

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

Friday, June 11, 1971

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

Prayer by the Rev. Mr. Lloyd Fuss of Gardiner.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Order:

WHEREAS, on the evening of June 9, 1971 our entire legislative family gathered for an evening of delightful relaxation; and

WHEREAS, the beauty of the setting, the magnificence of the weather and the warmth of good fellowship combined to guarantee a memorable respite from legislative duties; now, therefore, be it

ORDERED, the House concurring that the enthusiastic thanks of the members of the 105th Legislature be tendered to our friend and former colleague, Herman Sahagian of Belgrade for his warm and openhanded hospitality in making his magnificent lake-shore facilities available for our use and enjoyment: and be it further

ORDERED, that a duly authenticated copy of this Order be transmitted forthwith to the Honorable Herman Sahagian. (S. P. 632)

Came from the Senate read and passed.

In the House the Order was read and passed in concurrence.

Reports of Committees Ought to Pass with Committee Amendment

Report of the Committee on Judiciary on Bill "An Act relating to the Sale of Marijuana" (S. P. 278) (L. D. 812) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-256) was read by the Clerk and adopted in

concurrence, and the Bill assigned for third reading the next legislative day.

Non-Concurrent Matter

An Act to Include Imprisonment Among Those Penalties Provided for Violation of Environmental Protection Laws (H. P. 960) (L. D. 1321) which was indefinitely postponed on passage to be enacted in non-concurrence in the House on June 4.

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 gentleman from Wayne, Mr. Ault, moves that the House recede and concur.

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

Mr. HEWES: Mr. Speaker and Members of the House: I would ask for a division. This is the bill, you remember, by which a corporation officer may be sentenced to jail. The present law is that a corporation officer may be fined not less than \$200 a day and up to \$1,000 a day, and this bill would change the law relative to the fine and would permit him or her to be jailed.

I feel that we should not have such a law and I respectfully ask for a division on the recede and concur motion.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen: I have read this bill very thoroughly and I consider it the most vicious bill we have had this session.

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

Mr. GAGNON: Mr. Speaker, Ladies and Gentlemen of the House: I fail to see where this bill is so objectionable to some people. I have a little more faith in our people that have to apply these penalties and I don't feel that if a person is in a position of being negligent in causing some of these

harsher situations, that if the Court felt that it was in the area that it was serious enough that the jail sentence was to be applied, that they would do so unjustly.

I feel that this type of legislation would probably be more of a deterrent to prevent things like this from happening and I would hope that we could recede and concur with the Senate.

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

Mr. PAGE: Mr Speaker, may I inquire if municipal officers are still included in this bill?

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

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

Mr. AULT: In reply to Mr. Page's question, in order to make the law constitutional municipal officers are included under this law; and if they willfully violate the environmental improvement law they should be included under this law.

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

Mr. PAGE: Mr. Speaker and Members of the House: I think that this will cause undue trouble for officers in small towns and I hope that you will not support the bill.

The SPEAKER: All in favor of the motion of the gentleman from Wayne, Mr. Ault, to recede and concur will vote yes; those opposed will vote no.

A vote of the House was taken.

50 voted in the affirmative and 46 voted in the negative.

Whereupon, Mr. Hewes of Cape Elizabeth requested a roll call vote.

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

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

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

Mr. HEWES: Mr. Speaker and Members of the House: We debated this thoroughly the other day and at that time we voted against the bill, and I don't see the facts have changed. The present law would permit a fine up to \$1,000 a day against a corporation official, and this bill would allow him to be sentenced to jail for violating environmental protection laws. I feel that that is too harsh and I hope you vote against the pending motion.

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

Mr. SMITH: Mr. Speaker and Members of the House: I would remind the gentleman that we also voted in favor of this bill when it first came to this body by an overwhelming vote, and the facts haven't changed. We have also passed a number of laws into the books in this session and every previous session of the legislature since the beginning of the State of Maine that required penalties, including imprisonment, for violations of the law.

Somehow when we get to the point of talking about the environment these days we get a little paranoid and think that we are going to have every municipal official in the country in jail. This isn't conceivable, nor is it possible. The law says that people will go to jail for willful violations of the environmental laws, and I don't know why, if a person is willfully violating such laws, they had not ought to go to jail.

I hope that you will vote in favor of the motion of the gentleman from Wayne, Mr. Ault, to recede and concur.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I had hoped that we didn't have to debate this again, but this seems to be a session of "pete and repeat." My contention in objecting to this imprisonment part of this bill previously — or rather the change in the law which includes imprisonment, was that it

was too broad a bill. It was a bill which was aimed, and the law basically is aimed at corporations, companies, and big business in general.

It appeared to us, a lot of us at the hearing, that the main reason for requesting this imprisonment was the officials who were charged with the enforcement of environmental laws were just too lazy to go out and use the laws we already had. There seems to be a trend this session to avoid digging into the lawbooks and the statutes and finding out our recourses, what we can do. Everybody wants a special law to cover some one little individual subject.

I contended before, and I think that the legal people, a lot of them will bear me out on it, that there are plenty of laws that can be used now if the attorneys who are charged with this responsibility — and as I said before there are three of them that are employed for the sole purpose of enforcing environmental laws and if they would just dig into the lawbooks and do some work. They want the easy way out; they want a special statute.

Now it seems to me, and it seems to Mr. Hewes and a lot of us, that with the law as it now stands, that companies and corporations and groups that are polluting, if they can be fined up to \$1,000 a day for every day of violation, that is a pretty stiff sentence. I don't believe there are many firms in the State of Maine that would want to continue that very long.

It just seems to me that this law would be hard to enforce. It is vague. It includes officials, officials when you force them into this type of litigation are going to call on various protections of immunity. So what are you going to have? You are going to have your courts clogged up more than they are now, just because the environmental attorneys don't want to get out and get to work. I hope that you will defeat the recede and concur motion.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I concur wholeheartedly with the gentleman from Norway, Mr. Henley and my only words, and in a very mild manner, this in my opinion is an insulting and ridiculous piece of legislation. I am ready and waiting and hoping to get on the record on this thing, and I move when the vote is taken that it be taken by roll call. People should be allowed to breathe.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen: Perhaps I should clarify my thinking to the House this morning. In going over this bill and reading what the penalties can be for willful violation. What is willful violation? You have a group of people making a determination the same as we do it right here on the floor of the House. All right, if you are opposed to the majority, that is willful violation and you can be sentenced under this bill for it.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I concur with the gentleman from Norway, Mr. Henley and the gentleman from Lewiston, Mr. Jalbert in their remarks. I would further add that I don't believe that any corporations, however big they are, are going to continue to pay \$1,000 a day long enough to hurt anybody, and I believe that the present penalties are absolutely sufficient to take care of the situation that we have.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I have spoken previously on this bill and I don't think I need to repeat my views to the effect that this is a reasonable bill and consistent with other legislation we have, considering that we can put people in jail for throwing a single tin can upon the highway.

But I am rising because the gentleman from Norway, Mr. Henley, has made — this is the

second time at least I think he has made this remark, and I want to rise to defend those who cannot defend themselves here. The gentleman from Norway has suggested that the people who are enforcing our environmental laws — and I assume he means the Assistant Attorneys General. He is suggesting that they are lazy and not doing their job and are asking for an easy way out.

This is a serious charge and I would suggest that if the gentleman from Norway has any evidence to substantiate this charge that he ought to bring it forth and bring it to our attention. In my experience, and I have seen some of these gentlemen at work, they are hard working and they are doing the best they can with some laws which have been riddled with exceptions and difficult passages because of the problems we have had in passing clear laws in this area previously.

I am not going to speak any longer on the bill, but I do suggest that if there is anybody who has any substantial evidence that our Assistant Attorneys General are not doing their level best in carrying out the laws, I think we should all have that evidence and not debate it up here and suggest that they are not doing their job and not working hard, because I think they are.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I hope you recede and concur on this bill; it is a good bill. You look at the situation that we have here in Maine with a lot of absentee owners and polluters. You have got a local manager that is more or less responsible. Well supposing they do get a conviction against this plan for polluting. The company pays it; it isn't any great problem to the local manager. But you threaten him with a possibility that he might have to spend a day or two in jail, then he is going to watch the operation a lot sharper. Please vote to recede and concur.

The SPEAKER: The Chair

recognizes the gentleman from Ellsworth, Mr. McNally.

Mr. McNALLY: Mr. Speaker and Members of the House: I can give you a specific instance where \$1,000 a day does work. We had a tannery six miles out of Ellsworth — and you notice I said we had one. It was bought finally by the Seagraves Corporation, one of the largest corporations in the United States, and when that suede leather no longer became fashionable for people to wear, and France, the main buyer of it stopped buying, they had to do something to use the tannery; so they took the splits of the leather that they didn't want to do anything to from the Hartland tanneries, which was cowhide, and they brought them down into Hancock and started to process them, and somebody complained as to what they were dumping into the ocean, and they were advised that they would have to do something different or be fined \$1,000 a day. And it went less than two weeks before the tannery was completely closed.

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

Mr. WHITSON: Mr. Speaker and Ladies and Gentlemen of the House: I rise to concur with the final remark of the representative from Lewiston, Mr. Jalbert. He said let people breathe. Once again I would remind you that environmental legislation is not necessarily limited to niceties which are discussed at ladies' tea parties. They are health bills in many instances, with serious health overtones. I wonder if you have heard of the word 'emphysema'. You probably are all acquainted with that. Once again I would concur with the remark by the gentleman from Lewiston — let people breathe.

I also would bring to your attention, as I have before, that we passed a mercury bill in this Legislature just recently, making it unlawful to discharge mercury into the waters of our state. I am wondering if you, my fellow legislators, are acquainted with the symptoms of mercury poisoning; it is a tragedy.

Once again I would point out that environmental legislation is health legislation in many instances. I hope that you vote to recede and concur.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The young man from Portland, Mr. Whitson, doesn't have to remind me of emphysema. I carry it around with me; that is why I keep myself light-headed.

The SPEAKER: The yeas and nays have been ordered. If you are in favor of receding and concurring you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Baker, Barnes, Bartlett, Berry, P. P.; Bourgoin, Carter, Clark, Clemente, Cooney, Cottrell, Cummings, Curtis, T. S., Jr.; Dow, Drigotas, Emery, D. F.; Evans, Farrington, Gagnon, Gill, Goodwin, Hanson, Hardy, Haskell, Hayes, Kelley, K. F.; Kelley, R. P.; Lawry, Lewis, Lucas, Lund, MacLeod, Marsh, Martin, McCloskey, McTeague, Millett, Morrell, Murray, O'Brien, Payson, Porter, Shute, Silverman, Simpson, L. E.; Slane, Smith, D. M.; Smith, E. H.; Stillings, Susi, Trask, Vincent, Whitson, Wood, M. W.; Wood, M. E.

NAY — Albert, Baker, Bedard, Bernier, Berry, G. W.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Bunker, Call, Carey, Churchill, Collins, Cote, Crosby, Curran, Cyr, Donaghy, Dudley, Dyar, Fecteau, Finemore, Fraser, Gauthier, Genest, Good, Hall, Hancock, Hawkens, Henley, Herrick, Hewes, H o d g d o n, Immonen, Jalbert, Jutras, Kelleher, Keyte, Kilroy, Lebel, Lee, Lessard, Lincoln, Lizotte, Lynch, Maddox, Mahany, Manchester, Marstaller, McCormick, McKinnon, McNally, Mills, Mosher, Page, Parks, Pontbriand, Pratt, Rand, Rocheleau, Rollins, Ross, Scott, Shaw, Sheltra, Simpson, T. R.; Theriault, Webber, Wheeler, White, Wight, Williams.

ABSENT — Brown, Bustin, Carrier, Conley, Curtis, A. P.; Dam, Doyle, Emery, E. M.; Faucher, Kelley, P. S.; Lewin, Littlefield,

Norris, Orestis, Santoro, Starbird, Tanguay, Tyndale, Woodbury.

Yes, 55; No, 76; Absent, 19.

The SPEAKER: Fifty-five having voted in the affirmative, seventy-six in the negative, with nineteen being absent, the motion does not prevail.

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

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

The Chair recognizes from Lewiston, Mr. Jalbert, moves that the House adhere to its former action.

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

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

The SPEAKER: The gentleman from Augusta, Mr. Lund, moves that the House insist and ask for a Committee of Conference.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I hope that you defeat the motion to insist and ask for a Committee of Conference. Number one, it will serve no useful purpose. Number two, it will stop us from burying this thing once and for all. And when the vote is taken on that I hope it be taken by the yeas and nays.

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 House Paper 960, L. D. 1321, An Act to Include Imprisonment Among Those Penalties Provided for Violation of Environmental Protection Laws, a non-concurrent matter. If you are in favor of the motion of the gentleman from Augusta, Mr. Lund, that the House insist and ask for a Committee of Conference, you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Baker, Barnes, Bartlett, Bernier, Bither, Bourgoin, Carter, Clemente, Cooney, Cottrell, Cummings, Curtis, T. S., Jr.; Dow, Emery, D. F.; Farrington, Gagnon, Gill, Goodwin, Hanson, Hayes, Herrick, Kelley, K. F.; Kelley, R. P.; Lewis, Lucas, Lund, MacLeod, Marsh, McCloskey, McTeague, Millett, Morrell, Murray, Payson, Porter, Shute, Simpson, L. E.; Smith, D. M.; Smith, E. H.; Stillings Susi, Trask, Vincent, Whitson, Wood, M. W.; Wood, M. E.

NAY — Albert, Bailey, Bedard, Berry, G. W.; Berry, P. P.; Bérubé, Binnette, Birt, Boudreau, Bragdon, Brawn, Bunker, Call, Carey, Churchill, Clark, Collins, Cote, Crosby, Curran, Curtis, A. P.; Cyr, Donaghy, Doyle, Drigotas, Dudley, Dyar, Fecteau, Finemore, Fraser, Gauthier, Genest, Good, Hall, Hancock, Hardy, Haskell, Hawken, Henley, Hewes, Hodgdon, Immonen, Jalbert, Jutras, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lee, Lessard, Lincoln, Lizotte, Lynch, Maddox, Mahany, Manchester, Marsteller, Martin, McCormick, McKinnon, McNally, Mills, Mosher, O'Brien, Page, Parks, Pontbriand, Pratt, Rand, Rocheleau, Rollins, Ross, Scott, Shaw, Sheltra, Silverman, Simpson, T. R.; Slane, Theriault, Webber, Wheeler, White, Wight, Williams.

ABSENT — Brown, Bustin, Carrier, Conley, Dam, Emery, E. M.; Evans, Faucher, Lewin, Littlefield, Norris, Orestis, Santoro, Starbird, Tanguay, Tyndale, Woodbury.

Yes, 47; No, 86; Absent, 17.

The **SPEAKER**: Forty - seven having voted in the affirmative, eighty-six in the negative, with seventeen being absent, the motion does not prevail.

Thereupon, the House voted to adhere.

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

Mr. **HEWES**: Mr. Speaker and Members of the House: I would ask that we reconsider our vote where we adhered and ask you to vote against that motion.

The **SPEAKER**: The gentleman from Cape Elizabeth, Mr. Hewes,

moves that the House reconsider its action whereby the House adhered. All in favor say aye; those opposed say no.

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

Non-Concurrent Matter

An Act relating to Testing of Private Water Supplies by Department of Health and Welfare (H. P. 1264) (L. D. 1668) which failed passage to be enacted in the House on June 4 and which was passed to be engrossed as amended by House Amendment "A" on June 1.

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

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

Non-Concurrent Matter

Bill "An Act to Incorporate the Jackman Water District" (H. P. 1372) (L. D. 1794) which was passed to be engrossed in the House on June 7.

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

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

Messages and Documents

The following Communication:

THE SENATE OF MAINE
AUGUSTA, MAINE

June 10, 1971

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

Dear Madam Clerk:

The Senate today voted to adhere to its action whereby it **Indefinitely Postponed Bill, "An Act to Provide for New Ferry Landings at Cousin's Island or Littlejohns Island and Chebeague Island"** (S. P. 400) (L. D. 1175).

Respectfully,

(Signed)

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

Orders

Mrs. Baker of Orrington presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the State Department of Health and Welfare and Bureau of Taxation be authorized and directed to review the Bill: "An Act to Relieve Certain Permanently Handicapped Persons of a Portion of the Property Tax or Rental Burdens," House Paper 242, Legislative Document 323, introduced at the regular session of the 105th Legislature to determine what the estimated cost would be to implement such legislation **either in its present form or as a new draft; and be it further**

ORDERED, that the said bill or new draft, along with cost estimates requested herein be presented on the part of such agencies to the Joint Standing Committee of the Legislature on Taxation at the next regular session of the Legislature; and be it further

ORDERED, upon joint passage, that copies of this Order be transmitted forthwith to said department and bureau as notice of this request. (H. P. 1406)

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

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

WHEREAS, the members of the House have learned of the death of Mrs. Margaret Conley, mother of Representative James J. Conley of South Portland:

NOW, THEREFORE, BE IT ORDERED, that the members of the House of Representatives extend their sympathy to Mr. Conley and the entire family on their loss; and be it further

ORDERED, that the Clerk of the House be directed to send an attested copy of this Order to Mr. Conley.

The Order received passage.

Mr. Farrington of Old Orchard Beach presented the following Joint Resolution and moved its adoption:

WHEREAS, the State of Maine lost a congenial friend and valued

public servant on June 9, 1971, in the death of David K. Marshall of Old Orchard Beach; and

WHEREAS, he served with loyalty, devotion, and conscientious effort for over twelve years as a **public utilities commissioner and former chairman; and**

WHEREAS, we wish to record, upon his passing, our personal sadness and deep appreciation of his life's work; now, therefore, be it

RESOLVED, by the One Hundred and Fifth Legislature of the State of Maine now assembled, that its members inscribe with all the members of the Judiciary, the Public Utilities Commission and the people of this State, this token of common sorrow and sadness and esteem for his memory; and be it further

RESOLVED, that a suitable copy of this Resolution be sent to his devoted wife along with our deep understanding to his family and others who share in the loss. (H. P. 1407)

The Joint Resolution was adopted and was sent up for concurrence.

Subsequently, by unanimous consent, ordered sent forthwith to the Senate.

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Definition of Theft by One Renting or Truited with Property" (H. P. 963) (L. D. 1324) the Speaker appointed the following Conferees on the part of the House:

Messrs. LEE of Albion
HEWES of Cape Elizabeth
HENLEY of Norway

On disagreeing action of the two branches of the Legislature on Bill "An Act Repealing the Poll Tax" (S. P. 14) (L. D. 42) the Speaker appointed the following Conferees on the part of the House:

Messrs. ROSS of Bath
BRAGDON of Perham
CYR of Madawaska

House Reports of Committees Ought Not to Pass

Mr. Ross from the Committee on Taxation reported "Ought not

to pass" On Bill "An Act Imposing Tax on Cigars and Tobacco Products" (H. P. 863) (L. D. 1192)

Same gentleman from same Committee reported same on Bill "An Act relating to Forest Land Taxation" (H. P. 1194) (L. D. 1666)

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

Leave to Withdraw

Covered by Other Legislation

Mr. Ross from the Committee on Taxation on Bill "An Act Providing Rental Relief for the Elderly" (H. P. 921) (L. D. 1273) reported Leave to Withdraw, as covered by other legislation.

Report was read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Labor on Bill "An Act Expanding the Coverage of the Workmen's Compensation Law" (H. P. 1161) (L. D. 1607) reporting same in a new draft (H. P. 1404) (L. D. 1824) under title of "An Act to Remedy Omissions in the Workmen's Compensation Law" and that it "Ought to pass"

Report was signed by the following members:

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

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

Report was signed by the following members:

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

Reports were read.

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

Mr. GOOD: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report

The SPEAKER: The gentleman from Westfield, Mr. Good, moves the acceptance of the Majority "Ought to pass" Report.

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

Mr. KELLEY: Mr. Speaker, I move the indefinite postponement of this bill and all of its accompanying papers and would speak briefly to my motion.

The SPEAKER: The gentleman from Machias, Mr. Kelley, moves the indefinite postponement of both Reports and Bill.

The gentleman may proceed.

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: As I pointed out yesterday, this legislature has been deluged with a bunch of labor bills, all designed to further harass employers. And of them all this is one of the most obnoxious.

If you will consult this L. D. 1824 and read it over for about one minute you can quickly see the implications they involve. This provides a lump sum payment for injuries and this shall be determined by multiplying the amount to which he would be entitled weekly for total incapacity by the period of presumed total incapacity as set forth in this section; then it includes a total loss of function of back injuries, 200 weeks. Now that is four years. And I want to point out to you that there is nothing so difficult to prove or so hard to detect as back injuries. This has been a favorite umbrella used by chisellers and malingerers for years.

I remember a number of years ago, downeast I ran a hardware store for a while, rather unsuccessfully. A chap used to come in every weekend and he was with the Coast Guard. One day he came in and announced that he had been discharged from the Coast Guard because of back injuries. I realize, of course, in speaking of the Coast Guard this perhaps is not a fair analogy because most anyone can get a medical discharge from the Coast Guard for anything more serious than an ingrown toenail. However, in this case a complaint

of his back, and his pension checks started to come through.

One day in the hunting season he came in and told me about a 150 pound deer which he had shot two days before and carried it out on his back. And I said, "Well Monroe, what about your back injury?" He paused for a moment and he said, "Well you know it is a funny thing, but the doctors told me that walking on a floor or level surface such as a floor was particularly hard on my back. But walking on rough ground out in the woods doesn't seem to bother it." Now I think, ladies and gentlemen, that you will find that something like this will be used if this L. D. is enacted.

I realize, of course, it is customary to wait until the third reading to do away with these little monstrosities, but since time now is of the essence, I think that we could do it neatly, quickly and cleanly right here this morning without waiting for it to get to third reading.

Now within a few moments you are going to hear something like this, as you did yesterday, the reading of the report is going to show that three of us, the gentleman from Albion, the lady from Bethel and myself were in the minority on this. The gentleman from Brunswick, Mr. McTeague, did this yesterday when I was shot down on L. D. 427. I would remind you that occasionally during this winter there have been other bills when the gentleman from Brunswick and the gentleman from Augusta both were in the minority, and this wasn't pointed out. And when I say McTeague and Bustin I don't mean this to sound like a vaudeville team, I am sure that the gentlemen were sincere.

And now this morning we have it in reverse, and I submit to you that to be in the minority isn't always a stigma. A lot of people thought Christopher Columbus was foolish when he said the world was round. But I submit to you ladies and gentlemen that this bill this morning has in it the possibilities for a lot of grief for employers. Just think this over again; for back injury, 200 weeks of compensation, four years.

Mr. Speaker, ladies and gentlemen of the House, I move the indefinite postponement of this bill and all its accompanying papers. I don't think we should even honor it with a roll call, I would only ask for a simple division.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: This is the second half of the comic team and it is not Bustin and McTeague, it sounds like it is Kelley and occasionally McTeague.

I would like to try to suggest, if I can have any influence with members of the House, if they take some sympathy on Mr. Kelley, the gentleman from Machias, and suggest that inasmuch as his minority opinion on our committee yesterday was also the minority opinion in the House, that maybe the thing that is fair to do is to go along with him today. After all, every horse or every animal must have its day and so would every member of our House.

However, I think that the particular characteristics of any vaudeville team who are entertaining gentlemen with names like Kelley and McTeague or they came from Machias or Brunswick, is really not the issue before us. If any of us perhaps were to attempt to compete with Mr. Kelley in regard to the display of learning and the facility with words, we would be hard pressed to come out the winner.

I think the difficulty that Mr. Kelley had yesterday is the same difficulty he has today. And I too will ask you to look at the bill, because although we can't match him in regard to facility of expression I think he has chosen a hard horse to ride. Occasionally in my occupation the case is decided not by the ability of the lawyer on one side or the other but rather by the merits of the case, and this is all we ask of you today.

The bill is in redraft form and its number is 1824. We just had it distributed to us today, and I would ask you to take a look at it. The title of the bill is to "Remedy Omissions in the Workmen's Com-

pensation Law." We talked about the Coast Guard, we have talked about backs; let's talk about another omission in the Maine Workmen's Compensation Law.

If you are working and you receive an injury to your little finger so that it is curled up a little bit, you receive a small amount of compensation. Of course a little finger isn't worth much compared to some other parts of the body, but you do receive something for it. However, if you receive an injury to, and I mean no offense, Mr. Speaker, I hope that this is not out of order, but if you will look at the bill, we talk about genito-urinary organs. That is medical terminology, but I think we all know what we mean. If you are working and you receive an injury to that part of your body and you are out of work for a period of time to have an operation performed, the operation is paid for and you are given some wage replacement during the time you are out of work, but that portion of your body which the good Lord gave you and which you may no longer have or no longer have the use of, is worth in the eyes of our law, due to an omission, absolutely zero.

Now let's talk about back injuries and all of the phoney claims that can be generated. I am sure there can be phoney claims. There can be phoney claims and there can be true claims. But if you say because of the possibility that a claim can be phoney you should allow no claims, you would never compensate anyone for anything. Because of the possibility though which does exist in the case of back claims, for exaggeration or subjective complaints, if you will look at the second page of the bill you will see that there is specific language in there as follows: "Such determination by the commission shall be based upon reasonably demonstrable medical or clinical findings."

That means that even if you say, "Oh my golly, my back; I can't move," but unless a medical doctor, or an osteopathic physician I should add too, supports your claim — and remember the insurance company has the right to

have you examined by their doctor, which is entirely proper, unless there is that type of medical support, what we call objective evidence of your claim, as opposed to only your own subjective complaints, you would get absolutely nothing.

Mr. Kelley has talked in general terms about some horrendous cost attached to this bill. I would like to provide the House with information which I received from the National Rating Bureau in New York which is an impartial organization made up of representatives of employers, insurance carriers and state commissions. The total cost of this bill is one per cent of the Workmen's Compensation premiums. Now that may mean to an employer, let's say of one secretary in an office, something like about fifty cents a year. As you get involved in something extremely dangerous like woods operation that has a high premium rate, where you may be paying \$500 a year compensation — thinking of Mr. Finemore, the gentleman from Aroostook County, it may cost as much as \$5 a year. It is a one per cent figure and that figure has been confirmed by the rating bureau.

Now what do the people aside from Mr. Kelley think of this bill? Well, we worked in working out this bill with representatives of industry. I won't kid you in saying that they are wildly enthusiastic and they would like to have this bill passed and a hundred more like it, but they do have to admit that the concept of this bill is reasonable. And this is a compromise bill, worked out in the Labor Committee in conjunction with the representatives of industry who appeared and testified before the committee.

What do the representatives of the insurance industry think of this bill? A legislative counsel for a significant group of insurance carriers has had this bill mentioned to him, had a chance to study it, and I am not quoting him exactly, but the essence of his thoughts were, no problem, it is a one per cent item.

What the law is now is this. If you were — and let's stay away from anything but the jaws and

neck and the back — if you were injured at work so that for the rest of your life you walk around with your chin, your neck being handicapped, down like this, you can never raise your head to see the sun for the rest of your life, for the time you are out of work you are paid some compensation, you are paid your medical bills. But you get absolutely zero for the impairment to your body.

Now there is no fundamental difference between the loss of a finger and a toe, an eye and an ear, a jaw and a back. We do have a safeguard in the bill to take care of any subjective claims. I am surprised that the gentleman from Machias, Mr. Kelley, if he knew of a fraudulent claim against the government of the United States, as a good citizen did not bring it out. It is the duty of all of us to expose any fraudulent claims.

This is a bill to do something which has been done in most states, for example the Commonwealth of Massachusetts since 1948. And it is an error of omission in our law. This is an attempt to correct it. And although the gentleman from Machias, Mr. Kelley, does not attach much significance to it, you might consider that the thirteen members of the committee which studied this, which worked on a compromise, which worked with representatives of the insurance industry and the industrial employers, ten out of thirteen thought they could go along with this bill.

Mr. Kelley also suggested that he was really moving for indefinite postponement at this time in the interest of saving time in the House. I think perhaps that it has the added advantage to him, although I am absolutely certain that he never thought of it, that he would like another swipe at this. You see he can take a swipe now, and if the House expresses some pleasure with the bill he can take a swipe again at third reader, perhaps he can take a swipe again at enactment.

I would ask the members of the House that if they think this cost item, which is only one percent, is fair and is reasonable, that they give a good resounding vote here,

and the gentleman from Machias being the gentleman that he is, if he sees a significant vote, may not choose to debate the matter again.

Mr. Speaker, when the vote is taken I would ask for the yeas and nays.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: This bill intrigues me greatly. I think that this is perhaps the first time that I have ever attempted to speak on a labor bill, and I hope you will forgive me.

It seems to me that this whole thing is based on a false premise. The premise that every man that has a certain injury is going to heal in the same length of time, I think this is a very false assumption. I think possibly one man can get a broken jaw and be able to work in a week, where possibly another man might get hit a little harder and perhaps he might have to be off two weeks. This I think sets up, as I read the bill hastily, a certain number of days for every kind of injury. I don't believe this assumption is true. When voting on this I hope you will give serious consideration to my brief remarks on the first attempt to help defeat a labor bill. And I do go along with the gentleman from Washington County, Mr. Kelley, in his motion to indefinitely postpone.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I don't know as I like to hear my name so well. Yesterday I repeated it. For some reason or other I got into this bill this morning unintentionally, my name being mentioned. But I would like to just state one thing. One percent doesn't sound like much money. But if you have got a man in the woods getting \$10,000 a year, which some do, don't be misled because they are one of the highest paid groups there is, and that only means a hundred dollars a year for the employer for this salary and I wonder if he can stand another hundred dollars to hand on to the consumer.

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

Mr. GAGNON: Mr. Speaker, Ladies and Gentlemen of the House: This is my first notice of this particular bill, and I have quite a bit of apprehension, first of all with the amount of weeks involved here. As I have told you before, I work quite a bit with Workmen's Compensation. Presently our Workmen's Compensation Law is probably one of the most liberal and one of the best in the country.

The law as it is now has a stated number of week for the loss of a finger or the loss of an arm, the loss of a leg, because these are things that can be seen and once they are lost they are gone. And the compensation above and beyond the weekly allotment was to take care of the permanent, total loss of these areas. Presently under our Workmen's Compensation Law, on a disputed injury, the person is also entitled to a lump sum now.

Through the hearings of the Commission I have handled a number of lump sum settlements on disputed injuries after they have received their weekly allotments for a stated period of time. This scares me a little bit because I am afraid of the projected cost that is going to go to the employer. I wonder also who is going to determine exactly the amount of weeks. I know we have some very fine medical people that are quite capable of determining this, but we also have a human factor involved, and this sometimes gets out of hand.

At this point, from hearing what I have on this bill, I would hope that the people in this House would not inflict this type of legislation onto the employers of the state, and that is ultimately where it is coming down to. I think our present Workmen's Compensation Law is completely adequate with handling items under its present lump sum stipulation in the law where the Commission determines and approves lump sum agreements through the hearings of the Commission in cooperation with the Commission and the companies and the third parties. I am afraid of this one and I would hope that

the House would go along with Mr. Kelley's motion.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: If I understood correctly the gentleman from Bridgewater, Mr. Finemore, he was concerned that the cost of this bill would be one percent of his payroll, that is if he paid a man \$5,000 a year this bill would cost him \$50 a year. If I did say one percent of the payroll, I misspoke and I apologize to the House. It is one percent of the total cost of the premium now being paid for Workmen's Compensation.

So the example again is, if you are paying — and I think my memory of rates is right, a garage mechanic earning \$5,000 a year, the cost is about \$60 or \$70 a year roughly — I would ask to be corrected if my figures are in error — the cost there would be one percent of the \$60 or \$70 a year, or 60 or 70 cents a year. The high cost people are in woods operation. I think their premiums would be approximately \$500 a year or more, and in that case it would be as much as \$5 a year.

But we are not talking about one percent of payroll, we are talking about one percent of the insurance premium now paid.

The second thing, in an attempt to provide some information, for whatever it is worth, to the gentleman from Perham, Mr. Bragdon, I would suggest the way the bill works, and this is the way our present law works, is like this. If a man, for example, has a leg cut off, we have a case that the gentleman from Bath, Mr. Ross, got a bill in on a gentleman down in that area that suffered an injury of this kind in the course of law enforcement duties. If the leg is entirely cut off there is a certain number of weeks payable.

However, if the leg would be injured, for example, so that 10 percent of its utility would be gone and medical evidence would show the 10 percent, then you pay the 10 percent times that number of weeks. We are suggesting the same thing for the four body organs.

mentioned here which are left out of our current schedule. But in no case is any compensation for what we call specific or schedule losses paid until the man has gotten as well as he is going to get. In other words, until he has reached a medical end result and a physician certifies this.

So again, you are not dealing with one percent of the payroll, you are dealing with one percent of premium. And you are not dealing with an attempt to guess how many weeks the man is going to be laid off; you are dealing with it after he has reached a medical end result and either is able to return to work or is not.

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

Mr. KELLEY: Mr. Speaker and Members of the House: Just briefly. The gentleman from Brunswick, Mr. McTeague, pointed out that the insurance companies allow that there would be no problem with this. I can see where they would go along with this thing. This, of course, provides them with some additional business and I am sure they would welcome this.

And throughout his talk on this bill, the word compromise rang like a refrain. This was a compromise bill. He talked it over; this was a compromise. And I submit to you ladies and gentlemen, if this is the type of compromise comparable to a situation where say I hold you up with a gun, I take your pocketbook and your wristwatch, and you protest and I say, "Okay, let's compromise. You may have either your wallet or your wristwatch back." This is that type of a compromise.

Ladies and gentlemen, I urge you to do away with this monstrosity this morning.

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

Mr. GOOD: Mr. Speaker and Members of the House: I can't match the rhetoric of my friend from Machias, Mr. Kelley, and everything that needs to be said has been said.

I hate this type of sniping at a bill, just after it is almost decided. This bill doesn't harm the employ-

er that much but it does take care of the possibility of some injured workman and that is our concern. I hope you will vote against the motion to indefinitely postpone this bill.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: After having served on the Labor Committee six years, one term as House Chairman and one term as Senate Chairman, having sponsored several Workmen's Compensation changes, I feel that these are needed changes contained in this bill, and I wholeheartedly support the bill and hope you vote against the motion to indefinitely postpone.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen: In all this discussion here this morning there has been one point very sadly neglected. We all talk about the men working. Now what about our women that are working in the factories? What happens to them if this bill does not pass?

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have 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 Machias, Mr. Kelley, that both Reports and Bill "An Act to Remedy Omissions in the Workmen's Compensation Law," House Paper 1404, L. D. 1824, be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Bailey, Baker, Berry, G. W.; Bither, Bragdon, Brawn, Bunker, Call, Carey, Clark, Collins, Crosby, Cummings, Curtis, A. P.; Dudley, Dyar, Em-

ery, D. F.; Finemore, Gagnon, Hall, Hanson, Hardy, Haskell, Henley, Herrick, Hodgdon, Immonen, Kelley, K. F.; Kelley, R. P.; Lee, Lessard, Lincoln, Lizotte, MacLeod, Maddox, Manchester, McCormick, McNally, Mosher, Page, Parks, Payson, Porter, Pratt, Rand, Shaw, Silverman, Simpson, L. E.; Trask, White, Wight, Williams, Wood, M. W.

NAY — Albert, Barnes, Bartlett, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Birt, Boudreau, Bourgoin, Bustin, Carter, Churchill, Clemente, Cooney, Cote, Curran, Curtis, T. S., Jr.; Cyr, Donaghy, Dow, Doyle, Drigotas, Evans, Farrington, Fecteau, Fraser, Gauthier, Genest, Good, Goodwin, Hancock, Hawkens, Hayes, Hewes, Jalbert, Jutras, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lewis, Lucas, Lund, Lynch, Mahany, Marsh, Marsteller, Martin, McCloskey, McKinnon, McTeague, Millett, Mills, Morrell, Murray, O'Brien, Orestis, Pontbriand, Rocheleau, Rollins, Ross, Scott, Sheltra, Shute, Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Stillings, Susi, Theriault, Tyndale, Vincent, Webber, Wheeler, Whitson, Wood, M. E.

ABSENT — Brown, Carrier, Conley, Cottrell, Dam, Emery, E. M.; Faucher, Gill, Lewin, Littlefield, Norris, Santoro, Starbird, Tanguay, Woodbury.

Yes, 54; No, 81; Absent, 15.

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

Thereupon, the Majority "Ought to pass" Report was accepted, the New Draft read twice and assigned for third reading the next legislative day.

Divided Report

Majority Report of the Committee on State Government on Bill "An Act to Create the Office of Ombudsman" (H. P. 139) (L. D. 194) reporting same in a new draft (H. P. 1405) (L. D. 1825) under title of "An Act Establishing the Office of Legislative Liaison" and that it "Ought to pass"

Report was signed by the following members:

Messrs. **JOHNSON** of Somerset
WYMAN of Washington
— of the Senate.
Messrs. **STILLINGS** of Berwick
DONAGHY of Lubec
Mrs. **GOODWIN** of Bath
Messrs. **HANSON** of Gardiner
HODGDON of Kittery
CURTIS of Orono
STARBIRD
of Kingman Township
FARRINGTON
of Old Orchard Beach
COONEY of Webster
MARSTALLER
of Freeport
— of the House.

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

Report was signed by the following member:

Mr. **CLIFFORD**
of Androscoggin
— of the Senate.

Reports were read.

On motion of Mr. Stillings of Berwick, the Majority "Ought to pass" Report was accepted.

The New Draft was read twice and assigned the next legislative day.

Divided Report

Majority Report of the Committee on Taxation on Bill "An Act relating to Property Tax Relief for the Elderly" (H. P. 1132) (L. D. 1560) reporting "Ought not to pass," as covered by other legislation.

Report was signed by the following members:

Messrs. **WYMAN** of Washington
HICHENS of York
— of the Senate.
Messrs. **COTTRELL** of Portland
MCCLOSKEY of Bangor
CYR of Madawaska
DAM of Skowhegan
DRIGOTAS of Auburn
ROSS of Bath
MORRELL of Brunswick
COLLINS of Caribou
TRASK of Milo

— of the House.

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

Report was signed by the following members:

Mr. **FORTIER** of Oxford
— of the Senate.

Mr. FINEMORE
of Bridgewater
—of the House.

Reports were read.

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

Divided Report

Tabled Later in the Day

Majority Report of the Committee on Taxation on Bill "An Act to Relieve Certain Elderly Householders from Extraordinary Property Tax Burdens" (H. P. 1193) (L. D. 1663) reporting "Ought not to pass," as covered by other legislation.

Report was signed by the following members:

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

Messrs. ROSS of Bath
FINEMORE
of Bridgewater
MORRELL of Brunswick
COLLINS of Caribou
TRASK of Milo
—of the House.

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

Report was signed by the following members:

Messrs. DRIGOTAS of Auburn
DAM of Skowhegan
McCLOSKEY of Bangor
COTTRELL of Portland
CYR of Madawaska
—of the House.

Reports were read.

On request of Mr. Ross of Bath, by unanimous consent, tabled and later today assigned to precede Item one of the Tabled and Today Assigned Matters, pending acceptance of either Report.

Third Readers

Tabled and Assigned

Bill "An Act relating to Fair Minimum Rate of Wages for Construction of Public Improvements by the State of Maine" (H. P. 1398) (L. D. 1815)

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

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

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: I made a statement yesterday that the Department of Labor people came and spoke at the hearing against this bill. We tried to get more information from them yesterday and all the higher echelon are away for the weekend. I would hope that somebody would table this for a couple of days until they get back.

Whereupon, on motion of Mr. Donaghy of Lubec, tabled pending passage to be engrossed and specially assigned for Tuesday, June 15.

Bill "An Act Revising the Laws Relating to Baxter State Park" (H. P. 1402) L. D. 1820)

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

(On motion of Mr. Dudley of Enfield, tabled pending passage to be engrossed and specially assigned for Tuesday, June 15.)

Third Reader

Indefinitely Postponed

Bill "An Act relating to Water Quality Standards" (H. P. 971) (L. D. 1331)

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

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

Mr. HERRICK: Mr. Speaker and Ladies and Gentlemen of the House: This bill was debated somewhat yesterday and I assume that, being a rather short bill, a great many of you may have passed over and thought there was not any significant implications in it. I trust after the debate yesterday you have read the bill and thought about some of its implications.

Before I make any further remarks about this bill, I would relate that I went to the Unemployment Security Commission yesterday and received a few figures, and I found out that in my county, Somerset County, the unemployment rate is 13.8 percent. They are starting a special study

at the present time to see if Somerset County would qualify for federal money, assistance money.

If you will compare L. D. 1331 to L. D. 1814, and read the definition of discharge, where it says "Discharge when used with reference to water means any spilling, leaking, pumping, pouring, emptying, dumping, or depositing therein." And in correlating back to L. D. 1331 you see what this does to agriculture, municipalities, and industries.

I move the indefinite postponement of this bill and ask for a roll call.

The SPEAKER: The gentleman from Harmony, Mr. Herrick, moves the indefinite postponement of this Bill.

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

Mr. HARDY: Mr. Speaker and Members of the House: On 1331 yesterday there were some statements made which I am afraid might have misled or confused some of the people in this House. The water pollution laws on the books provide for legislative classification of the state's waters. The law further provides that you will not be deemed in violation of these classifications if you are operating under a valid license issued by the EIC and meeting the legislative timetable as set.

This requires full compliance with our laws in 1976, and as I indicated yesterday and sent some notes afterwards to further clarify, this really does not repeal those provisions but it does completely circumvent them. If this bill passes, 90 days after we adjourn the EIC can set discharge licenses for nutrients by regulation which could become effective immediately, and a person or a man in business could find himself in violation of the discharge standards even though he was in full compliance with the water quality standards.

I want to point out to you once more that these standards could be set on every town in the State of Maine, and I come from one of those lucky towns that has its sewerage plant working, so it is not going to bother Camden a bit. But every bit of water up and down the coast of Maine, up and down

the rivers of Maine, that have those pipes in them, can have the discharge standards set on them then, and I point out to you again that the communities are going to be in serious trouble. That is all I have to say.

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: This bill won acceptance by a narrow margin yesterday. That margin was in doubt up to the last second, thanks to my vacillating good friend from Portland, Mr. Whitson. From repeated remarks, I wonder whether some members of this House think that the EIC stands for the Evil Institute of Crimes instead of the Environmental Improvement Commission. I would remind you that the EIC was born of this Legislature and could die at the hands of this Legislature by a single legislative act abolishing it. But I don't think this Legislature wants to kill the EIC and I think we sincerely want to see this agency succeed.

Among other things we have charged the EIC with the responsibility of achieving and maintaining the classification of our lakes and ponds as established by this Legislature. Now we are asking the Legislature to give the EIC the tools to do this job. My friend Mr. Herrick is correct, this is a significant bill. But the EIC is not out to harass the agriculture interests or the industrial interests. If you talk with the individuals in the EIC you will know that they are concerned, I am not aware of any instance where they have harassed or there are intentions to do that.

Ladies and gentlemen of this House, it is a fact that a number of our lakes and ponds in Maine are dying. I listed some of them yesterday. We are asking that we are able to set nutrient standards so that we can achieve and maintain the classification that these waters now have. Mr. Hardy has mentioned — I don't think it is entirely accurate, that all the towns and cities and everybody in Maine is going to be in trouble with the passage of this act. If the people are dumping into waters

and these waters are classified to accept what they are dumping into them, up to 1975, then the EIC under this bill at least could not make them change if what they are doing does not change the classification of the waters.

We have scientific evidence that some of the lakes and ponds in Maine are aging at the rate of 100 years per summer, and I think that it is time that we took a stand and gave the EIC the tools, and this is what the question is in this bill. Are we ready here to give the EIC the tools necessary to do the important job of trying to save our water? I urge you to vote against the motion to indefinitely postpone as most of you did yesterday.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: We are presently dumping in — I grant that we are dumping into our streams these things that the gentleman from Waterville refers to. I cannot go along with the assumption that he thinks that we have set up a commission, we are giving them authority to bypass the very regulations that we have set up to give the people and the industries of the State of Maine the time necessary to correct these things that we are talking about — namely, dumping pollutants into the waters which we know is wrong, but we have got to have time to correct it.

If we follow his reasoning we might assume that we have set up a benevolent organization in this EIC, which will do nothing but do everything that is best for the people of the State of Maine. If we go along with this assumption, we need no legislature. They are perfectly capable of looking after everything that we could legislate on.

I do not buy the idea. I think the legislature wisely set up standards and time to implement them, and to bypass them at this time is one of the most foolish things that we could do. I hope that we go along and kill this bill at the present time. It is very dangerous legislation. We have got to have

the time and we have got to have the money to do the things that we know we have got to do, and I don't want to give any benevolent group the authority to overrule past actions of the legislature as this bill does. It is very very dangerous legislation.

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

Mr. WHITSON: Mr. Speaker and Members of the House: I rise for one reason, because obviously there is still a misconception concerning this bill. I would point out respectfully to all the members who believe sincerely — I think you believe sincerely, that this bypasses legislative authority. If you would read the first words of the revision which this bill provides for, it says "with respect to all classifications of waterways as set forth in this section."

This is not a bypass. These classifications were set by the legislature. This is enabling legislation providing the EIC with the power to maintain standards which this legislature has set. If we intend to set standards in name only and not provide the EIC with tools to maintain those standards of classification, I see no reason for the EIC to exist at all. This would be tokenism as far as I am concerned.

I don't see this as a bypass of legislative authority in any way whatsoever and I wish that the opponents would read this section of the bill which does specifically say "in respect to all classifications." The EIC is not empowered to bypass legislative authority in any way whatsoever.

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

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: I am a member of the Natural Resources Committee and sat in on all the hearings; and many many times Mr. William Adams and his other associates said that they did not have enough manpower in the EIC to carry out the duties with which they were empowered at that time.

Now can you imagine, if this bill is passed, what is going to happen to the EIC? They are going

to have to go to every municipality, every industry, up and down the coast, on all the rivers, and determine what they are putting into the waters. And even though we have added considerably to their budget in the Part II budget we certainly haven't provided them with enough manpower and money to do this. I would urge you to defeat this bill.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to speak briefly on generalities relative to environmental bills. I have opposed several of them for various reasons. I have opposed several conservation bills for various reasons. It seem to that we have an hysteria regarding environment and conservation at this time. It seems that anything that has a tag of conservation or environment is a sacred cow and must be good.

I think that Mr. Ault has pretty well stated the situation relative to this particular bill. But there are other things along the same line. We, the 105th Legislature, have been taken to task as being stupid because we did not pass every conservation and every environmental bill that has gone over our desks. It should be quite evident that we must use a little bit of common sense, we must use the middle of the road; we must remember that the reason this country is great is because we are not living in the woods all our life. We have to consider a little bit the billions and billions of dollars invested, which is our very lifeline, the capitalism and the industry of our country.

I am not saying this because I was nailed in the corridor by lobbyists either. I am not an industrialist. I have done a little thinking. Consequently, these laws, we must consider them very carefully before we enact them. I feel, as Mr. Ault says, we did create the Environmental Commission; we have supported them in a lot of their laws. We have approved a lot of their guidelines. We have not given them sufficient money or manpower to do all of these things right off the bat. We must

take a little bit of time. We cannot clean up our streams and rivers overnight, regardless of what industry wants to do and regardless of what we want to do.

So I don't believe that we should be nailed as being abusive to the Environmental Improvement Commission, which I voted for and which I am for, but I still feel that we do not want to give them all the power in the world. We still want to hold the reins.

Consequently I feel that this bill cannot be improved on right now, it cannot be enforced right now. It is carrying it a little bit too far. We should have a little bit more time. And that is what the Legislature has done on these water classifications. I hope that the House will go along in killing this bill.

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly, I understand the remarks of my good friend, Mr. Henley, and I appreciate them. But I know where they come from, because I too am resentful of the remarks that have been made by a number of people, that this Legislature is anti-environment. I have watched bills from the Natural Resources Committee go through this House. Sometimes it is difficult, sometimes it is not difficult, sometimes bills that I think ought to be passed are not passed.

I am not resentful of the members of this House for voting against environmental bills, but I am resentful when the people in the press and sometimes people on these environmental committees around the state, ad hoc committees, start throwing darts at my colleagues in the House. I think that it is uncalled for and I think moreover it is terribly unrealistic. If they feel that this Legislature is unkind to the environment they ought to come down and attend the hearings. They ought to come down and talk with the proponents and opponents of the bills and they ought to see just exactly what is involved in trying to make the EIC go and to try to save the environment.

But I do think that despite the attitude that these starry-eyed environmentalists have brought to the House to make us, I think, recoil against environmental bills is unfortunate, because I think that given the debate on the floor of this House and in the committees that the Legislature will do the right thing. I happen to think that this is a very important bill, and I would remind you that the majority of your Natural Resources Committee felt the same way.

So all these things aside, I do hope that you will when you vote consider the ramifications, consider the importance of what we are trying to do in Maine ahead of other states. When we look back over our shoulders and see what has happened to other states and their water supplies, I don't know why we can't be forward looking as we have been in the past, by even the creation of the EIC. Be forward looking enough, ladies and gentlemen, to pass the kinds of legislation which are preventative, rather than to try to cure the situation once it is out of hand.

We are in a state where some of our lakes are in a dangerous situation and I think it is time that we did something about it, and this is exactly the kind of legislation that will help. As I pointed out, I don't think that the EIC is going to harass anybody under this bill. I can't follow that logic at all. I hope that you will vote **no on the motion to indefinitely postpone.**

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: One of the communities that I represent has put in a treatment plant for its sewage. It has just gone through the Legislature and with your help increased their ability to borrow money by a million dollars so that they can put in secondary treatment. This would make the timetable that is coming in 1976.

My understanding that this bill would provide for the control of the nutrients, such as nitrogen and phosphoric acid in some of its forms, that would be discharged

from a sewage plant as other places. If there is anybody here that can inform me whether this is practical even though you put in tertiary treatment in a sewage plant I surely would like to know. It seems to me that although I recognize the problem, but is there a practical solution to handle these nutrients which are just reduced to their basic form when you figure the cycle of the plant to the animal and back to the basic elements again?

I hope somebody can tell me what to tell them at home if you pass this bill.

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

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

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

Mrs. CUMMINGS: Mr. Speaker and Ladies and Gentlemen of the House: There is one part of this bill that I don't think has been brought out. Strangely enough there are some rivers and lakes that are more highly classified than this Legislature has put them. For instance, there are some lakes that might now be classified as "C" and actually could qualify for "B".

Now the EIC is asking through this bill for the ability to say to someone who comes and says, "We are allowed to put in as much as we want into this lake, because it then still wouldn't come and destroy the classification that was set for the Legislature," and the EIC then would maintain its power to say, "We don't want you to put in any more than will lower the standards that are already existing, whether or not they are ones that the Legislature has had a chance to classify through the regular procedures." I think that this bill ought to go through.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't think I want to get involved in the debate on the bill, but the gentlewoman from Newport has raised a point that I think ought to be answered. And this was the ability of the EIC to tell an industry whether or not they can go in there even though the classifications are lower than perhaps they ought to be and the Legislature perhaps ought to have raised them.

Two years ago when an amendment that I offered in the House was accepted by both bodies and became a part of a public law, the EIC was given the power to raise classifications until the next legislature came around, and unfortunately the EIC has not chosen, in my mind, to take and use the law to its full effective use that it could possibly be used. What the amendment was meant to do was that if a lake or river was in effect "B" but we had classified it as "C", they could raise it to "B" and then that would remain in effect until the legislature came in in January in its regular session, and then the legislature would raise the classification by legislative act.

I am a little bit concerned that the EIC has not taken this course and I wish to perhaps publicly note that I am not at all happy with that. I think they have those capabilities now and this bill is not going to change that.

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: I wish to amplify a little bit on the presentation of the gentleman from Eagle Lake, Mr. Martin. We had this situation before us not too long ago in one of our public hearings, and much to my horror and amazement we asked the EIC to upgrade a water in the State of Maine, and we found that the House and Senate chairmen had to write a letter requesting the EIC to perform this thing before we could be as-

sured that they were going to do it. And this is one of the problems with this bill. They apparently do not have personnel enough now, or they are not using it right, and as the gentleman from Wayne, Mr. Ault has indicated, even though we have given them a large increase in money it is not all they ask for, and this thing would only compound the problems that they already exhibit.

The SPEAKER: The pending question is on the motion of the gentleman from Harmony, Mr. Herrick, that Bill "An Act relating to Water Quality Standards," House Paper 971, L. D. 1331, be indefinitely postponed. A roll call has been ordered. All in favor of indefinite postponement will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bailey, Baker, Bartlett, Bedard, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bourgoin, Bragdon, Brawn, Bunker, Bustin, Call, Carey, Churchill, Clark, Collins, Cote, Crosby, Curran, Curtis, A. P.; Cyr, Donaghy, Doyle, Drigotas, Dudley, Evans, Fecteau, Finemore, Fraser, Gagnon, Gill, Good, Hall, Hancock, Hanson, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Immonen, Jalbert, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Keyte, Lebel, Lee, Lewis, Lincoln, Lizotte, Lynch, Maddox, Mahany, Manchester, Marstaller, Martin, McKinnon, McNally, Mills, Mosher, Page, Parks, Payson, Pontbriand, Porter, Pratt, Rand, Rocheleau, Rollins, Ross, Scott, Shaw, Sheltra, Silverman, Simpson, L. E.; Simpson, T. R.; Smith, D. M.; Stillings, Tanguay, Theriault, Trask, Webber, Wheeler, White, Wight, Williams.

NAY — Barnes, Bernier, Carter, Clemente, Cooney, Cottrell, Cummings, Curtis, T. S., Jr.; Dow, Dyar, Emery, D. F.; Farrington, Gauthier, Genest, Goodwin, Hewes, Jutras, Kelleher, Lawry, Lucas, Lund, MacLeod, Marsh, McCloskey, McCormick, McTeague, Millett, Morrell, Murray, O'Brien, Orestis, Shute, Slane, Smith, E. H.; Susi, Tyndale, Vincent, Whitson, Wood, M. W.; Wood, M. E.;

ABSENT —Brown, Carrier, Conley, Dam, Emery, E. M.; Faucher, Hodgdon, Kilroy, Lessard, Lewin, Littlefield, Norris, Santoro, Starbird, Woodbury.

Yes, 95; No, 40; Absent, 15.

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

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

Mr. AULT: Mr. Speaker I would ask for reconsideration.

The SPEAKER: The gentleman from Wayne, Mr. Ault, now moves the House reconsider its action whereby this Bill was indefinitely postponed. All in favor of reconsideration will say aye; those opposed will say no.

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

Sent up for concurrence.

Passed to Be Enacted Emergency Measure

An Act Making Additional Appropriations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1971 (S. P. 625) (L. D. 1807)

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

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

Mr. BIRT: Mr. Speaker and Members of the House: Just very briefly, so that there will not be any confusion over which bills we are talking about, this bill is a bill for \$1,355,000 to make up the deficit that presently occurs in the Health and Welfare Department in the current fiscal year, to get them by until the 30th of June 1971. The following bill is the supplemental appropriation. I thought I would just make this for clarification so that there wouldn't be any confusion in the vote.

The SPEAKER: This being an emergency measure a two-thirds vote of all members elected to the House is necessary. All in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

120 having voted in the affirmative and 11 having voted in the

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

Subsequently, by unanimous consent, ordered sent forthwith.

Emergency Measure

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

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

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: This is the Part II bill with the financial package which would be carrying the load. It is, as I think of it, the key to the door which would let us go home. We have, in the past several days, considered several amendments which would have changed the amount of money which we would be appropriating in this Part II and dealt with those. There seems to be a general support for the revenue package which is included in the Part II and does provide for an increase in the tax on cigarettes and an increase in the tax on wildlands.

We are now at the moment of truth. I hope we can all support this Part II bill and take a big long step towards home.

The SPEAKER: The Chair understands the gentleman from Pittsfield, Mr. Susi, requests the yeas and nays. For the Chair to order the yeas and nays it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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

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

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

All of us, including myself, are in a hurry to get home because we feel that we have been here long enough. Three days ago this House defeated two amendments that I offered, one dealing with the University of Maine and the other one dealing with the Department of Health and Welfare. I fully realize that this House, and perhaps even myself, is not going to vote for an increase in additional money for a Part II budget in excess of the \$14.9 million that is presently in this Part II budget.

I personally am in favor of the items that are within the Part II budget, and I am in favor of the method for funding those measures. However, as I indicated to you three days ago, until such time as I have been assured by legislative action, and by this I mean an amendment to the Part II budget, that language will be inserted to take care of those employees, those classified employees at the University of Maine, and that I just do not have a promise on paper, I will not vote for final enactment of the Part II.

Obviously it would be much easier to ignore the problem and probably to support this this morning. But many of those employees, roughly 400 in number, do not have the assurance from us in either the form of a bill, or do they have that assurance from the Board of Trustees of the University of Maine. The trustees met in Presque Isle yesterday and have not taken action. We have passed an order directing them to do so. As I have indicated earlier in this session on one other order, that a legislative order passed by us does not have force of the law. And so until such language is inserted in the Part II budget I will withhold my vote on final enactment.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I only want to call just a few things to your attention, one being this: This is a supplemental budget this year; next year it is part of the Part II budget. This is how we get such a tremendous expense in state government. We nibble away with

these Part II budgets — I am surprised we don't have a Part III budget because next year they become part of Current Services.

I am not going to vote for it and I have got several reasons. But one of the big ones has been pointed out by Mr. Martin. A lot of these people that work at the University of Maine do happen to be in my district. Now apparently they are not going to give these people a raise — it looks that way to me right now, so I don't want to give the others a raise. We have quite a differential in their pay right now, as it has been pointed out in the press; whether they are mowing the lawns at the University of Maine or mowing the lawns of this building, there is right now quite a differential.

If we vote for this bill this morning we are giving the state employees a raise so that that will make, according to my figures — and I don't pretend to be a mathematician but I think they are reasonable, it will make a 44 cents an hour differential, whether you are mowing the lawn on the State House grounds or whether you are mowing the grass at the University of Maine. So by voting for this bill this morning I feel as though I am further complicating the situation and I am further insulting the people who live in my area by saying that because he lives in Augusta and mows the State House lawn he is worth 44 cents an hour more than if he lives in Bradley or Milford and works at the University of Maine.

So I think there is a very good reason, two very sound reasons for me being opposed to this. One being I am tired and sick of coming here and seeing these Supplemental budgets and being in Current Services next year, and I am tired and sick of being here and raising one group of people and seeing the others take home a pretty small loaf of bread. So for these reasons, and I have got others, but these are enough, I am not going to vote for it.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the

House: A few days ago, as the gentleman from Eagle Lake stated, we had an amendment placed before us. At that time I believe our members on the Appropriations Committee assured us that they had ample funds under this Part II to take care of the wage increases at the University of Maine for our employees who are classified. When I plucked up the paper this morning I saw where the trustees had had a meeting in Presque Isle and that this order had been given to them. I believe it is the order that was presented by Representative Gill from South Portland, that according to their vote they were not too happy about it and they injected in the fact that the faculty was not included in it and they couldn't see any reason why they could give any raises because they didn't have any money.

Therefore, I do not understand how the communications between our Appropriations Committee and the University of Maine get so far apart, and I for one, like previous speakers, will not vote for Part II until we have assurance that these working people at Orono, Portland, Gorham and all these places, are going to be treated equally, similar to our state employees.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I am not against this Part II budget by any means, but I think Representative Dudley and Binnette and others who spoke here, they talk about a generation gap; there seems to be a communication gap between the legislature — I am talking about our Appropriations Committee — the leadership on both sides of the House, the corner office down at the other end of the building, and the University of Maine trustees. Now some people argue that the money is there for these people, and I hope it is, and I believe it is listening to the Appropriations Committee. But you get a different argument coming from the trustees and also from the director of the University.

And all I would like to see them

do is, if we have got this problem why haven't these people been able to all sit down and figure out whether the money is there or it isn't there? And I am getting a little sick and tired of listening to the arguments in this House, and I am quite sure some of you people are getting tired of listening to them.

Now there is someone here or someone up there and we are not getting the whole story. And it is about time that they stopped kidding around. I think Brother Martin made a good suggestion. I would like to see some guarantee myself. These people are in my area. And no reflection on the Appropriations Committee or on the University, but it seems to me that these people should be able to sit down and come up with some concrete evidence for you and I to see that the money is available. And I have got reservations right now about voting for this, only for this reason — I think they have given us the runaround long enough.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Believe me, the money has been granted by this Legislature, the Appropriations Committee, to the University of the State of Maine to provide for this salary increase which they request. You can argue all you want to; it is there. I made it clear the other day that the money that this Legislature is giving to the University of Maine is a grant, pure and simple. I have got to have faith in the trustees and those who manage the University of Maine that they will properly carry out the wishes of the Legislature.

I am sure they are aware from the debate that has gone on in this House that the feeling of the Legislature is that they do provide these salary increases out of the money which has been granted them to do this purpose. I am not for issuing any further edicts from this Legislature directing them to do this or that. They are intelligent men, and they have got to run this University as the people of

the State of Maine want it run. They have got to make this decision for themselves.

I say they have the tools, and I think they are going to have the good judgment to use them. The implied indications from this Legislature have certainly been that the Legislature would like to see them grant these increases. Beyond this I will not go.

I hope you go along in the passage of this Part II budget for it provides many things that you are going to regret if you turn it down. It contains a good salary increase for the state employees; it contains the solution to the problem confronting the State of Maine with regard to solving the problems of Maine Sugar. This is in that Part II budget also. If we don't do this then that thing is up in the air. There is a provision there to take care of it.

We feel that there is sufficient money in it to properly finance the activities of the Department of Health and Welfare. If there are those who disagree with us in that point, so be it. This was pretty near a unanimous report of the Appropriations Committee, and with these few remarks I request you again to pass this budget and get ready to go home. But the decision is up to you. I think this makes clear my position with regard to this budget.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I want to concur wholeheartedly with the remarks of the House Chairman of the Appropriations Committee. On Sunday night, around the area of 10:00 o'clock, I received a call from Chancellor Donald McNeil. We talked for a moment about pleasantries, then got down to the issue as to why he called me.

I told this gentleman that I was ready — and I had signed a report for an \$8,200,000 bond issue. He informed me then and there that he was not particularly interested in that, he would prefer to get \$1,300,000 out of surplus.

Now this is Chancellor McNeil himself talking to me. This now,

therefore, releases an additional \$1,300,000, because I assure you that with a \$75 million operating budget, with the grants that they get elsewhere, with monies that are given through their alumni programs, that they would have found the \$1.3 million to take care of out of their budget. So that that gave them \$1.3 million more right then and there.

Number two, if you would look at the Gill package that was distributed on all your desks, it will indicate that we put in — there is an excess currently in the budget \$1,200,955 currently in excess of their budget, which is on a two year operation now ranging around the \$75 million area.

Furthermore, the gentleman has informed me, and he has informed verbally Mr. Gill, that he had enough money to take care of the maintenance men and the people that Mr. Binnette and Mr. Kelleher ask be taken care of. He made this statement to several members of the Appropriations Committee. Now if he feels that somewhere along the line, if he needs more sabbatical leave money, if he needs more money for topflight professors, he must take it out of what we gave them.

Now this is the true wording of the membership of the Appropriations Committee, and if I am not stating facts, I want any member of the Appropriations Committee to get up and say so.

Now as far as I am concerned, this budget, whether or not we accept the property tax of the version of Mrs. Goodwin, which I would be for; or whether we would take over the version of the Committee on Taxation, this is in this budget — the property tax for the elderly, as well as Environmental Improvement Commission, as well as Finance and Administration, as well as all of legislative expense, the Maine Port Authority, Parks and Recreation, state employees' salaries. And I assure you that we gave no directive to the Highway Department, but through their budget, which is dedicated, they will give their employees an increase in salary.

Now I am repeating myself. I stood four years ago and begged

this House to pass a half cent on the sales tax, which was also a proposal from my dear friend from Portland, Mr. Cottrell. That was turned down with a thud, and we left here in July with all those beautiful transient people coming in here by the hundreds of thousands, and we didn't get the sales tax on their motels and hotels; we didn't get the sales tax on the food that they bought in restaurants; we didn't get the sales tax on the merchandise they bought. We lost \$7 million.

But as I stated, we did come back though, January 1, and we did impose then, when they had all gone home, after losing \$7 million, we did impose a sales tax of a half cent with another name on the bill but mine, without changing a comma.

I also stood on the floor of this House two years ago and I stated time and time and time again that I was not opposed to the income tax — the corporate tax. Furthermore, I was opposed to the big package, because I knew it would bring about a big surplus. And certainly if I have not been proven right, I have been proven right now, because of the fact that we did wind up with a \$32 million or \$33 million surplus. So that fact has been proven right.

Now I am going to tell you one thing now; there are those who send me notes and there are those who tell me not to get excited. I am not going to get excited. I am going to vote once to enact this bill. And after this bill is not enacted, as far as I am concerned I am willing to go home, without any Part II; without any property tax for the elderly; without any vote for the state employees; without anything at all in Part II.

And I guarantee you one thing, that anybody that thinks that that caucus we had that voted over-whelmingly not to vote for any increase in major taxes, not only at this session but at the special session, or anybody that voted for the Henley order while I was away from here for a few weeks, were talking through their hats. Somebody is wrong.

Now somewhere along the line somebody must believe somebody.

Now I have had bill after bill here that has come out with reports "ought not to pass." I have tried to amend bills. I have won and I have lost. The time now is to decide what we want to do. And you are voting today as to whether you want a Part II or you don't want anything at all.

But one thing that I do get excited about, and does infuriate me, is anybody that will tell me "I have got enough to do this; I have got enough to take care of the lower employees at the University of Maine," and then somehow or other, leave another message elsewhere, doesn't make me too happy. As a matter of fact, it makes me very very angry. And as far as I am concerned it is either this this morning or zero later.

When the vote is taken I move that it be taken by the yeas and nays. No Democratic member of the Appropriations Committee, no member was ever told that these amendments were being put in. They were just put in without our knowledge of them. We knew they were being put in because we have access to other areas either. And this morning, with due deference to my good friend on the left, I can assure you that he is speaking not for me. I don't know about anybody else, but not for me. I have had it four years ago, and I have been proven right. I have had it two years ago and I have been proven right. Somewhere along the line why not take a shot. I might be right sometime.

It is no tomorrow if it isn't yes today. And when the vote is taken, I move, if the motion has not been made, I move that it be taken by the yeas and nays. And I must repeat myself again, that the Chancellor has made the statement to members of the Appropriations Committee that he had enough money to take care of the low priced employees.

Now if anybody here wants to put on any additional taxes to take care of the fifteen, twenty, twenty-five thousand dollars, they can do it by amendment later on; I will vote no to that. They are getting enough, sabbatical leaves and all.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to have my good friend from Lewiston, Mr. Jalbert, tell the Chancellor of the State of Maine that there aren't ten people in this House that vote for that budget, there are 151 of us. And if he can make these statements to your committee — and I am happy to hear it, I know that you have got a good workable committee — he better remember that there are 141 others of us in this House too.

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

Mr. GILL: Mr. Speaker and Ladies and Gentlemen of the House: I am upset again. I would like to state that I am for the University of Maine just like I am for a lot of other things. But they are making it increasingly hard to support them. And I don't mean the University itself; and I can't say just who it is, I am not sure. But I have never seen such a tremendous lack of communication, coordination, and downright lying in my life.

If Chancellor McNeil could tell me last Wednesday afternoon on the phone when I was talking with him in Appropriations Committee at his office in Portland, he told me he had a copy of the order which was instructing the Trustees to implement this. He said, "Ted, I have got the money for this." I said, "Well, gee, I am glad to know that you agree." He said, "But my problem comes with my staff and my professional employees."

Well, just as Mr. Jalbert says, I feel this group that received a 10% increase as soon as the last legislature had left these halls can get along in this price area. I am concerned with the classified employees. After all, we have given the University 13% more this session than last. Their state appropriation in the 100th session was about \$12 million—\$12 million or \$13 million. Now it is four, four and a half times as much as that. And yet for them to say, "We cannot do something of this nature," I frankly am appalled at the action of trustees of this type. If these are men that are half as con-

cerned as I believe all we are in this House, we would be—they would already let this raise take place.

I think you will agree that this discrepancy between the University and the state employees is not anything that has sprung up overnight. It is evidently something that has been guided and has been nurtured by the trustees. And as far as I feel, that if they cannot act responsibly we should do something about this, and I certainly feel they are responsible men, and I hope they receive the word loud and clear.

I would not like to tell what may happen when we leave here. But I would suspect that they wouldn't have the guts to come out now and grant this classified pay raise, because they would have to come out and admit in public, just like Dr. McNeil admitted to me on the phone, that they have the money for this. I dare say they want us to go home; they want to moan and groan some more, and who knows, they may get responsible then. After all, after the last session they did.

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

Mr. DYAR: Mr. Speaker and Members of the House: I am rather concerned over withholding information on some of these bills. Since the first of January I have made weekly trips to the Department of Taxation asking for a copy of the current evaluation of the wildlands of the State of Maine, and the answer has been every two weeks, it will be two or three weeks, they are having printing problems. This has gone on for six months. Yesterday afternoon I got the same answer, it would be two or three weeks.

Whether or not they are hoping we adjourn before this information is available or not, I don't know. We are talking about a five mill increase on wildlands. Five mills of what? I would like to know if the valuation on wildlands has been increased from three, four, or five dollars an acre to eight, ten, or twelve dollars an acre. What are we talking about in this House? As I say, five mills of what?

Employees of the University of Maine in Farmington have been coming to me; they are very concerned. They are concerned that the trustees paid \$50,000 for a house last week for the President of the University of Maine at Farmington. They are very concerned that the TV lounges in the **dormitory contain sofas at \$700 apiece; TV chairs, \$225 apiece; coffee table, \$200 apiece. And yet we are appropriating more money. They are concerned for the pay increase; they would like to know where the money is coming from, and where it is going. I would suggest possibly the Committee on Appropriations check out a company called Whalen Furniture Company in New York and find out how much the State of Maine is being taken for.**

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

Mrs. PAYSON: Mr. Speaker, I would like to ask through the Chair from anyone who could answer the question, why we are budgeting at this point for tax relief for the elderly when we have not even passed any bill on it, and have no idea what it is going to cost.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Payson, poses a question through the Chair to anyone who may answer if they choose.

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

Mr. JALBERT: Mr. Speaker and Members of the House: For the very simple reason that both parties at both conventions, and publicly all leaders, have committed themselves to property tax for the elderly.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker and Members of the House: I am not in the habit of standing up here and using a lot of time, but I was called last night and notified that there is a small group of state employees that there is no money to adjust their salaries this year. And this is a very small group of people. I pose this as a question, because this was a state

employee that called me. And this is a group at the Maine Maritime Academy at Castine. Is there any salary increases or adjustments for the working class of people at that institution?

The SPEAKER: The gentleman from Orland, Mr. Churchill, poses a question through the Chair to any members who may answer if they choose.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I am not going to attempt to answer the gentleman's question, but it requires me to make a comment. I think that if you look at the record you will find that the Maine Maritime Academy has no reason to be dissatisfied in any way with the way that this Appropriations Committee and this Legislature has used them. I am sure that if the administrator of the Maine Maritime Academy were here that he would bear me out.

We granted them bond issues when we turned down bond issues for the University of Maine. We felt that they were doing a good job, and we recognized that fact. I am sure the attitude of the trustees of the Maine Maritime Academy toward me since the action of the Appropriations Committee with regard to the Academy has been one of absolute gratitude for what we proposed to do for them.

I am sure that if they have any problems such as the gentleman mentions, I am sure that with the money that we have given them that they will certainly be able to iron them out, if they are justified. And I am sure that they, like the trustees of the University of Maine, are perfectly capable of taking care of this situation.

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

Mr. BIRT: Mr. Speaker and Members of the House: To attempt to clarify just a little bit the question that has been asked, I think we first have to realize that both of these institutions operate on a single line budget. And if any of you — most of you are

familiar — if any of you are not, you will find that all of the agencies in the state operate under a three line budget. The only two agencies that do not operate on a three line budget, generally speaking, are the Maine Maritime Academy and the University of Maine.

Now as far as the Maine Maritime Academy is concerned, to at least explain what the Appropriations Committee did, the Governor recommended in his budget \$804,300 each year of the biennium for the operation of the Maine Maritime Academy. The Appropriations Committee felt that due to some changes that were made that they did not agree with, they raised this to \$900,000. So there is an increase of \$95,700 in each year of the biennium to the Maine Maritime Academy.

Actually we do not have much control beyond this point as far as the Maine Maritime Academy's operation is concerned. Operating under the single line budget, the trustees of the Maine Maritime Academy, similar to the University of Maine, make the decisions as to the expenditure of money and where it will be allocated and as to the salaries scheduled down there.

I would like to go back and support now the comments that have been made by other members of the Appropriations Committee relative to the University of Maine. I fail to understand how we can get our point across to the trustees any better than it has been done, that the trustees have known, and the obligation has been presented to them and the management of the University as to the responsibility for establishing salary schedules.

The Maine state employees' salary schedule is available to anyone. In fact the snoop book has been put out for several years, and I am sure if they wanted information in there they could readily find it; I am sure the Personnel Department would make available to the University of Maine at any time a copy of the salary schedule. They have not chosen to try to keep the salaries of the low-

er paid employees at the University consistent with the level of the state employees. I believe this is their responsibility. Until we find some positive action from them, and there has been plenty of discussion on the floor, I agree that possibly an order has no strength, but it certainly indicates the wishes of the Legislature, and I certainly believe the trustees should take it under advisement.

Until the trustees and the Chancellor make some decisions as to what they intend to do, and the direction they intend to go, I cannot see how an increased appropriation from us will do any good. We have no assurance — I am fairly acquainted with the statutes relative to the University of Maine; it is very simple, it only covers two pages. We do not have any control over the allocation of spending of money at the University. And until they make some positive indications to us as to what they are going to do, I cannot see how an increased appropriation would do any good.

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

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: I feel somewhat like the candy at a taffy pull this morning, but I do want to say that if anything happens which puts an end to property tax relief, whether it is my version or whether it is the Republican version, I hope that Maine's 118,000 senior citizens take to the streets.

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

Mr. GOOD: Mr. Speaker and Ladies and Gentlemen of the House: As Chairman of the Labor Committee, I think I should make one or two comments on this bill. I myself have no criticism of the Appropriations Committee; they have done a fine job. But the people of the State of Maine just do not trust either Dr. McNeil or the trustees, or both, to take care of the employees of the University of Maine. In the last session we voted a \$9 raise across the board for all state employees, and up until a year or so ago these people

were state employees. They did not get that \$9 raise. We have no assurance that they will get any raise now.

Dr. McNeil told me in the halls of this House last week that if he got his \$1.3 million, or whatever it was, he was going to give the classified employees a raise, although he expected some flak from the supervisory personnel and the professors. He didn't say he was going to bring them up comparable to the state; he was going to give them a raise. That is not good enough for me. I am reluctant to vote for this bill without some assurance, some language written into it that Chancellor McNeil and the trustees will do right by the classified employees of the State of Maine.

I am not sure how I am going to vote, but if I vote for this bill it will be very reluctantly, I assure you.

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

Mr. BUSTIN: Mr. Speaker and Members of the House: My good House Chairman, Representative Good, has raised a point that has been raised before in the debate. It seems one of the key issues here is the raise for the workers at the University. The gentleman from South Portland, Mr. Gill, has said that the trustees probably will not risk losing face and back off their present position. I would indicate to the members of the House that there is more than one way to play this kind of game. Because if the money is there, and the raises aren't granted, this same House is coming back into special session and is going to be asked to pass a bond issue. And if our wishes are not granted, and our voices are not heard, there are going to be a great many of us who are sympathetic to the University who are going to remember it.

This is a very modest Part II budget. In my opinion it does not adequately meet the needs of the people of Maine. But there are good things in it. The state employees' pay raises, property tax relief for the elderly, and the money to finance many of the worthy

L. D.'s I do not think we should put these programs in jeopardy. I think this should be passed today.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen: I have to come again; I am not going to try to speak loud enough so that they can hear me up to Orono. But I do expect that we will do something for these employees. Last night I received a few calls from some of the employees, and they were talking about going on a strike. I told them that should be out of the question entirely, because from what I had heard right on the Floor of this House from our Appropriations Committee, whom I have a great deal of confidence in, I think they are doing a tremendous job, they have had to wrestle with the big problem to satisfy every segment.

Now when I pick up the paper this morning, and I will read you what happened up to Presque Isle, "The trustees determined it was no use making plans for money they don't have, and resolved to simply wait for the adjournment of the legislative session."

Now there is something there I have said. There is a great deal of lack of communication somewhere. Somebody is lying through their teeth, and I don't believe it is our Appropriation Committee. I think that something has got to be done because the people who elect you members of this House expect you to raise money, that is you are going to vote for raising the money, and they hope it is properly spent.

Now if we have to furnish these people up there at the University with money and we have no right to say how it is spent, I think that the time has come when something must be done. And until that time has arrived, I believe that this Part II budget is very modest, but I will not vote for it until I have the assurance, as I have said before, that we are going to treat all our employees alike.

Mr. Kelleher of Bangor was granted permission to speak a third time.

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: Over the past few weeks we have been hearing various reports on this or that, they have got this money and they haven't got that money. I think the House can rest assured that the Appropriations Committee, when they stand up here, whether they be Republican or Democrat, and state that these people have the money in the blank check we gave them, that we should support their requests and their intentions of passing this Part II.

I feel like what Mr. Gill stated, that the trustees and the directors up there are trying to see who will bend first. They are trying to bend us to be hoodwinked to the baloney that they have been selling us for the past two, three and four weeks. And I feel rest assured that the money is there. The only thing that bothers me a little bit is that they won't admit that it is there.

Now if you look at the Appropriations Committee, we have got an extremely responsible and capable committee, and there are some veterans on there. These fellows have been there much longer than I have been in the legislature, and when they can stand up and say to you here, and in the other body also I have heard the comments made, that the money is there, it is available if they only to put it to work.

I feel that if we have got to listen to anyone here we should heed the words of these gentlemen. They know exactly what they are talking about; they have got more information on financial business than we could ever get here in the House. And the practical knowledge that they have got, and the experience over the years, some of these fellows that are on this committee, I think we should heed their advice. They have got the money. And if the trustees want to be responsible and admit, like Mr. Gill says, that they have it, they should be. They just want to see who they can bend first, you or I and the budget, and I was very much against the Part II two years ago. It is small. It is reasonable. Maybe it isn't what we all want. I would like to start a little small-

er than this and some want to see it larger. But most of us compromise and come to a reasonable agreement and I feel that we should pass it here this morning.

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

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: First of all I would remind you that the gentleman from Eagle Lake, Mr. Martin said he was speaking for himself and not the minority members of this party. I would also say that we have pretty much shown you today that the information that comes out of the Chancellor's office is very oftentimes changed and many times unreliable.

As for Mrs. Goodwin's statement on the 118,000 people that would be taking to the streets, I tell you that if this bill doesn't pass to give the elderly tax relief, they will be taking to the ballot box and when we return to the special session without an income tax you will find that the property tax owner is further burdened with increases in his ADC payments back on the local level, with school subsidies being cut back, again reflecting the increases to the local taxpayer and certainly the state employees not only won't be able to keep the raise that they have been granted by this session, but many of them will have to go.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I think this Legislature should be less concerned with whether this Legislature loses face or the Board of Trustees loses face. We have a problem here where the classified employees at the University of Maine are treated inequitably compared to classified employees of the State of Maine. We have got two other L. D.'s before us. One is 1730 which provides for \$1,200,000 for the University of Maine earmarked for capital expenditures. Another one, L. D. 1802, provides for \$1,300,000 for the University of Maine earmarked for various land acquisition and building projects.

Now it seems to me that if we can be concerned enough about buildings at the University of Maine to earmark specific money for buildings, that we ought to be equally concerned about the people who really make up that institution.

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

Mr. GILL: Mr. Speaker and Members of the House: I would simply comment to the gentleman from Orono that it is not a matter of who is going to lose face. I would ask that gentleman if he believes that Dr. McNeil told me Wednesday afternoon that they have got the money in that — call it the Part I budget, I call it the bag of money budget to them, if he believes Dr. McNeil told me that they have got the money for classified employees?

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

Mr. CURTIS: I am not going to answer the last question simply because I wasn't a party to the conversation. I believe Mr. Gill and what he says. I also believe other honorable persons in this state when they say certain things. I have, however, also heard from 544 citizens of the State of Maine by a written communication. I would be happy to show it to anybody in this House. I have got to answer to these people as to the kind of solution we provide on the floor of this House.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: There has been no lack of communication between the Legislature and the Trustees of the University of Maine. But I think we can all recognize a poker game when we see it. Why should the trustees reveal their hand at Presque Isle when there is a possibility they can bluff the Legislature into raising the ante another \$1.4 million? They have the funds. If they are sore losers I am sure that the special session or the 106th can change the rules.

The SPEAKER: The Chair rec-

ognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker and Ladies and Gentlemen of the House: When we started working on the University of Maine budget most of the people I talked to wanted to knock \$5 million a year off that budget. Instead, we turned around and gave them a considerable increase that in passed bills already runs over 14% and there are other monies going through here that would go to them.

Now I agree with the Trustees to a certain extent. They don't have the money right now and they are not going to have it until the first of July or until this Legislature shuts up shop because we gave them the money and until we shut down we can take it away from them. I don't think they should spend money that they haven't got. I think that as soon as that appropriation is given to them they will take adequate measures.

I think this is the best package we are going to get. It has taken an awful lot of work, it has taken a lot of cooperation, and if anybody thinks that we are going to kill this and come back in January and vote in a \$40 million Part II budget they are just whistling in the dark. If they don't get this I don't think they are going to get anything.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: Obviously the principal objection which has been offered to this Supplemental Budget is the objection that there hasn't been a definite provision made for the classified employees in the University system. Also, it has been well established that the prerogative of the distribution of funds in the budget of the University system rests with the trustees. It is their prerogative and they don't wish for us to infringe on it, nor do we wish to nor intend to.

It is our responsibility in this Legislature to consider all of the needs of the State, what our resources are, and allocate these resources to the needs as we recognize them. Now this has been done by our Appropriations Com-

mittee and as has been said several times, around a 12 or 13% increase has been proposed in the budget of the University in this session. As an individual I believe that this is a good effort on the part of this Legislature, recognizing conditions as they are, toward the maintenance of the University system.

It is true that as of today apparently no one has made a firm commitment for these classified employees. I think the responsibility rests very squarely, and this has been well defined, on the shoulders of the trustees. Now hopefully within a short time we will be going home but we won't be leaving the country, and we do subscribe to newspapers and we will be knowing what is going on. I believe that there will be responsible action taken on this. We have made it well known to the trustees what our position is on this. I think that now we have to some degree act in good faith and support this Part II budget and go on with the legislative process.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to add a further point that has been brought out. By law, by law we are precluded from putting in language that directs them to give a salary increase. If we are going to do that, then what we have got to do is just change the law altogether, which I would like to do, and put them, the University of Maine, on the same level as they are—where we are in the governmental operations committee. We just gave them, just a few minutes ago, \$1,300,000. We are not telling them where to spend it or how to spend it. We just gave them the money. The monies we give them are blank checks.

Now that money, that \$1,300,000 of course was not going to go to them, but we don't tell the University of Maine where to spend the money we give them. They are in the same position as the Highway Department. They are in the same position as the Department of Fish and Game. They are

operating even in a better position than dedicated revenue; they are getting outright grants.

So that how can we turn around and say to them, we want you by law to give the classified employees an increase in salary, yet we don't tell them to cut out the programs that Mr. Martin of Eagle Lake so aptly said we could cut out, the studies of this and the studies of that. We do not do that.

Now I assure you of one thing. That this package here, we thought in the Appropriations Committee was not only a good budget but for my money when we came out 9-1 with it I really and truly thought it was miraculous. I might answer to the gentleman from Pittsfield, Mr. Susi, that we do not intend to leave the country but as far as I am concerned, and I am speaking only as a lowly paid, humble member of this House, I do not intend to leave the country. If the Governor calls for a special session he can call until hell freezes over before I vote for any major taxes, regardless of what the University wants or does not want. They have been treated royally.

And I might add to the young gentleman from Orono, Mr. Curtis, that when somebody says something I believe it and I think he ought to. You have got to learn something every day and this may just as well be the time for him to learn it. Mr. Gill was not only given this information but others were given this information. Now if he doesn't believe this, I will ask the House to recess and I will ask Mr. Gill to go on a double extension phone and call Chancellor McNeil and ask him, did he not tell Mr. Gill on Wednesday that had the money for classified employees within the monies that we had given him. That is a fair enough challenge. If he does not choose to do this then he should believe what is being said on the floor of this House.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I want to say about two sentences. This is my first session and this will be

the first time I will vote for a Part II budget. I think that is enough said. I am a conservative.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: It is clear to me, as it is clear to every one here, that we will not be spending in excess of the amount that is in the Part II budget. I agree with that observation. I may not necessarily agree that this will fulfill all of the needs of the State of Maine, but I am aware that in order for any budget to go through it needs 101 votes here.

As I indicated when I started earlier, a half an hour ago or more, that I was not opposed to the programs within Part II, that I was not today asking for any additional money for the University of Maine and that I was not opposed to the method of funding those proposals. What I said, and I repeat, was that until something is done or is said by the Board of Trustees, that the classified employees of the University of Maine will get the same increase as those state employees will be getting, I said that I would withhold my vote.

Yesterday in Presque Isle Dr. McNeil said that using the money that Mr. Gill referred to, the \$1.2 million — and I might add that the gentleman from South Portland, Mr. Gill was right about the figure of having \$1.2 in excess, but using that figure alone for classified employees would be unfair, would be discriminatory against the other employees of the University. What I am telling you is that until such time as that money is used to raise those people that are receiving less than state employees on the lower end of the echelon, that I can't see how we can go home.

We are not talking and I am not talking today about giving professors \$2,000 raises. Over the years the University Board of Trustees has given them raises at the amount of 6%. When you give 6% to an employee earning \$12,000 and you give 6% to the employee

making \$4,500, the difference is evident, and this is exactly what has happened.

I feel that I can stand and tell you that if we go home the Board of Trustees is not going to take all of the \$1.2 million and give it to the classified employees. Over the years we have made certain provisions in the budget dealing with the University and others saying that they had to do something. I do not see anything wrong in putting an amendment which would do the same thing in this bill for those employees at the University.

I am not trying to delay this session but I also face the hard facts, as was evident at the meeting at Presque Isle yesterday, that if we go home and we have not done this, then the money will not go to meet the needs of those classified employees entirely. They again will fall behind the level that we have set for state employees. Maybe it is too much to ask. I really don't see what harm there would be in delaying final enactment for one day so that an amendment could be added to the Part II to add this language.

I see the chairman of the Appropriations Committee shaking his head. I assume that he indicates that this would not be in order. If it is not, and for that reason alone, I as an individual will vote against final enactment.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: There is no question in my mind but what there is a game of bluff going on between the general court of the State of Maine, which is us, and the University of Maine trustees. We heard on very good authority here from the members of our Appropriation Committee that this money is in the Part II budget for the classified employees at the University of Maine. There is no question in my mind but what these gentlemen are right. They do the figuring and they know what is in that budget.

I now carry myself one step further than what Representative Kelleher said, and it is this — I

think we ought to pass this Part II budget here this morning and see what develops. If it doesn't develop that the trustees give these pay raises to the classified employees there, when we come back in the special session we can change the laws which say that they are not to be dictated to in regards to how this money is to be spent.

I will also go on record as being firmly convinced that if this doesn't take place we should come back and change the complete structure of the University of Maine.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: As the gentleman from Eagle Lake apparently implied that I was going to make some objection to the procedure of tabling for one day, or something like that, that was the farthest thing from my mind when I arose. I do wish though for my benefit, for the benefit of the Legislature, that he would clarify again the statement that he just made. If I misunderstood him, I would like to have him say it again so that I may be sure whether I did misunderstand him or did not misunderstand him.

To me he said that he knew from conversations with the trustees or somebody in authority at the University of Maine that if we did not write into the law something to the effect that this money that is available goes to these classified employees, he implied to me that he knew from conversation with them that it would not go wholly for that purpose, but would go for possibly raising those salaries as well as the higher salaries. If I have improperly interpreted what he said I am sure he will clarify it. But that is the way that I did understand it.

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

Mr. MARTIN: Mr. Speaker, I rise to answer the question posed by the gentleman from Perham, Mr. Bragdon. I think what I said was that the gentleman from South Portland, Mr. Gill had indicated

that there was within the Part II \$1.2 million to take care of six percent effective July 1, '71 and also six percent July 1, '72, which would amount to \$1.1 million for the cost to the University.

I then said, as the gentleman pointed out, that I thought that this money was not going to be used for that purpose. And I used as evidence this morning's Bangor Daily News, the story that appeared on the front page on the University trustees discussing the legislative order on pay. Which points out that the Chancellor told the Board of Trustees that "using the money for just the classified employees would be discriminatory against the rest of the employees. There was no question raised as to whether or not the money would be enough to do the job the legislature wanted, or whether it would be swallowed up in the recent raises that will be made to comply with federal Minimum Wage. None of the ideas expressed were given serious consideration except the discrimination involvement. It was finally decided to simply acknowledge the receipt of the order and make no statements in its regard. The trustees determined it was no use making plans for money they don't have and resolved to simply wait for adjournment of the legislative session."

The SPEAKER: The yeas and nays have been ordered. All in favor of the enactment of An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973 and Raising Revenue for Funding Thereof, House Paper 1388, L. D. 1811, will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Ault, Bailey, Baker, Barnes, Bartlett, Bernier, Berry, G. W.; Berube, Birt, Bither, Boudreau, Bourgoin, Bragdon, Brawn, Bunker, Bustin, Call, Carey, Carter, Churchill, Clark, Clemente, Collins, Cote, Cottrell, Crosby, Cummings, Curran, Curtis, A. P.; Cyr, Donaghy, Dow, Drigotas, Dyar, Emery, D. F.; Evans, Farrington, Fecteau, Finemore, Fraser, Gagnon, Genest, Gill, Goodwin, Hall,

Hancock, Hanson, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Jalbert, Jutras, Kelleher, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lee, Lessard, Lewis, Lincoln, Lizotte, Lucas, Lund, Lynch, MacLeod, Maddox, Mahany, Manchester, Marstaller, McCormick, McKinnon, McNally, McTeague, Millett, Mills, Morrell, Mosher, Murray, O'Brien, Orestis, Page, Parks, Pontbriand, Porter, Pratt, Rand, Rocheleau, Rollins, Ross, Scott, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Smith, E. H.; Stillings, Susi, Tanguay, Theriault, Trask, Tyndale, Vincent, Webber, Wheeler, White, Whitson, Wight, Williams, Wood, M. W.; Wood, M. E.; The Speaker.

NAYS — Albert, Bedard, Berry, P. P.; Binnette, Cooney, Curtis, T. S., Jr.; Doyle, Dudley, Good, Immonen, Lebel, Marsh, Martin, McCloskey, Norris, Payson, Smith, D. M.

ABSENT — Brown, Carrier, Conley, Dam, Emery, E. M.; Faucher, Gauthier, Lewin, Littlefield, Santoro, Starbird, Woodbury.

Yes, 122; No, 17; Absent, 12.

The **SPEAKER**: One hundred twenty-two having voted in the affirmative, seventeen in the negative, with twelve being absent, the Bill is passed to be enacted, will be signed by the Speaker and sent to the Senate.

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

Mr. **JALBERT**: Mr. Speaker, I move we reconsider our action whereby we enacted this measure, and when you vote, please vote resoundingly against my motion.

The **SPEAKER**: The gentleman from Lewiston, Mr. Jalbert, now moves that the House reconsider its action whereby it passed this Bill to be enacted.

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

Mr. **MARTIN**: Mr. Speaker and Ladies and Gentlemen of the House: I rise to concur with the gentleman from Lewiston, Mr. Jalbert, I am just so happy it is all over.

The **SPEAKER**: All in favor of reconsideration will say aye; those opposed will say no.

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

By unanimous consent, ordered sent forthwith.

Finally Passed Constitutional Amendment

Resolution Proposing an Amendment to the Constitution Classifying Certain Bailable Offenses (H. P. 852) (L. D. 1165)

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

The **SPEAKER**: The Chair recognizes the gentleman from August-
ta, Mr. Lund.

Mr. **LUND**: Mr. Speaker and Ladies and Gentlemen of the House: This measure gained considerable support the other day in this House when it was debated, as a law enforcement or a law and order measure, and I would like to comment on it briefly, and explain the reasons why I feel I cannot support it.

I will acknowledge that we have a very serious problem of crime in this state, particularly rural crime. And we have a particular problem involving breaking and entering and larceny in the rural areas which are very difficult to protect. I think if we go back a little bit in this session you will recall that many of us supported vigorously legislation which I think is progressing favorably, which would require the record keeping of the sales of used merchandise, which is an attempt to deal with this problem of breaking into homes and crime in the rural areas.

I have personally worked hard to upgrade our law enforcement capabilities by providing mandatory requirements and mandatory training for our law enforcement officers. This measure appears to be headed for success at this session. I have also worked hard to gain support for a coordinated system of full-time prosecutors for our state to replace our present part-time county attorney system.

It is too early to say whether this measure will gain success at this session. But I do hope that those of you who feel strongly on law and order issues will remember that enthusiasm when it comes

time to look at upgrading our prosecution capabilities by establishing of a system.

However, there are features about this constitutional change which trouble me and troubled a majority of the Committee on Judiciary. Now I am not against putting persons who committed felonies in jail. I favor putting felons in jail. And those who knew me before I got into the legislature and was spending more of my time putting felons in jail would find that I occupied a good deal of my time in that effort.

However, we have in our state and all over our country a system for determining who shall be put in jail. This constitutional change, if it is enacted, will provide that if a person is charged with a felony and bound over, and he has previously been bound over on a felony, if he is arrested a second time, and where the proof is evident or the presumption is great — and I don't know what that means, but if that is the case, then that man will be denied bail.

Now being denied bail in this state, particularly in our rural counties where we have criminal terms twice a year, will mean that that man will sit in our county jail — and if some of you haven't visited our county jails I invite you to do so; some of them are real bad. He will sit in the county jail for upwards of six months or more before he will be tried.

Now I don't think I am soft on law enforcement. I want to see felons go to jail, but we have a method for determining who is going to jail and how we determine it; and that traditionally has been by a jury of our peers, and by unanimous verdict of guilty. I personally favor that as a method, that we continue using that method for determining who goes to jail and that we use our judges as the mechanism for deciding how long they shall go to jail. I won't embellish any more on this measure. I feel that the purpose behind this bill is good, but I think the means we are taking is unsound, and I propose to vote against the enactment of this bill.

The SPEAKER: The Chair rec-

ognizes the gentleman from Scarborough, Mr. Gagnon.

Mr. GAGNON: Mr. Speaker, Ladies and Gentlemen of the House: I spoke on this before. I am not going to speak at any length on it this time. I just ask you to think about the group of people that this bill is going to be dealing with over the average citizen who isn't going to find himself in this situation. Our present system has not been adequate. This would correct one of those inadequacies and give the honest person a little more protection.

If any of you had seen the article which was in the Bangor Daily News today, it gives one indication of just how much concern our citizens are having with this problem that we have on this crime. We are dealing only with the very small minority that is continually giving us this trouble, and if we don't take measures to correct it, it is going to continue. I would hope in heaven's name that we could pass this to give our people outside a little more protection.

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

Mr. McCLOSKEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the words of the gentleman from Augusta, Mr. Lund, and I oppose the passage of this constitutional amendment. I think that some of the issues that Mr. Lund raised are valid. For instance, I would like to relate to you a case in the State of California where some individuals were put in jail and denied bail because of their past criminal records. And they spent 17 months in jail. They were then brought to trial and they were acquitted in two hours.

I don't propose to say that this could happen in the State of Maine, but Mr. Lund has pointed out that a man could sit in jail for as long as six months if this bill were to go into law. I think that this type of thing, in the system of the United States where a man is innocent on any crime until he is proven guilty, is wrong. I think the principles of justice that this nation stands for must

be sustained, and laws like these really, in the long run, do not help prevent crime.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker and Members of the House: This is my bill and we supported it by a good vote when we accepted the committee report. This morning I don't know, I think I am trying to be classified as a combination of Carrie Nation and Martha Mitchell or something. But I cannot see where this constitutional amendment will hurt anyone. This is not on the first offense; this is only on the second offense, and then there is some discretion by the courts.

I was amazed to hear Mr. Lund say that he does not know what the proof is great, or the presumption is there. What this means, this has been on our statutes for years considering capital offenses, and I am sure he should understand that. I think this should be allowed to go to the people; let them reject it if they wish, but let the wishes of the people be heard.

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

Mr. HEWES: Mr. Speaker and Members of the House: I am opposed to this proposed resolution. It has always been the American way, it seems to me, that a person is innocent until proven guilty. And under this bill a person before conviction of a first offense, but having been charged with a first felony, before the conviction of that he is put in jail at the time of his arrest for a second offense.

Now many of the felonies are not as serious crimes as you might think. Many motor vehicle violations are considered felonies. And I feel that it is bad in that regard.

Further, I think that a bail commissioner hearing the facts should have the authority; if he doesn't want to grant bail that is all right, but let him use his discretion. He can grant bail if he wants or if he wants to make it very high so that the accused cannot pay it the accused would have to stay in jail. But let's not tie the hands of the bail commissioner at this time.

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

Mr. O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of this bill and I support it for personal reasons. Recently my small place of business in South Portland was broken into by two young gentlemen who were on bail for house breaks, who happened to be on bail at the time of the house break for assault. And the fact that he was discovered in my place, captured inside my place of business at three o'clock in the morning after having broken through a rear window, I would think that would be proof is evident and presumption is great. I think that would maybe explain to some of the lawyers what that term might mean. So I rise in support of this bill, and when the vote is taken I hope it is taken by the yeas and nays.

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

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: There has been some concern evidenced this morning that if this legislation passes some innocent people might get hurt. I will grant the possibility of this. But I think that if it does not pass that there is a greater chance of far more innocent people being hurt.

There is one other point that hasn't been mentioned here that I think perhaps should. It is something that concerns me a great deal. If the laws of our land and the courts of our land will not protect us, not protect the people; if our police force cannot protect the people, the people are going to be put into a position where they must protect themselves, and this type of thing does give me considerable concern.

Just the other evening I heard about a fairly good sized town in the State of Maine that is forming what I would call a quasi-vigilante group for the protection of the people and the property in that community. I noticed on the front page of the Daily Kennebec Journal of today a picture and a major article about this same type of a

situation. "People think seriously about vigilantes shooting intruders," says the headline. I think that this type of action could well cause more innocent people to be hurt than the passage of this legislation. I think that the passage of this legislation, as Mrs. Boudreau said, allowing the people to decide for themselves whether they want it or not, would be very instrumental in helping curb the crime wave that is existing in Maine today.

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

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

The SPEAKER: The pending question is final passage of Resolution Proposing an Amendment to the Constitution Classifying Certain Bailable Offenses, House Paper 852, L. D. 1165. This being a Constitutional Amendment a two-thirds vote of the House is necessary. If you are in favor of final passage you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEAS—Albert, Ault, Bailey, Baker, Barnes, Bedard, Bernier, Berry, G. W.; Berube, Binnette, Birt, Bither, Boudreau, Bourgoin, Brawn, Bunker, Call, Carey, Carter, Churchill, Clark, Clemente, Collins, Cote, Cottrell, Crosby, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Donaghy, Dow, Doyle, Drigotas, Dudley, Dyar, Emery, D. F.; Evans, Farrington, Fecteau, Finemore, Fraser, Gagnon, Gauthier, Genest, Gill, Hall, Hancock, Haskell, Hayes, Herrick, Hodgdon, Immonen, Jalbert, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Lawry, Lebel, Lee, Lessard, Lewis, Lincoln, Lizotte, Lynch, MacLeod, Maddox, Mahany, Manchester, Marsh, Marstaller, Martin, McCormick, McNally, Millett, Mills, Morrell, Mosher, Norris, O'Brien, Payson, Pontbriand, Porter, Pratt, Rocheleau, Rollins, Ross, Scott, Shaw, Sheltra, Shute, Silver-

man, Simpson, L. E.; Simpson, T. R.; Slane, Smith, E. H.; Stillings, Susi, Tanguay, Theriault, Trask, Tyndale, Webber, White, Wight, Wood, M. W.; Wood, M. E.

NAYS — Berry, P. P.; Bragdon, Bustin, Cooney, Goodwin, Hawken, Henley, Hewes, Kelley, P. S.; Lucas, Lund, McCloskey, McTeague, Murray, Orestis, Page, Smith, D. M.; Vincent, Wheeler, Whitson.

ABSENT — Bartlett, Brown, Carrier, Conley, Dam, Emery, E. M.; Faucher, Good, Hanson, Hardy, Kilroy, Lewin, Littlefield, McKinnon, Parks, Rand, Santoro, Starbird, Williams, Woodbury.

Yes, 110; No, 20; Absent, 20.

The SPEAKER: One hundred and ten having voted in the affirmative and twenty in the negative, with twenty being absent, this Resolution receives final passage.

Signed by the Speaker and sent to the Senate.

Passed to Be Enacted Bond Issue

An Act to Authorize Bond Issue in the Amount of \$3,090,000 for the Development and Improvement of State Park Facilities, Improvements to Various Airports and Maintenance Building at Augusta (H. P. 176) (L. D. 234)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a total was taken. 106 voted in favor of same and 14 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

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

An Act relating to Public Intoxication (S. P. 607) (L. D. 1786)

An Act relating to Applicability of Workmen's Compensation Law to Employers of One or More Employees (H. P. 601) (L. D. 803)

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.

**Enactor
Tabled and Assigned**

An Act Revising the Laws Relating to the Deposit of Oil, Forest Products Refuse and Potatoes in Waters of the State (H. P. 1076) (L. D. 1468)

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

The SPEAKER: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker and Members of the House: Yesterday we passed 1094. It has been brought to my attention that there might be a problem between these two bills, and I would like to have it tabled for one day so that we could straighten out any problem there is between the two.

Whereupon, on motion of Mr. Hardy of Hope, tabled pending passage to be enacted and specially assigned for Monday, June 14.

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

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

Order Out of Order

From the Senate: The following Order:

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, June 14, at 10 o'clock in the morning. (S. P. 696)

Came from the Senate read and passed.

In the House, the Order was received out of order by unanimous consent, read and passed in concurrence.

Orders of the Day

The Chair laid before the House the following matter which was tabled earlier in the day and later today assigned to precede Item one of Tabled and Today Assigned Matters, pending acceptance of either Report:

Bill "An Act to Relieve Certain Elderly Householders from Extraordinary Property Tax Burdens" (H. P. 1193) (L. D. 1663)

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

Mr. ROSS: Mr. Speaker, I move that the House accept the Majority "Ought not to pass" Report, as covered by other legislation.

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

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

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: You see before you this morning the results of a very dangerous and very foolish game. It is called oneupmanship, and the pawns in this game are Maine's low income elderly. The stakes are \$3.4 million in tax relief.

After the special session of the 104th Legislature when the Republican Party supplied 64 of the 69 votes which killed property tax relief for the elderly, it became apparent that this was going to be one of the hottest issues in this regular session of the 105th Legislature. After the public hearings on tax relief this year, there was little doubt that Maine's senior citizens, individually and through their various statewide organizations, were strongly backing L. D. 1663, of which I am the sponsor. There was no support for any of the three measures sponsored by members of the Majority Party.

It then became a question of how to pass L. D. 1663 but at the same time get my name off it. The answer was simple. A new draft was circulated which is almost a verbatim copy of my bill but with a different formula. However, this new version is masquerading as a redraft of L. D. 1272, when, of course, there is not the slightest resemblance. In this particular instance "redraft" is just a euphemistic term for plagiarism.

I personally am very disturbed at the way in which this legislation has been handled. Last Friday, members of the Taxation Committee were asked to sign out the net draft without their ever

having seen it. The committee chairman would not hold an executive session on the subject even though this is one of the most important pieces of legislation to come before this legislature. It has been called a bipartisan effort when the Democratic members of the committee were never consulted in the redrafting. It appeared on the calendar Wednesday without the signature of four Democratic members. The House chairman knew Tuesday afternoon there was a strong chance at that time that the Democratic members might vote ought to pass on an amended version of the Republican redraft. If an executive session had been held, we might have had a near unanimous report. The original formula in L. D. 1663 has been dismissed as too complicated to understand, when the House Chairman never bothered to pass out the tables I had run off for the Committee which give the answer to any given case in a matter of seconds.

This legislature is now faced with two alternatives: the original bill, L. D. 1663, or a new draft in which the formula provides for a negative income tax or income supplement. Recipients of relief under the new draft, L. D. 1817, would receive 7% of the difference between actual income and \$4,000. While admittedly, the new formula is not as difficult to understand and perhaps a little easier to administer, it has some very serious shortcomings which I believe we should carefully consider.

While the title of the bill indicates that it is property tax relief, it does not have any bearing on property taxes actually paid. The amount of relief remains constant, even if property taxes skyrocket in succeeding years. L. D. 1163, on the other hand, provides reimbursements for property taxes paid or rent constituting property taxes paid. As property taxes rise, the level of relief does also.

Under the new draft the claimant would receive his income supplement even if he has not paid his property taxes and with no stipulation that he must use the money for that purpose. Also, under the original bill, rebates can be applied as a credit against

any state income tax owed; while under the new version, the Bureau of Taxation would send out tax relief checks to those people who still owed on their income tax.

Moreover, by not having property taxes paid as one of the variables in the formula, two people with identical incomes living in similar houses in Wiscasset and in Portland would receive the same relief while the Portland resident might be paying two or three hundred dollars more in property taxes.

Also, if we are going to consider an income supplement program such as the new draft sets up, we should be looking into ways in which we could get federal matching funds and triple the money available. The new draft is not property tax relief but rather a welfare program. I don't believe that this is what the majority of our senior citizens want.

I still firmly believe that the original bill, L. D. 1663, is superior. If, however, we cannot muster enough votes to pass it, I will support the new draft but will offer a cost of living increase amendment.

Maine's 118,000 senior citizens expect and deserve meaningful property tax relief legislation from this Legislature. It is regrettable that this issue has degenerated into political grandstanding. If this program of property tax relief is jeopardized it will not be the Democratic party or Republican Party which loses—the real losers will be thousands of Maine's elderly poor.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I have given the lady from Bath much credit relative to this subject both on television and in the newspaper. But I would like to point out that long before my esteemed colleague, Mrs. Goodwin, ever appeared on the political scene the Republican party was generally concerned with property taxes and relief for the elderly, especially on fixed income, and this can be substantiated.

However, the program was very expensive and we only had money enough for a token relief although we wanted to do more. But with the passage of the income tax the picture changed. We then saw the possibility of now giving substantial relief, and at the Republican convention we inserted in our plank number nine a clause that we favored realistic tax relief for our older citizens.

This year we had four Republican bills before the Taxation Committee; one from Representative Hanson, one from Representative Pratt, which was even more liberal than Representative Goodwin's, and two from Representative Collins, one applying to rent and one to taxes. The combined amounts were the same as in Mrs. Goodwin's bill.

The opinion of the majority was that the Goodwin bill was too complicated. It was based on two factors, not only income, but the amount of tax or rent paid, and page 5, paragraph 2 is the complicated formula that she mentioned. Recipients would never know ahead what they were going to get. In certain cases you get an income tax credit, and in other cases they would get direct payment. Under the Goodwin bill the applications were to be filed on or before July 1. Now this is the peak period in processing the income tax forms and it would have meant increased costs to the department.

In summary we felt it was much too difficult to process. The Taxation Committee requested the Department of Taxation to assist us in a redraft and to accomplish a joint purpose, to make it as simple as possible to administer. I will admit there are many similarities in the redraft to the Goodwin bill. But also there are many changes; twelve to be exact. Nine sections were omitted and three new sections were added. It is very hard to compare the benefits because of the variables. Some persons would receive more under her bill and some persons would receive more under ours.

I have given her credit publicly for producing the impetus for this realistic relief, and certainly it should be a bipartisan effort. I am

sorry that certain feelings are hurt, but we must realize that politics is a rough profession and we can't always get our own way. And for those who have genuine concern the end results far outweigh party labels.

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

Mr. CYR: Mr. Speaker and Ladies and Gentlemen of the House: To understand these two bills that we have before us I think we should discuss the two together. I think that we are all in agreement with the purpose of the two bills, to give tax relief to the elderly.

I think we are also all in agreement that these two bills, or this legislation, brings out two very good arguments why property taxes should be relieved and also it points out the erosion of income through inflation.

I would like you to share with me my reservations this morning and not my opposition. I do not want my remarks to be misconstrued that I am in opposition to relief for the elderly. I think that far too much publicity has been given on both sides and it is time for us to forget the emotions, come down to earth, and face this problem with reality.

I think probably some of my objections to the Republican redraft may bring out my arguments in favor of the Goodwin bill. To begin with, last Tuesday night we were introduced to the Republican parents of this Republican baby. I was surprised to see that this baby had four parents and therefore it makes it a mongrel. I would also like to add that our Republican parents have had difficulty with their little family. They had a miscarriage with the first one, they aborted the next two, and now they have had to deliver, through Caesarean section, this little baby so that it would reach us on time.

The primary objection that I have to this, they call it negative income. Actually what this is is income supplement. And I think you will share with me that if this is an income supplement that we are embarking on a program which should be the prerogative of the federal government and I am

afraid that before we are through with it it may be very costly.

In the first place, I would like to pose a question to the proponents as to how they arrived at the figure of \$3.5 million. As you were told this redraft was never heard or never discussed in committee hearings. Therefore I don't know any more about it than you do. I have questioned as to what formula they used to arrive at a cost of \$3.5 million. I would also like to know the cost of administration for this bill. I would also like to know how they will decide who will get the grant and how much.

The intent of the relief of the property tax for the elderly originally was to encourage the senior citizens to stay in their own homes and I would be very much in favor of that. It is their home. They have worked hard to get it. It may not mean much to anybody else but it will mean a lot to them. And certainly to a lot of people this is a lot better than to try to find a room in a boarding home or a nursing home. For that reason I am all in favor of giving relief to these people. But actually the relief that we want to give to these people is relief of taxes.

This morning I had distributed on your desks this copy here that I wish you would refer to. I think it is very important to the discussion that we are having. Two days ago this income supplement kind of disturbed me, and I started out to research as to whether or not there might not be some kind of program that would have federal money available. I finally landed at the Health and Welfare. I presented my case, and the figures that I obtained were very revealing to me.

Some of this I was acquainted with from being chairman of Health and Welfare in the 100th Legislature; being Senate Chairman, I naturally was quite familiar with many of these programs. In this report here, this is the basic needs for a man and wife receiving aid to the aged, blind and disabled. This covers approximately 14,000 cases in the State of Maine. However, the cases covering blind and disabled and infirmed aged persons, many of those are handled

in nursing homes or boarding homes or in hospitals and therefore they are getting the actual cost of what the expenses are. So I narrowed this down to about 8,000 cases that would fall under any one of these bills, whether it is the Republican version or the Democratic version.

We have come to an average of a basic income of approximately \$130. Some are getting more and some are getting less. Now added to this, which I didn't know, they pay the taxes for the recipient that is living in his home. They pay the taxes and the insurance, or the rent coverage, whichever it may happen to be. And the average over the State of Maine is approximately \$30. Again, some are getting more, depending on the community they live in, some are getting less. But the average seemed to be around \$30, which makes a total of \$160 for the total needs.

Now from this amount they deduct the Social Security, and the average Social Security for a couple in the State of Maine, because of our low incomes, is approximately \$89; which leaves this person with \$71. Now if we are to give this couple an income supplement, either for taxes or to supplement the income, this would be deducted from this amount.

I use the figure of \$144. Under the Republican version if your income is \$2,000 you will be paying for \$2,000 on the basis of 7% or \$140. To make it simple I made this \$144, so that this divides to \$12 a month. Now this \$12, and I insist on this, would be deducted from the old person's grant. So these 8,000 people covered by that would not gain anything by any one of these bills that we are passing. And on top of that, if you multiply 144 by 8,000 cases it means that the State of Maine would have an investment of \$1,152,000, which would be pure money, pure State money; and we would lose \$800,000 of federal money. So on top of not giving any relief at all to 8,000 people, you would be costing the State of Maine \$2 million, approximately, for nothing.

I continue on this report. I say if a plan is developed for either

one whereby the Bureau of Taxation would transfer the same amount, the way I understand it, particularly the Republican version, this would come out of taxation. Well now instead of taxation making out 8,000 individual checks, they could make out one check of \$1,152,000 and deposit it with the Health and Welfare for this program. To help them out, this would have to be labeled and earmarked to increase and improve the standards which is the top there, average monthly basic income, \$130. That is what you want to improve, if you want to help them out.

Now if this \$1 million, assuming that we have the same investment of \$1,152,000 of State money and pass it through this program, this would generate \$2,304,000 of federal money. In other words, you would end up with \$3,456,000 at a cost to the State of the same thing, \$1,152,000. Now this \$3,456,000, if it is done like this, would increase this standard by approximately \$35 a month. So in other words, instead of the old person, the aged person, getting \$130 they would get \$165; you would have 69% of this picked up by the federal government. It would generate \$3,456,000.

Now there is another way that this can be done if you want to. Do it the same way, but instead of using the figure of \$1,152,000, let us say that you use the figure of \$600,000, \$600,000 with the federal generation, the federal participation, you would get \$1,800,000 for these same 8,000 cases which would bring the old person, the old couple approximately \$25 a month or would bring their standard of living or basic income from \$130 to approximately \$150 or \$155. Then the other \$600,000 that you would have you can redistribute that over the rest of the old people. You would have that much more to give to the other persons.

If you take 118,000 elderly people divided by \$3.5 million, this give you only \$30 per capita, which means one thing. It means that a lot of these older persons are not going to get anything. Those that have an income of \$4,-

000 or more are not going to get anything, which I suppose is all because the State of Maine cannot go any further. So this \$600,000 could be used either in that area or it could be used to supplement a little bit more the balance of those that would be on the program.

Now those are the reservations that I have, so if you do accept one of these bills, whichever one you accept, I hope you do two things. One, that you will not make the check direct to the recipient. If you do that, how many of them are going to use it to pay their taxes? You have the same proposition right here under this program. You have got 8,000 people here, recipients that are being paid their taxes and their rent up above. But they are getting a monthly check, and what happens? They spend the monthly check. When it comes the end of the year they haven't got the money to pay for their property tax. And I hope that we will not see some of these old people slapped a tax lien because they haven't paid their taxes. They have spent the check somewhere else.

Instead of that I would suggest that the State make out the check co-maker to the recipient and to the community where he comes from. It is not going to add very much more work to the program because they have got to find the address where that recipient lives anyway. So they know which community it is going to be. That is my point number one.

My point number two, I hope that you will give serious consideration to what I just presented to you here this morning, and that you can bring in an amendment to make a special case for these recipients so that they will fall under the plan that I have developed for you, and therefore the State of Maine can give them more relief and at less cost and that these people will benefit by it instead of losing.

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

Mrs. GOODWIN: Mr. Speaker and Members of the House: I would like to simplify what Mr.

Cyr has just said, I promise I will try to be very brief. The formula in the new draft provides an income supplement. The purpose of the act is, "to provide relief through a system of grants" and I repeat, "grants to certain elderly persons who own or rent their homestead." The purpose of L. D. 1663 is "to provide relief through a system of income tax credits and refunds or appropriations from the General Fund or a combination thereof, to certain elderly persons who own or rent their homesteads." Relief is also referred to later as a rebate. Under old age assistance all income must be considered.

Therefore, if a senior citizen receives money under this new program he may well lose a substantial part of it in a reduction in old age assistance payments. Under the original bill, however, it is quite possible that a rebate would not be considered income. If for some technical reason it is determined that it must be considered, L. D. 1663 could be amended to allow the Bureau of Taxation to send the refund directly to the municipal tax assessor. Relief would then only be considered under budgeted needs and would not have such an adverse effect on the amount of assistance actually granted.

I do not believe, as Mr. Cyr does, that it would be wise to tie this to Aid to the Aged because in the future Aid to the Aged may be abolished under the Family Assistance Plan. And also if we raise standards it will not be for 8,000 people who might be affected under this bill. It will have to be for the entire 15,000 people who receive Aid to the Aged, Blind and Disabled.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: We cannot be proud of how we have behaved toward our older citizens. Today the challenge is before the Maine Legislature to correct this injustice. We must decide whether we will we take a thorough, concerned look at the needs of our older people. Will we

decide to join older people in restoring human dignity to the elderly, or will we continue to set older people aside from ourselves?

We all know older people. Some of us are older people. But let me describe to you who Maine's typical older person is:

She is a widow, age 73, who has lived in Maine almost all her life in the same county where she now resides. She has lived in her present home for more than 20 years. It is mortgage free. She lives alone. She visits with her friends mainly only at home or in church.

Her total annual income is about \$2,000. She relies heavily on social security, with personal savings and investments as her only second means of support. She is not well off financially. Her income is low. She spends practically all her income on shelter and food. She frequently goes without nutritious food, as she firmly believes that Social Security is inadequate.

Her health is fairly good, although she is likely to have had eyesight, poor hearing and walking problems. She probably does not drive and has difficulty getting to places. But her main problem is that of high taxes and retaining her home.

The two bills before you today are different. Under the majority redraft, L. D. 1817, the grant will be the same for people earning the same income regardless of the level of their property taxes. This is not a wise proposal since the property taxes assessed throughout our state vary so much from community to community.

I urge passage of the Goodwin Bill because it provides more equitable relief from property taxes by relieving the person of a percent of his tax increase. A person with higher taxes will get a higher percent of relief under her bill. This bill will provide older people a greater opportunity, and I think this is important, to retain ownership of their homes.

It is important to help older people remain in their homes. It is where their roots are; it is where their hearts are. Also, it makes sense economically, since most elderly citizens own their own

homes free of a mortgage. It also makes sense for the State of Maine since we do not want to be footing the bill for high cost facilities such as boarding homes and other institutions for our elderly. We all recognize that we should give the greatest encouragement to the elderly to retain ownership of their homes.

L. D. 1817 has the effect of encouraging the elderly to sell their homes because it does not provide relief in relation to the level of their property taxation. It unfortunately encourages the continuation of a pattern of social change. The elderly are already moving in large numbers to the urban centers. The 1970 census figures show that the number of elderly living in Houlton increased 12% over 1960. In Presque Isle they increased 24%, and in Van Buren 22%. This trend is true in our larger cities also. Waterville and Augusta both increased by 13%, Sanford by 23% and Lewiston by 25%.

This increase in the number of older people living in the cities is caused in part by younger people moving to the suburbs and out of state; it is caused also because the elderly find that they must move to the cities and larger towns. They must move to find low cost apartments.

I believe we should encourage the elderly to remain in their homes, and to discourage them from moving to cheaper living areas in other towns or in their own town. 1663 would provide older people increased relief as their taxes increase.

In closing, it has been said before that the test of the people is how they behave towards their old. Today we have an opportunity to behave properly and justly for our elderly. Accordingly, I would urge you to support L. D. 1663.

Mr. Ross of Bath requested a roll call vote.

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

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

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I rise, of course, to support the bill that was sponsored by Mrs. Goodwin, the gentlewoman from Bath. I wish, perhaps sometimes during the session, we ought to have what we call a day when we are going to make known our feelings about the way some things are handled. Perhaps you might want to say, get it off your chest. I am not going to use this day to do that. There is nothing perhaps that any of us can do, but if any of us in the future, or I as an individual, ever have an opportunity to try to do something to solve the problem the way that this bill was handled in the future, or the other elderly bills, I will use whatever influence, or lack of it, that I may have, to make those points.

I don't think that we have had as many people on any other bill come to me and complain about the fact that they did not have an opportunity in executive session to review this bill or the redraft that we are discussing today, as I have had on this one issue. Obviously the fault does not lie with the Majority Party. I am not certainly indicating that, and I hope no one is indicating, and I am not of course indicating that it lies with me. But what I think I am saying, and I hope that someone hears it loud and clear, that at some point we are going to say that this can't go on and someone is going to hear it and know that it is meant.

There are certain problems that I have with the bill that is coming out in a redraft that we will be discussing next, that obviously will be raised again. In my personal opinion the Goodwin bill is the better of the two. I want to make it perfectly clear, however, that if this one does not pass then I will support the other version, and I hope that perhaps the inequities will then be amended to take care of the problems.

We could avoid all that by voting against the motion of the gentleman from Bath, Mr. Ross, and for this bill now and we wouldn't have to amend the other one. But I think that die has been cast. And so I would ask you at this point on this bill to vote against the motion of the gentleman from Bath, Mr. Ross, and to vote no.

Mrs. Goodwin of Bath was granted permission to speak a third time.

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: As I see it this morning, the proponents have given only two reasons why their draft is better than mine. One is that it is supposedly easier to understand, when I can prove in my tables that there is not much difference in either understanding, and that it would be easier to administer. I contend that there is no reason that my formula could not be administered in the same way as the new formula.

Application forms could be sent with the state income tax forms. The claimant could return it when he files his income tax returns or later, prior to July 1 or even August 1. Rebates could then be handled by the State Income Tax Division after the income tax rush.

We should not be concerned about whether it is easy to understand or easy to administer but rather whether it is equitable.

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that the House accept the Majority "Ought not to pass" Report on Bill "An Act to Relieve Certain Elderly Householders from Extraordinary Property Tax Burdens," House Paper 1193, L. D. 1663. A roll call has been ordered. If you are in favor of the motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Bailey, Baker, Barnes, Birt, Bither, Brawn, Bunker, Carey, Churchill, Collins, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Donaghy, Dyar, Emery, D. F.; Evans, Finemore, Gagnon, Gill, Good, Hall, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Kelley, K. F.;

Lee, Lewis, Lincoln, Lund, MacLeod, Maddox, Marstaller, McCormick, McNally, Millett, Mills, Morrell, Mosher, Norris, Page, Parks, Payson, Porter, Pratt, Ross, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Stillings, Susi, Trask, White, Williams, The Speaker.

NAY — Albert, Bernier, Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Bustin, Call, Carter, Clemente, Cooney, Cote, Cottrell, Curran, Cyr, Dow, Doyle, Drigotas, Farrington, Fraser, Genest, Goodwin, Hancock, Jutras, Kelleher, Kelley, P. S.; Keyte, Lawry, Lebel, Lizotte, Lucas, Lynch, Mahany, Manchester, Marsh, Martin, McCloskey, McTeague, Murray, O'Brien, Orestis, Pontbriand, Rochelneau, Rollins, Sheltra, Slane, Smith, D. M.; Smith, E. H.; Theriault, Tyndale, Vincent, Webber, Wheeler, Whitson, Wood, M. E.

ABSENT — Ault, Bartlett, Bardard, Berry, G. W.; Bragdon, Brown, Carrier, Clark, Conley, Dam, Dudley, Emery, E. M.; Faucher, Fecteau, Gauthier, Hanson, Immonen, Jalbert, Kelley, R. P.; Kilroy, Lessard, Lewin, Littlefield, McKinnon, Rand, Santoro, Starbird, Tanguay, Wight, Wood, M. W.; Woodbury.

Yes, 64; No, 56; Absent, 31.

The SPEAKER: Sixty-four having voted in the affirmative and fifty-six having voted in the negative, with thirty-one being absent, the motion does prevail.

Sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought to pass" in new draft — Minority (2) "Ought not to pass" — Committee on Taxation on Bill "An Act Providing for Property Tax Relief for the Elderly" (H. P. 920) (L. D. 1272) — New Draft (H. P. 1400) (L. D. 1817) under new title "An Act to Relieve Certain Elderly Householders from the Extraordinary Impact of Property Taxes."

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

Pending — Acceptance of either Report.

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

Mr. COLLINS: Mr. Speaker, I move we accept the Majority "Ought to pass" Report and would speak to my motion.

The SPEAKER: The gentleman from Caribou, Mr. Collins, moves the House accept the Majority "Ought to pass" Report.

The gentleman may proceed.

Mr. COLLINS: Mr. Speaker and Ladies and Gentlemen of the House: I too should like to acknowledge the substantial contribution of Mrs. Goodwin in respect to her leadership in support of a program for aid to the elderly. And I should like also to say to my good friend, Mr. Cyr, that I do not have any objection to the birth of this little baby, since we think it is a very healthy, active child.

The citizens of the entire state and the members of both political parties have endorsed in principle the idea of relief to the elderly from the extraordinary impact of the property tax whether they be property owners or renters.

The committee redraft is the legislative response to this problem. It provides a substantial effort to relieve a portion of this burden, based on one criteria only; namely, income. It is not concerned with the amount of an applicant's property tax or his cost of renting. It considers only his income and then applies a simple percentage formula which does this. It determines the difference between the claimant's income and \$4,000 and applies 7 percent to that difference. Thus if an applicant's income were \$3,000, the difference would be \$1,000 and 7 percent of that figure would be \$70, which would be the amount that this particular claimant would receive.

The administration of the tax would be through the office of the State Tax Assessor who would provide suitable forms for applicants and would determine the amount of the benefit. Claims would be filed with the Bureau of Taxation between August 1 and October 15 for the preceding calendar year. For property owners the payments would arrive about the time taxes

became due so that the recipient could use it for that particular purpose.

The first grants under this act would be paid in the fall of 1972 and would be based on income received during the current calendar year. The total cost of the bill if enacted is expected to be about \$3.5 million per year, and that sum has been provided for in the Part II appropriation bill.

This liberalized version of the original bill no longer provides for any tax lien against a person's property nor any recovery from his estate, and it imposes, in fact, a residence requirement of only one year. It is indeed an equitable solution to one of the problems of Maine's elderly citizens. I urge you to support the committee report.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I don't think there should be a great lengthy debate on this this afternoon because I am sure that there will be amendments. The percentage figure, for instance, might well be changed from 7 per cent to 7½ or 8 per cent, and other amendments will be offered. There is already one that I see before me, and these will be done in the third reader.

Now we in the Republican Party and in the Taxation Committee are flexible. We are certainly not stubborn. We are willing to consider any sensible amendments. But I think that the major debate on this should come during the third reader when amendments are due. And I hope that today, with very little fanfare, we could give this its first and second readings.

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

Mr. McCLOSKEY: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Taxation Committee and a signer of the Goodwin report, I did support their bill. I also support this bill, although I see some problems that should have been mentioned extensively — one, that it is not

necessarily connected with the property tax.

I would pose a question through the Chair to the gentleman from Caribou, Mr. Collins, and the question is this. Supposing two individuals own a home jointly and we are saying these are both women, not a couple, and that both of their incomes are \$3,000, under the income supplement formula are both of these people receiving the same amount of money?

The SPEAKER: The gentleman from Bangor, Mr. McCloskey, poses a question through the Chair to the gentleman from Caribou, Mr. Collins, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. COLLINS: Mr. Speaker and Members of the House: The total income of the household formation would be the criteria, and between the two they would have to elect which should apply for the benefit.

Thereupon, the Majority "Ought to pass" Report was accepted, the New Draft read twice and assigned for third reading the next legislative day.

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

An Act to Authorize the Construction of a Toll Bridge across the Kennebec River between the Municipalities of Waterville and Winslow (H. P. 753) (L. D. 1022)

Tabled — June 9, by Mr. Porter of Lincoln.

Pending — Passage to be enacted.

On motion of Mr. Carter of Winslow, under suspension of the rules, the House reconsidered its action of June 3 whereby the Bill was passed to be engrossed.

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

House Amendment "C" (H-452) was read by the Clerk and adopted.

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

The Chair laid before the House

the third tabled and today assigned matter:

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

Tabled — June 9, by Mrs. White of Guilford.

Pending — Passage to be enacted.

On motion of Mrs. White of Guilford, retabled pending passage to be enacted and specially assigned for Tuesday, June 15.

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

Bill "An Act to Revise the Site Location of Development Law" (H. P. 1373) (L. D. 1790)

Tabled — June 9, by Mr. Curran of Bangor.

Pending — Passage to be engrossed.

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

Mr. FRASER: Mr. Speaker and Members of the House: My good friend and seatmate Mr. Curran left early; I believe he should have left earlier. The reason for his leaving, I have to tell you, is because his class of 1921 at the University of Maine is celebrating today, and he stayed here longer than he would have liked to because of the tax bills. So now I would like to have someone table this bill until Monday.

Whereupon, on motion of Mr. Farrington of Old Orchard Beach, retabled pending passage to be engrossed and specially assigned for Monday, June 14.

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

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) — In Senate, passed to be engrossed.

Tabled—June 10, by Mr. Marsteller of Freeport.

Pending — Passage to be engrossed.

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

Mr. MARSTALLER: Mr. Speaker, there is an amendment being prepared, I would hope that somebody would table this for one day, please.

Whereupon, on motion of Mr. Susi of Pittsfield, retabled pending passage to be engrossed and specially assigned for Monday, June 14.

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

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

Tabled—June 10, by Mr. Donaghy of Lubec.

Pending — Passage to be engrossed.

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

Mr. HASKELL: Mr. Speaker, Mr. Woodbury has an amendment to offer on this item and he is not in his seat. I would hope that somebody would table this item.

Whereupon, on motion of Mr. Williams of Hodgdon, retabled pending passage to be engrossed and specially assigned for Monday, June 14.

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

Bill "An Act relating to Power to Loan under State Housing Authority's Law" (H. P. 1387) (L. D. 1810)—In House, passed to be engrossed as amended by House Amendment "A" (H-426)—In Senate, Minority "Ought not to pass" Report accepted in non-concurrence.—House receded.

Tabled—June 10, by Mr. Hewes of Cape Elizabeth.

Pending — Adoption of House Amendment "B" (H-446)

Mr. Hewes of Cape Elizabeth offered House Amendment "A" to House Amendment "B" and moved its adoption.

House Amendment "A" to House Amendment "B" (H-451) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. HEWES: Mr. Speaker and Members of the House: You will

recall that in looking at House Amendment "A" it stated that — used the phrase 'housing projects.' Now to the lay person housing projects might exclude single family dwellings. The gentleman from Westbrook yesterday inquired about that and we have done some research. I have a letter from the Director of the Maine Housing Authority, Mr. Elwell, here and I have looked it up myself in the presence of Mr. Carrier yesterday afternoon, and housing projects does include single family dwellings.

However, to clarify it, for the record, we are proposing House Amendment "A" to House Amendment "B" which simply includes single family dwellings. I have discussed this this morning with the gentleman from Westbrook, Mr. Carrier, and he approves of it. So I would now ask that it be adopted.

Thereupon, House Amendment "A" to House Amendment "B" was adopted. House Amendment "B" as amended by House Amendment "A" thereto was adopted.

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

Mr. HEWES: Mr. Speaker and Members of the House: Before we vote on it, I know that many of you are very interested, from the past debate, in what this will do for housing in Maine. I have been informed by the Director of the Maine Housing Authority that presently there are applications for 300 units of multi-family dwellings, plus 500 units of single family dwellings, plus 600 units of leased housing rent supplements. And that is a total of 1400 units. There is some federal money available to guarantee some of this housing and I would hope you would vote to pass this in non-concurrence.

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

On motion of Mr. Porter of Lincoln,

Adjourned until Monday, June 14, at ten o'clock in the morning.