" with Committee Amendment "A" (H-413) — Minority (5) "Ought not to pass" — Committee on Natural Resources on Bill "An Act relating to Water Quality Standards" (H. P. 971) (L. D. 1331)

Tabled — June 8, by Mr. Herrick of Harmony.

Pending — Acceptance of either Report.

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: This bill has been around here for several days. It has been tabled once after another and today I shall make a motion which I hope will prevail.

I first want to point out that I have had on my desk this Maine Environmental Bulletin of May which was read to you yesterday by the gentleman from Standish, Mr. Simpson. I only want to make one comment on it because he has already read it. The sheet indicates that we had 31,000 people unemployed in May, and if you noticed in your papers last week

you will remember that twice they ran this column and they had increased the figure from 31,000 in May to 32,000 in June.

Now this bill applies very seriously to our industries. All industries in the state, all industries have been complying and they have spent literally tens of millions of dollars to stay on the program which has been set up for them. This bill before us called for nutrients including but not limited to phosphorus and nitrogen.

Now earlier in the session, after this bill was conceived, Senator Shute introduced a bill which came out finally as 1702, which is known to you all as the Phosphate Bill. And so at that time we took care, as best we could, of the phosphate problem in our waters in the State of Maine. It was pointed out to us during our hearings in testimony, and it was admitted to by members of the EIC that the phosphate problem was not as great or relatively minor in our running waters. That has the ability to take care of it. So most of our industry being located on running waters is not too seriously involved with the phosphate problem.

So if you take the phosphate problem out of the bill, and as I have indicated to you, the heated effluent has been exempted, the bill comes right down to nutrients and nitrogen. Now nutrients and nitrogen very definitely involve the farmer. And some of the definitions which we have accepted here get the farmer and these other businesses strongly into contention with this bill.

I want to point out to you, as I have already done, that it is not only the wood companies that are involved here; it is the tanneries, the textile mills, the laundries, every industry in your town is already on a program. You see, we have already set up our quality standards and our water classifications are all based on this. And if we buy this bill as we have before us we do away with the present situation, we do away with our time schedule which has been set for 1976. I contend that this bill if bought by this House at this time would unduly burden industry,

farmers and so forth. I therefore move at this time that this bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The pending question is on the motion of the gentleman from Hope, Mr. Hardy, that both Reports and Bill be indefinitely postponed.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I had the privilege yesterday of sitting in on a discussion of the Pollution Abatement Plan as it applies to Aroostook County. We are presently working on a federal grant of \$250,000 to come up with an overall plan for pollution control in Aroostook County. And under this setup we are practically agreeing to attempt to come up with something where some fertilizer plant would come in there and we could bring this water that contains these chemicals and solution where they could be brought to one central point, probably south of Caribou on the river. It would take care of the major part of the discharges from the towns along the river as well as the discharges from the potato processing plants. And it would appear that they could do this job of taking these materials out of the water if they could get them planked together at this point where some plant could make a profitable business, some fertilizer plant, taking them out.

So this again, to get into this area of the time element, this cannot be done immediately. We are working in the right direction, I think. When the money becomes available I am sure the whole project will perhaps evolve in that area of the state along those lines. The problem there is magnified by the fact that in Canada the Canadians have dammed the St. John both at Beechwood and Mactaquac so that it makes it now practically dead water. They are going to have a problem and if we continue to run these nutrients and solutions down the river as we have been doing.

I think we all agree that this thing has got to be done. I think it is going to be done as rapidly as the money can be obtained and

the plans can be developed to do this. This plan as it is now working would make the river from Presque Isle to Caribou, we will say, or from the processing plant at Presque Isle to Caribou, would make this practically pure water. And this is something that Caribou has looked forward to for many years, to improve their water supply.

Another facet of the problem that might cause some problems could be to induce Mr. Vahlsing to pump his water that contains these minerals and solutions. He can pump them across and join on this particular line. This would remove all of the pollution on the Prestile Stream once this plan is workable. So I think we are working as fast as we can in this direction. However, when I saw this bill I was very concerned with regard to agriculture. Of course we assume that these commissions are all going to use most excellent judgment in their rulings with regard to waters, to these minerals running into our streams where they cause algae. But the thing that scares me, and I think should scare everybody that is interested in continuing to eat, that we cannot feed the people of the United States if any regulations are put in effect which would prevent the nitrogen from our farms washing into the streams. We would hope that this would not happen; however, this possibility is contained in this bill. For this reason I hope you will at this time go along with the indefinite postponement. I think we are making good progress in the other area. We do have until 1976 to accomplish this thing. But to attempt to set this up under a board that now could make regulations which would make it embarrassing to the farmers and disregard the time element for these plants and the towns to perfect their plans I think would be very unwise. I hope you will go along with the indefinite postponement of this bill.

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I rise to oppose the motion of my friend, the gentleman from Hope,

Mr. Hardy, L. D. 1331 was prepared because of the alarming reports that we have been receiving in recent months that many of our more developed great ponds of Maine are dying because of the high nutrient content which is hastening the eutrophication. I think if you are all familiar with one or more of these lakes which have been widely publicized in recent months. Some of them are: Sabbattus Pond, Taylor Pond, Webber Pond, Togus Pond, Three Mile Pond, North Pond, Pattee Pond, Pushaw Pond, Little Ossipee Lake, Bauneg Beg Lake, Bonney Eagle Lake, Marshall Pond, Sebasticook Lake, Annabessacook Lake and there are others.

This bill will allow the commission to establish nutrient criteria for these bodies of water which are susceptible to undesirable aquatic growths including tidal and marine waters. These criteria could be established to achieve and maintain the classification of a body of water as established by this legislature.

Now I repeat, these criteria could only be established to achieve and maintain the classification of a body of water as established by this Legislature and not to increase the classification or to otherwise change it.

To safeguard this bill further, there is a provision that a public hearing must be held in order to assure the desirability and reasonableness of the proposed nutrient criteria.

An argument could be made that if it is necessary to control the concentration of nutrients in water that these numerical standards should be written into the statutes. A review of the list of nutrients that might have to be included makes it obvious that this approach is cumbersome and unwarranted. It could be suggested that we use the criteria such as dissolved oxygen for which numerical values have been established for the various classifications. This approach, while on the surface appears to have merit, is really self-defeating, for all bodies of water of the same classification do not have the same physical characteristics.

In other words, the boundaries of the classification standards should be the guidelines by which

the nutrient criteria are controlled but these guidelines should be interpreted in relationship to the physical and chemical characteristics of the waterways in question.

The regulations for nutrients into receiving bodies of water would be considered preventative pollution control rather than control after the fact. It is the feeling of the EIC and of the majority of your Natural Resources Committee that the ability of the State to establish nutrient criteria is absolutely necessary now if the State of Maine is going to protect the great ponds of the state.

I urge you to oppose the motion to indefinitely postpone; and when the vote is taken, Mr. Speaker, I request the yeas and nays.

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

Mr. HERRICK: Mr. Speaker and Ladies and Gentlemen of the House: This is my bill, or rather I am the sponsor. It is a department bill. I probably have joined a rather elite group by signing the "Ought not to pass" Report on a bill that I had sponsored.

I feel that this is a back-door approach to the classifications of our waters. In effect it is creating an effluent standard and this is not upon what our waters are classified as.

I just feel that the Legislature should retain the right to classify our waters and I hope that you will go along with the indefinite postponement.

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

Mr. SMITH: Mr. Speaker and Members of the House: I repeat that the Legislature is retaining its right and that this bill will only allow the EIC to maintain and achieve the established criteria as set by this Legislature.

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

Mr. HERRICK: Mr. Speaker and Members of the House: I will agree with Mr. Smith in what he said about whether it retained a right to classify. But if the EIC can have the right upon what is going to be put into the waters, in

essence they are controlling the classification.

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

Mr. CURRAN: Mr. Speaker and Members of the House: I hope and trust that this House will support the indefinite postponement of this bill.

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

Mr. HARDY: Mr. Speaker and Ladies and Gentlemen of the House: One very brief comment. If you adopt this measure you are doing away with the mixing zones that prior legislators set up. You are doing away with the timetable which, as I have already indicated, is set for 1976 in which industry of all kinds has been very honest about and has spent tens of millions of dollars in complying with.

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 pose a question through the Chair to the gentleman from Hope, Mr. Hardy, as to how that bill repeals the 1976 deadline that we presently have on the books, how in effect we would be repealing that section of the law if we passed the bill?

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

Mr. HARDY: Mr. Speaker and Members of the House: I think the gentleman from Eagle Lake knows very well how to read, and if he reads this bill he will find no date on it and bills become effective 90 days after the Legislature.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: Not having the opportunity to serve on the Natural Resources Committee I have not been in a position to become intimately acquainted with this bill. But as I look upon it, it seems to me that there is nothing in the bill which

suggests that we are doing away with any timetable. Certainly we should not vote here under the misapprehension that we are on any large scale doing away with the timetable.

As I read the bill all it does is to authorize the Commission to issue regulations with respect to phosphorous and nitrogen, on those two issues. It would seem to me that if the Commission were to attempt to short-cut the timetable by regulations that this would not be effective.

I also do not have wide acquaintance with all of the industry in the state but I do know from our own locality here that the statement made by Mr. Hardy that our industries are chiefly located on our rivers is not entirely correct, because here in Winthrop we have a couple of industries that are not located upon our rivers, one of which is presently discharging into one of our lakes and undoubtedly contributing in a very substantial measure to exactly the kind of problem that we have spoken of here.

I think there is a larger issue that the Legislature should face up to today, and that is whether we are going to, because of unfortunate economic conditions at the present time, are we going to start walking backwards in the direction we have already taken toward improving the quality of our waters in the state.

I would also point out that having poor quality waters in and of itself has a bad effect on the economy of an area. And if anybody would question that I would suggest they go out to Lake Annabessacook and find out what the prospects are for development and employment in that area compared to lakes that are not slowly turning to green soup. So I would hope the House would today not vote for indefinite postponement.

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 those 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 Hope, Mr. Hardy, that both Report and Bill "An Act relating to Water Quality Standards," House Paper 971, L. D. 1331 be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Ault, Bartlett, Berry, G. W.; Bither, Boudreau, Bragdon, Brawn, Bunker, Call, Carrier, Churchill, Collins, Cote, Curran, Cyr, Donaghy, Doyle, Dudley, Emery, D.F.; Evans, Faucher, Finemore, Fraser, Hall, Hancock, Hanson, Hardy, Hawkens, Hayes, Henley, Herrick, Hodgson, Immonen, Jalbert, Jutras, Kelley, R. P.; Lee, Lewis, Lincoln, Littlefield, Maddox, Mahany, Manchester, Marstaller, McNally, Mosher, Norris, Page, Payson, Pontbriand, Porter, Pratt, Rand, Rocheleau, Rollins, Santoro, Shaw, Silverman, Simpson, T.R.; Starbird, Tanguay, Theriault, White, Wight, Williams.

NAY — Baker, Barnes, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Bourgoin, Bustin, Carter, Clark, Clemente, Conley, Cooney, Cottrell, Cummings, Curtis, T. S., Jr.; Dow, Drigotas, Dyar, Farrington, Fecteau, Gagnon, Gauthier, Genest, Good, Goodwin, Haskell, Hewes, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lessard, Lizotte, Lucas, Lund, Lynch, MacLeod, Marsh, Martin, McCloskey, McCormick, McTeague, Millett, Morrell, Murray, O'Brien, Orestis, Parks, Scott, Shute, Slane, Smith, D. M.; Smith, E. H.; Stillings, Susi, Tyndale, Vincent, Webber, Wheeler, Whitson, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Bailey, Birt, Brown, Carey, Crosby, Curtis, A. P.; Dam, Emery, E. M.; Gill, Kelley, K. F.; Lewin, McKinnon, Mills, Ross, Sheltra, Simpson, L. E.; Trask.

Yes, 66; No, 67; Absent, 17.

The SPEAKER: Sixty-six having voted in the affirmative, sixty-seven in the negative, with seven-

teen being absent, the motion does not prevail.

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

Committee Amendment "A" (H-413) was read by the Clerk and adopted and the Bill assigned for third reading tomorrow.

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

Mr. HEWES: Mr. Speaker, I move we reconsider our action whereby item five on page one, L. D. 1810, we insisted and requested a Committee of Conference.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, moves that the House reconsider its action of earlier whereby it insisted and asked for a Committee of Conference on Bill "An Act relating to Power to Loan under State Housing Authority's Law," House Paper 1387, L. D. 1810. The Chair will order a vote. All in favor of reconsidering will vote yes; those opposed will vote no.

A vote of the House was taken.

46 having voted in the affirmative and 42 having voted in the negative, the motion did prevail.

On further motion of the same gentleman, the House reconsidered its action whereby it failed to recede and concur with the Senate.

On further motion of the same gentleman, the House voted to recede.

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

House Amendment "B" (H-446) was read by the Clerk.

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

Mr. CARRIER: Mr. Speaker, I would like to ask a question. Under this amendment here I can see what it does. Actually it makes them only to limit the loans insured by the government. But I just wonder if this is written right here where it says on the second line of the amendment that hereunder shall be made exclusively for housing projects. I thought that with this limit actually the lending of money to housing projects or as it was stated before, under the 235 they can borrow on existing

houses. And this is actually my question, I am wondering if this is actually what they want to do with this amendment, limiting it to housing projects?

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

Thereupon, on motion of Mr. Hewes of Cape Elizabeth, tabled pending the adoption of House Amendment "B" and tomorrow assigned.

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

HOUSE DIVIDED REPORT — Majority (9) "Ought to pass" with Committee Amendment "A" (H-389) — Minority (4) "Ought not to pass" — Committee on Judiciary on Bill "An Act Providing for a Full-time County Attorney for Cumberland County" (H. P. 194) (L. D. 332)

Tabled — June 8, by Mr. Lund of Augusta.

Pending — Acceptance of either Report.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen: We are still awaiting the legislation which will deal with the larger problem all over the state, and I would hope that someone would retable this for two legislative days.

Whereupon, on motion of Mrs. Wheeler of Portland, retabled pending acceptance of either Report and specially assigned for Monday, June 14.

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

HOUSE DIVIDED REPORT — Majority (8) "Ought not to pass" — Minority (5) "Ought to pass" in new draft — Committee on Labor on Bill "An Act Relating to Construction of Public Improvements by the State of Maine" (H. P. 1122) (L. D. 1541) — New Draft (H. P. 1398) (L. D. 1815) under same title.

Tabled — June 9, by Mr. Good of Westfield.

Pending — Acceptance of either Report.

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

Mr. GOOD: Mr. Speaker and Members of the House: I move the acceptance of the "Ought not to pass" Report.

The SPEAKER: The gentleman from Westfield, Mr. Good, moves the House accept the Majority "Ought not to pass" Report.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: If I understand this new redraft that was put out it simply brings the fringe benefits here within the state law along with the federal law. So I oppose the adoption of the Majority Report and I would ask for a roll call.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: As I understand it at the present time, under existing law in Maine only wages can be considered. This would allow the fringe benefits as the gentleman from Bangor has indicated to you, and so I would ask you to vote no against the motion of the gentleman from Westfield, Mr. Good on the roll call.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: In the first instance I think that the title of this bill is misleading because we are not concerned here with minimum wages. We are concerned with including in legislation a package of fringe benefits and making them a part of construction projects, as I understand it, is what the states that happen to have state funds involved. I certainly am not opposed to the principle of fringe benefits. I do think, however, that the proper place for the amount and the type of fringe benefits to be given to any particular group of workers should be decided through the proper channels.

The proper channel in my view is through negotiation. We have in

our State body of law legislation that allows this type of negotiation, so in principle I am opposed to attempting to legislate fringe benefits or other conditions of employment that probably should be arrived at through negotiation. So I would support the motion of Mr. Good that the Majority Report be accepted.

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

Mr. LEE: Mr. Speaker and Members of the House: I would support Mr. Good's motion. In the Committee hearing it was brought out that this originally was included in the original law and it had to be removed because of the problems of administrating it. Wilbur Weeks of the Department of Labor came and appeared against it, and I don't see how we could administer, nobody could come up with any idea with what it would cost. I am sure it would cost something, and I would support Mr. Good.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Westfield, Mr. Good, that the House accept the Majority "Ought not to pass" Report. If you are in favor of accepting the Majority Report you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Baker, Barnes, Berry, G. W.; Bither, Bragdon, Brawn, Bunker, Call, Churchill, Clark, Collins, Cottrell, Cummings, Curtis, T. S., Jr.; Donaghy, Dyar, Emery, D. F.; Finemore, Gagnon, Good, Hall, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Jutras, Kelley, K. F.; Kelley, R. P.; Lee, Lewis, Lincoln, Littlefield, Lund, MacLeod, Maddox, Marsteller, McCor-

mick, McNally, Millett, Morrell, Mosher, Norris, Page, Parks, Payson, Porter, Rollins, Scott, Shaw, Silverman, Stillings, Susi, White, Wight, Williams, Wood, M. W.; Woodbury.

YAY — Albert, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Bustin, Carrier, Carter, Clemente, Conley, Cooney, Cote, Curran, Dam, Dow, Doyle, Drigotas, Emery, E. M.; Farrington, Faucher, F e c t e a u, Fraser, Genest, Goodwin, Hancock, Jalbert, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lessard, Lizotte, Lucas, L y n c h, Mahany, Manchester, Marsh, Martin, McCloskey, McTeague, Mills, Murray, O'Brien, Orestis, Pontbriand, Rand, Rocheleau, Shute, Slane, Smith, D. M.; Smith, E. H.; Tanguay, Theriault, Tyndale, Vincent, Webber, Wheeler, Whitson, Wood, M.E.

ABSENT — Bailey, Bartlett, Birt, Brown, Carey, Crosby, Curtis, A. P.; Cyr, Dudley, E v a n s, Gauthier, Gill, Hanson, Hardy, Lewin, McKinnon, Pratt, Ross, Santoro, Sheltra, Simpson, L. E.; Simpson, T. R.; Starbird, Trask.

Yes, 62; No, 64; Absent, 24.

The **SPEAKER**: Sixty-two having voted in the affirmative and sixty-four having voted in the negative, with twenty-four being absent, the motion does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted, the New Draft read twice and tomorrow assigned.

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

Bill "An Act relating to Defenses for Holders of a Retail Installment Sale Agreement" (S. P. 616) (L. D. 1801) — In Senate, passed to be engrossed.

Tabled — June 9, by Mr. Dam of Skowhegan.

Pending — Passage to be engrossed.

Thereupon, the Bill was passed

to be engrossed and sent to the Senate.

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

Bill "An Act to Correct Errors and Inconsistencies in the Education Laws" (S. P. 277) (L. D. 860) — In Senate, passed to be engrossed as amended by Committee Amendment "A" (237) — In House, Committee Amendment "A" adopted.

Tabled — June 9, by Mr. Dam of Skowhegan.

Pending — Passage to be engrossed.

On motion of Mr. Jalbert of Lewiston, retabled pending passage to be engrossed and specially assigned for Monday, June 14.

On motion of Mr. Porter of Lincoln, under suspension of the rules, the House reconsidered its action of June 4 whereby it voted to recede and concur on Resolve Authorizing the Forest Commissioner to Convey the State's Interest in Certain Lots in Franklin County (H. P. 1190) (L. D. 1640) which was recalled from the Engrossing Department to the House by Joint Order (H. P. 1395).

On further motion of the same gentleman, the House voted to recede.

Senate Amendment "A" (S-244) was read by the Clerk and adopted in concurrence.

On further motion of the same gentleman, the House voted to recede from the adoption of Committee Amendment "A", and the Amendment was indefinitely postponed in non-concurrence.

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

On motion of Mr. Kelley of Machias,

Adjourned until nine o'clock tomorrow morning.