

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Monday, June 14, 1971

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

Prayer by Brigadier Alfred Davey of Augusta.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

On request of Mr. Susi of Pittsfield, by unanimous consent, unless previous notice is given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk be authorized today to send to the Senate, thirty minutes after the House recesses for lunch and also thirty minutes after the House adjourns for the day, all matters passed to be engrossed in concurrence, and all matters that require Senate concurrence; and that after such matters have been so sent to the Senate by the Clerk, no motion to reconsider shall be in order.

Conference Committee Report

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

Bill "An Act relating to Public Utility Transmission Lines" (H. P. 918) (L. D. 1264) reporting that the House recede from its action whereby it passed the Bill to be engrossed; adopt Conference Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "A";

that the Senate recede from its action whereby it indefinitely postponed the Reports and Bill and concur with the House in accepting the "Ought to pass" Report, adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" in concurrence.

(Signed)

WILLIAMS of Hodgdon

MOSHER of Gorham
HARDY of Hope

— Committee on part of House.

SCHULTEN of Sagadahoc

BERRY of Cumberland

VIOLETTE of Aroostook

— Committee on part of Senate.

Report was read and accepted.

The House voted to recede from passage to be engrossed. Conference Committee Amendment "A" (H-453) was read by the Clerk and adopted.

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

**Senate Report of Committee
Divided Report**

Tabled and Assigned

Majority Report of the Committee on Natural Resources on Bill "An Act to Regulate Surficial Mining under the Maine Mining Commission" (S. P. 133) (L. D. 345) reporting same in a new draft (S. P. 631) (L. D. 1819) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. SCHULTEN of Sagadahoc

VIOLETTE of Aroostook

GRAHAM of Cumberland

— of the Senate.

Mrs. KILROY of Portland

Mrs. CUMMINGS of Newport

Messrs. SMITH of Waterville

CURRAN of Bangor

HERRICK of Harmony

Mrs. BROWN of York

Mr. WHITSON of Portland

— of the House.

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

Report was signed by the following members:

Messrs. HARDY of Hope

MacLEOD of Bar Harbor

AULT of Wayne

— of the House.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed.

In the House: Reports were read. (On motion of Mr. Hardy of Hope, tabled pending acceptance of either Report and specially assigned for Wednesday, June 16.)

Messages and Documents

The following Communication:

THE SENATE OF MAINE
AUGUSTA, MAINE

June 11, 1971

Hon. Bertha W. Johnson

Clerk of the House

105th Legislature

Dear Madam Clerk:

The Senate today voted to Insist and Join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act to Provide an Alternative Method of Enforcing Orders of Support of Minor Children" (H. P. 1390) (L. D. 1812).

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

Senators:

TANOUS of Penobscot

QUINN of Penobscot

HARDING of Aroostook

Respectfully,

(Signed)

HARRY N. STARBRANCH

Harry N. Starbranch

Secretary of the Senate

The Communication was read and ordered placed on file.

Petitions Bills and Resolves Requiring Reference

The following Bill, approved by a majority of the Committee on Reference of Bills for appearance on House Calendar, was received and referred to the following Committee:

Public Utilities

Bill "An Act to Create the Winterport Sewerage District" (H. P. 1409) (Presented by Mr. Shute of Stockton Springs)

(Ordered Printed)

Sent up for concurrence.

Orders

Mr. Susi of Pittsfield was granted unanimous consent to address the House.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: We are getting on towards the end of the session, and this morning I would like to ask that your tabling motions be made only for later in today's session or for one day, that we discontinue our two day tabling, limit it only until later in today's session or for a one day period. Thank you.

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

Bill "An Act to Provide an Alternative Method of Enforcing Orders of Support of Minor Children" (H. P. 1390) (L. D. 1812) the Speaker appointed the following Conferees on the part of the House.

Messrs. NORRIS of Brewer

LUND of Augusta

KELLEY of Caribou

House Reports of Committees Ought to Pass in New Draft New Drafts Printed

Assigned Later in Today's Session

Mr. Curtis from the Committee on State Government on Bill "An Act to Reorganize the Department of Finance and Administration" (H. P. 1181) (L. D. 1635) reported same in a new draft (H. P. 1410) (L. D. 1827) under same title and that it "Ought to pass"

Report was read and accepted and the New Draft read twice.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: This is the first of our long awaited reorganization bills and it, along with the other bills that will be coming out one after another to us very shortly now, is just a skeleton of the proposed reorganization that hopefully will take place. Apparently the explanation is that the Attorney General's Department hasn't had time or the staff to do all of the research and development that is needed to complete these reorganization plans so that we can consider them at this time in their entirety.

We will have the opportunity, as these skeleton bills come before us, to endorse the concept of reorganization, and as I understand it, an order will be offered to us shortly which will propose that our State Government Committee be authorized and directed to work in the interim between the adjournment of this session and the convening of the special session of the 105th on flushing out the reorganization plans which are being offered to us at this time pretty much in concept only.

The hope is that the State Government Committee will have the opportunity between now and the special session of the 105th to work out these details, report to us while we are still at home so that we will have an opportunity to become acquainted with the exact details of the reorganization which they are proposing. And then in special session we will have an opportunity to accept, reject, or amend the exact proposals which they will offer to us.

So at this time leadership of both parties are asking that you accept the concept by approving these bills as they come before us and give the State Government Committee a chance during the interim period to work out the details and then we can make our final decision on them during the special session. I hope that this will be a possibility with us because it will shorten the session up considerably. We are not ready at this time to deal with reorganization in its entirety.

Thereupon, the Bill was assigned for third reading later in today's session.

Mr. Bragdon of Perham was granted unanimous consent to address the House.

Mr. BRAGDON: Mr. Speaker and Members of the House: I would pose a question to the gentleman from Pittsfield, Mr. Susi, because this is the first that I have heard of the apparent philosophy that has developed with regard to handling these reorganization bills. If I get the strategy correctly from what he has said, that in effect we are going to approve them all, or something like that, at this session and then again we know we are going to come back — of course I have not been one of those who had been willing to buy the idea that we were of necessity coming back in January. I feel that we should solve the problems of this session here and now, before we go home, and proceeding along that line that we have — I have got to go back to the order that came into the House some time ago in regard to using any major taxation measures to implement any reforms, or any major reforms, in

government during this session or any special session of the Legislature. I felt that that move on the part of the Republicans and some Democrats in the House might possibly forestall in the mind of the Governor the need for any special session.

I still subscribe to the theory that we should wind this session up while we are still here and do the things that we think we are going to do within this biennium, and not continue to refer to the fact that we are going to come back in January and we are going to correct all of the things that we didn't know how to do this time. So this philosophy of handling these bills does bother me to some extent.

If I understand correctly, then we are, as I said, it appears that we are going to approve them in essence. I have strong misgivings about the wisdom of many of these reorganization bills, and it is going to bother me no little to approve them even in this manner.

I haven't got to the questions yet, but perhaps I better. Are we, number one, in all of these reorganization bills have we sold ourselves completely on the fact that all departments immediately expire with the end of the term, we will say, now of Governor Curtis, and that in the next session the new Governor, whoever he may be, will have an opportunity to either reappoint these department heads or appoint departments heads of his choosing? I have not thoroughly convinced myself that this, even, is a wise move.

I think I can see that it may have been developed out of the idea possibly of some Republican's thinking that this, if we feel, we will say — and I think I have made this statement and I do not hesitate to make it completely in public, that in my own opinion no less a person than Dean Fisher has outlived his usefulness as a department head for the State of Maine. Now if the thinking of people who subscribe to this idea of all department heads terminating at the end of the gubernatorial year is hinged upon a method to get rid, we will say, of such department heads as this,

I still question whether there is more evil in it than there is good.

I could visualize, and be fearful, of what some candidates, some Governor, might do in this field. I think that whether we like Dean Fisher or not, whether we like Dave Stevens or not, and these are obviously key men in the discussion of this matter, I think many Governors have recognized that perhaps there was no one capable of doing Dean Fisher's job and no one capable of doing Dave Stevens' job. So I sometimes wonder at the wisdom of this whole movement.

I don't know as I have made any sense to you, but I do feel that at least this feature of the Committee's report asks a great many questions that have not been properly answered in my thinking. I assume that we are going ahead with the proposal of our Majority Floorleader and attempt to handle these in January, but I still choose to hope that we can close this session up in June and be done with it for all practical purposes until a new legislature is elected.

Mr. Martin of Eagle Lake was granted unanimous consent to address the House.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Perham has raised some questions that I think ought to be answered. One I think perhaps that we ought to, not facetiously, take a look at, but one that we ought to at least perhaps not kid ourselves about, is the fact of whether or not we are going to have a special session. I am sure the gentleman from Perham has been here many many more terms than I have, but in those four terms that I have been here, three previous to this one, we have always had a special session called by the Governor. I don't believe that this one is going to be any different.

Normally a special session is one that corrects some of the problems that a regular session has caused, and I don't think we are going to be any different with that either; but I think that at some point we are going to make some errors that are going to mean some amending and we simply can't wait two years for it to be done. I have reasons to believe that we will be

called in special session and I can assure the gentleman from Perham that he need not worry about that particular problem.

Now I like one feature of these bills, among all else. First of all, it ought to be implied that I don't think we are selling anything to anyone. I don't think that we are giving up our prerogative to make whatever decisions we want to do when we come back in a special session. As I understand the report, and what it says is, in the second section — and I understand all the bills are the same, and I am sure some member of the Committee can better explain it than I, that the Joint Select Special Committee of the Legislature on Governmental Reorganization would be established that would prepare a plan of organization of the department, the bureaus, divisions and sections that may be necessary to carry out effectively the work of the department.

"The committee, with the assistance of the commissioner, shall prepare legislation to be presented to a special session of the 105th Legislature to amend, repeal and rearrange statutes to reflect this department's powers, responsibilities and organization. Such legislation shall not include any proposal to change the present number of commissioners of the Liquor Commission."

I am quoting from L. D. 1827, which deals with An Act to Reorganize the Department of Finance and Administration. As I understand it, the general theme of the select committee doing the work in the interim, coming back and giving us the results of their work, and then of course we would decide whether or not we were going to implement it. We are not in effect implementing such legislation today.

The finest aspect of these bills, from my personal viewpoint, is a very simple one. Every session that I have been here we have authorized studies and sometimes made them applicable or have them report to a regular session of the legislature. But when the members of the new regular session come back, if half of them that were not here before, or close to half, and they are totally unfamiliar

iar with the problem which created the order in the first place, it takes another six months to reacquaint the new legislature and by that time it is time to go home again.

If we think there is a problem we ought not to put it off. We ought to try to resolve it and then if we can't to take care of it in a special session. Because every time that we simply do it — tell ourselves that we are going to be doing it at a regular session, nothing ever gets done. If we think there is a problem, a special session is the proper place to handle it.

So I would hope that this morning we would accept these reports, let them go to final enactment when they are all in front of us, and perhaps at this point we could debate the merits or demerits of each one. But I think this morning we ought to accept these reports and work on that basis, and then we can fight whether or not we even want anyone to take a look at the structure of state government. And I am sure a member of the State Government Committee could do a much better job than I, but I am merely reading from the bill.

Mr. Bragdon of Perham was granted unanimous consent to address the House.

Mr. BRAGDON: Mr. Speaker and Members of the House: I see that obviously I am speaking against probably what is pretty much the view possibly in the leadership of both parties. However, I am not sorry that I raised the question. I still feel strongly with regard to the position which I have taken. I do somehow object or disagree with the gentleman from Eagle Lake, Mr. Martin, with regard to his analysis of a special session in that it is a session where learned and experienced legislators gather, after having about six months' vacation, and then comes back with their minds all refreshed and wise in the knowledge that they can do the things that they didn't dare to do when they had the six months' session.

To me a special session has always generated more into a session set up for specific things. We come down here more or less confined to a few days' work. The

work has already been done when we arrive here by other people who are interested in the project, and we are handed pretty much a ready-made deal that within a few days — sometimes I have seen it done in one day, we came down here convinced that we were ready to buy the deal in one day.

So I do not share exactly the feelings of the gentleman from Eagle Lake with regard to the wisdom and the activities of a special session. This is the thing that I fear in the special session; in other words, I don't like to have these made to order deals by supposed experts, that we are supposed to accept as legislators in a few days and assume that there are no errors left in them. I realize that probably all I have said has fallen on deaf ears, but I do not have any regrets that I have expressed my dislike with regard to this method of handling these reorganization bills.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I will try to be very brief on this. I share some of Mr. Bragdon's misgivings. However, the State Government Committee wasn't entirely in control of the situation. I would remind you that the report of the Research Committee came out last October and we finally got the bills to work on in March. We have tried to do what preliminary work we could without the actual items to work on, and then we tried very hard to get them out at this regular session. As a matter of fact, it still could be done, but the Attorney General tells us it would take about until the 15th of August to research and draft what we have come up with. So I don't think that you want to stay here until the 15th of August; I don't want to stay until the 15th of August.

So the next best thing, so that we could do it in this Legislature and not carry it over to the 106th, was to go along — and I believe the papers at least have quoted Governor Curtis that he is already thinking of a special session. He is approving these bills as they stand

to this point, and I think probably we could pretty much depend that a special session will be called and at that time the nuts and bolts of this thing will be in place, we hope, and if you don't like them you certainly will have the choice of amending or just cutting the nuts and bolts off and throwing them away.

Mr. Cote of Lewiston was granted unanimous consent to address the House.

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I hope this morning that we are not creating a precedent whereby future legislatures will be conducted in the same way. It has always been my understanding that when we have been given some work to do that we do it expeditiously as possible and we pass these bills, not in a skeleton form, but the full context. What we are doing here this morning, we are creating a skeleton which we are going to send out to pasture to fatten up and bring it back here either for the slaughter or the acceptance of that animal, whatever he may be.

Now I don't know if this is the right way to do, but I have a feeling that it may not be constitutional for us to do this in that way. We are voting on something that **we know nothing about, except** a skeleton bill, and then this committee is going to be named, I understand the State Government is going to be kept in function and they are going to work on these bills and bring them up at a special session. I don't know if that is creating a bad precedent or not, and I object to it on that basis.

Mr. Susi of Pittsfield was granted unanimous consent to address the House.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: Remarks that have been made here this morning concerning this subject may have perhaps unintentionally created the impression in your minds that the procedure that we are asking you to follow was **perhaps a conspiracy on the part of** the leaderships of the two parties to railroad the idea of reorganization through this regular session, hoping to get endorsement for the actual package at the special ses-

sion. I hope that the explanations that have been given specifically by the House chairman of State Government — **an explanation that,** they have worked at it and they have worked long and hard at it, they just haven't been able to flush out these bills.

And I would like to deny, whether or not the impression has been created, that there is any conspiracy to railroad this over the opposition of those who perhaps don't feel so warmly toward reorganization. I for one believe that we will have ample opportunity to consider reorganization in all aspects and that we are doing the best that we can do with something that most of us recognize to be a problem; namely, the need for reorganization in state government, **and that it isn't reasonable to,** as has been suggested earlier, remain here until August to get the necessary survey of this situation that we would need to act intelligently on it. So I am denying any bad intentions on the part of either or both of the leaderships, and I would hope, again, that you will support these bills as they come along.

Mr. Lynch of Livermore Falls was granted unanimous consent to address the House.

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I agree with the procedure that is being used in handling this reorganization. However, I hope that somewhere along the line each of these documents will be amended to provide that the legislation that is going to be proposed will be submitted to each legislator in ample time for them to study it thoroughly before the House convenes in special session.

Mr. Mills of Eastport was granted unanimous consent to address the House.

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: In reading over this 1828 document before us here this morning and looking over the other documents also which we will be asked to act upon, I would pose a question to anybody in the House who cares to answer. What is going to be the total cost of this thing if this is going to run until the next special session?

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

The Chair recognizes the gentleman from Lubec, Mr. Donaghy, who may answer the question.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentleman of the House: Actually, if this goes through, our good friend Sam Hinds has told us that up to this point he figures about an \$800,000 saving. We are in hopes that when the nuts and bolts get under this thing that it will be even more than that.

Mr. Bragdon of Perham was granted unanimous consent to address the House.

Mr. BRAGDON: Mr. Speaker and Members of the House: The thought just occurred to me that if this was a problem big enough so that in the six months that we have been here we were not able between, we will say, the two factions, the Minority, so-called, and the Majority, so-called, factions of the two major parties of the State of Maine were not able to come up for sure with the kind of a bill that they thought we wanted, this I am going to suggest. That rather than to bring it into a special session, we, all of us, Democrats and Republicans alike, like to play politics.

I think this would be a very healthy theme for both parties to discuss between now and the election of the next legislature. We have stirred up enough thought on it so that it can become an issue for either party. And rather than to throw this partly digested mess out to a special session, I think that I would consider a much wiser policy for both parties to give it serious consideration between now and the election of the 106th Legislature, and then let's start from scratch. Maybe there will be one or two of us back that will have some memories of the discussion in this session, and discuss it in the 106th rather than in the special session, after both major political parties have had an opportunity to consider it in their party platforms and in their party caucuses and one thing and another.

I somehow feel that this is a much wiser approach than to go into a rushed up special session and attempt to solve something in a few days that a few people have, probably not with any unanimous agreement, come up with, that they can make us jell in the short special session on a matter as important as this. I assure you, ladies and gentlemen, you have been very gracious to me, and I will not impose my thoughts on you further in this matter.

Mr. Hodgdon of Kittery was granted unanimous consent to address the House.

Mr. HODGDON: Mr. Speaker and Ladies and Gentlemen of the House: Number one, in trying to answer the question brought up by Representative Mills, I have been given to understand that the joint order when it is presented will call for an expenditure of some \$15,000 for this joint committee to spend on legal assistance, secretarial assistance, to complete the L. D.'s for this reorganization.

Just briefly, Mr. Speaker and ladies and gentlemen, to further go into the details on this reorganization as it affects the State Government Committee. As previously was brought out, these bills were not presented to the State Government Committee until March, and each bill was heard and consumed some three to four hours for each department considered. I want to make it perfectly clear that the reason that these bills are this late coming into this body is not because of dissension amongst the two parties and State Government; this is absolutely not the case.

I would ask you to stop for a moment and consider the immense task that faced the State Government Committee in going through all the departments, the bureaus, the commissions, which we have in our government at the present time. Now to segregate these, to put them in some kind of order has taken some doing. We have worked nights and we have worked afternoons, and I am not looking for anybody to drag out a crying towel for the State Government Committee.

But I would also ask you to bear with us, that we considered in

State Government some 213 bills in this session. It is now the hope of the State Government Committee that these bills as presented will receive the pleasure of both this body and the body at the other end of the hall insofar as one of the major items is that it goes about on the appointment of commissioners.

We feel that if the entire government is going to be reorganized it would only be fair that the person who is going to act as commissioner of these different departments be available for consultation with the State Government Committee in formulating the final plans. And I hope that you will realize that the final plans would result in tremendous research insofar as the people are concerned, as far as space is concerned, as far budgetary items are concerned.

It is a tremendous task. And it is the only hope now that we can get these bills as they are presented to you. There will be 13 of them in number, and we are asking you to approve these bills so that the Governor can, with the advice and consent of the Council, appoint the commissioners for these several departments, and that we can get upon our business and present to you a detailed, and there will be a detailed L. D. in every department.

Mr. Susi of Pittsfield was granted unanimous consent to address the House.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: We are pursuing a legitimate interest here when we debate reorganization. This is one of the major concerns of this session of the legislature. We are doing it a very cumbersome way under the unanimous consent procedure. I would ask now that we hold any remarks concerning the field of reorganization until after this next item is before us, item two, which is also a reorganization bill and we will be able to debate this under normal debate procedures at that time.

Mr. Marstaller from the Committee on State Government on Bill "An Act to Create the Department of Transportation" (H. P.

1183) (L. D. 1639) reported same in a new draft (H. P. 1411) (L. D. 1828) under same title and that it "Ought to pass"

Mr. Stillings from same Committee on Bill "An Act to Create the Department of Human Services" (H. P. 1186) (L. D. 1613) reported same in a new draft (H. P. 1412) (L. D. 1829) under same title and that it "Ought to pass"

Reports were read and accepted, the New Draft read twice and later today assigned.

Mr. Lewin of Augusta was granted unanimous consent to address the House.

Mr. LEWIN: Mr. Speaker and Members of the House: I request unanimous permission to ask a question to anyone who may care to answer it. Are we correct in assuming that the special session will be held, convened within 90 days after adjournment of this session?

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

The Chair recognizes the gentleman from Lubec, Mr. Donaghy, who may answer the question.

Mr. DONAGHY: Mr. Speaker and Members of the House: It would be very presumptuous for the legislature to tell the Governor when he is going to call a special session. I would doubt, however, that it is called within 90 days after the end of the legislature.

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

Mr. LEWIN: Mr. Speaker, section three of page two of any of these documents says the following: "This action will become effective 91 days after the adjournment of this Legislature."

Divided Report

Assigned Later in the Day

Majority Report of the Committee on Labor on Bill "An Act to Provide a Minimum Wage for Students Employed at Summer Camps" (H. P. 569) (L. D. 745) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. TANOUS of Penobscot
 LEVINE of Kennebec
 MARCOTTE of York
 — of the Senate.
 Messrs. GENEST of Waterville
 McTEAGUE of Brunswick
 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:

Messrs. GOOD of Westfield
 LEE of Albion
 ROLLINS of Dixfield
 SIMPSON of Millinocket
 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 Minority "Ought not to pass" Report.

The SPEAKER: The gentleman from Westfield, Mr. Good, moves the acceptance of the Minority "Ought not to pass" Report.

The Chair recognizes the gentleman from Saco, Mr. Bedard.

Mr. BEDARD: Mr. Speaker and Ladies and Gentlemen of the House: I move that we accept the "Ought to pass" Report and I would like to speak to my motion.

The SPEAKER: The gentleman may proceed, but the pending question is the acceptance of the "Ought not to pass" Report.

Mr. BEDARD: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning in support of L. D. 745, "An Act to Provide a Minimum Wage for Students Employed at Summer Camps," because if minimum wage is of benefit to anyone it should also apply to students, many of whom are working their way through school.

One point I would like to make is that this bill allows for only three-fourths of the minimum wage for students working at profit-making camps. Nonprofit camps would be excluded.

Another important aspect of this bill is that the value of the stu-

dent's room and board will be counted toward his wages.

Finally, I must stress the point that this bill will apply principally to those profit-making camps which are owned by well-to-do out-of-staters who really do not add substantially to Maine's economy.

Ladies and gentlemen, these camps are owned by very wealthy people and they cater to the rich children in the country, and they get very good money for their camp. They are all profit making; they are all from out of state; most of the owners are from out of state.

I believe that our students here in the State of Maine are entitled to a little more money. It costs them more money for their clothes when they go to work in these camps, and why should they work at the price they have been working for years? I think that our children who are going to school, who are trying to earn money to further their education, are entitled to a little more wages.

These camps are owned by people such as from Waban, Mass.; Charlottesville, Virginia; Hingham, Mass.; New York; Brookline, Mass.; Hackensack, New Jersey. These people never come to you and show you the profit that they make. They earn this money here. They get it and they never spend it in the State of Maine. They go to Florida and they go to the islands and everything.

Ladies and gentlemen, I move for a roll call when the vote is taken.

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps you will recall that on May 26 I rose to oppose a bill similar to this one, and that bill was L. D. 695, and would put summer camps under the minimum wage as far as the youngsters who are employed as kitchen workers, maintenance workers, and so forth. That bill was indefinitely postponed in both bodies by a vote of 70 to 50 in this body.

L. D. 745 which we have before us today is even a more stringent type of legislation. This would bring within the Minimum Wage

Law not only those individuals whom we determined not to place under the Minimum Wage Law on May 26 but also counselors and junior counselors at summer camps.

Let's discuss the jobs of counselors very briefly. Counselors and junior counselors are really substitute parents during the summer season. They are in constant contact with their campers. A counselor and a junior counselor are assigned to 10 or 12 campers apiece, and they become, in effect, their parent during the camper's stay at summer camp.

If we were to place counselors and junior counselors under the Minimum Wage Law, there would be a limitation on the number of hours they could work. Being a counselor or a junior counselor is a 24-hour a day job. You cannot set it up in shifts and still attempt to maintain a close relationship that currently exists between a counselor and his campers. Consider the absurdity of having a counselor work an 8 to 4 shift, another counselor coming on for the 4 to 12 shift, still another counselor for the 12 to 8 shift. This would be ridiculous.

I am sure that many of you, who have spent part of your adolescent life in summer camps, can probably recall who your counselor was. I am sure that many of you built up a long and lasting relationship with your counselor. This is not the type of job we can put on a clock. To do this would be almost the same as saying to us who are parents that we can only be parents on an hourly basis. It would be like me saying to my son that I can only be his parent from eight to four. Counselors and junior counselors are on duty 24 hours a day, and it would only take two days to bring them under the Minimum Wage Law. Just 2 days, if they went under Minimum Wage, they would have worked 48 hours for minimum wage purposes.

As I mentioned earlier, this bill would also bring within the Minimum Wage category, those youngsters who are employed in maintenance positions, kitchen positions, janitorial positions and housekeeping positions. As I noted on May

26, in a survey of 109 camps, 1,078 of these youngsters work in the categories I just mentioned, and many of them would be deprived of their summer jobs were this enacted.

I know a lot of you have attended camps or have had contact with camps through your life. You all know that there is a lot of play that goes into these youthful positions, and any businessman knows that when you put the dollar sign onto a job you have to get the dollar's worth out of what is being done. It is a fact of life.

I call your attention to the editorial which I have had distributed on your desks this morning, and I am not going to attempt to read it. It is very brief and you can skim through it.

Most of these jobs include considerable free time between working hours. Applicants for the posts are thinking of free vacation fun as much or more than the money that they earn. I want to point out that food and lodging are also provided for these youngsters.

Summer camps should continue to rate exemption from the Minimum Wage Law. We imagine some of the legislators who turned down the proposal had fond personal memories of camp jobs they had held in their younger days.

The bill not yet acted upon would require student workers at camps to be paid 80 percent of the Minimum Wage. Again we say, summer camp positions are as much recreational as toil. They don't belong in the Minimum Wage Category. As I read this thing, I believe the amendment does bring it down to 75 percent. However, it still puts all of these young members under the Minimum Wage and it requires a lot of bookkeeping on the part of the camps.

While the gentleman from Saco, Mr. Bedard, was reading the names of camps, he forgot to name two in my town, one which is owned and operated by a local fellow and another which is owned and operated by a Cape Elizabeth couple.

For these reasons, ladies and gentlemen of the House, I would move that this bill not be debated

any longer and that it be indefinitely postponed at this time.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I am very familiar with camps. My son has worked in a camp for years. A lot hasn't been told here of what happens. Many of these camps do not pay taxes; they say, "We are nonprofit; we are religious; we are educational; we are fraternal." Why are they nonprofit? I will tell you why. They hire these little boys and girls, 15 to 17, for practically nothing. They take a big fat salary for themselves. They get rich on these children.

Some of these boys go to work in the morning, they have to be there at 4:30. They start running the potato peeler, they start setting the tables, they help the cook, anything that has been spilled or anything that comes in, they have to pack it away. They have to help with the meats. By the time breakfast is served at 7:30 in the morning these young tots are tired. They have to go to work and work until 9:30. They have off approximately an hour and a half to two hours. They are not allowed to play with the other campers; this is against the rules of most camps. So what can they do? Go to their bunk. They can't go to town because they are too far away.

All right, noon comes. At 10:30 they start again. They serve the noon hour; they work to approximately 2:30 to clean up. They are dead tired again. Back they go to their little hut again. The hut is not heated; there is no heat in these places. Some of them only have one little light. They have one toilet that they all go to together.

Then nighttime comes. They go in there at 3:30 in the afternoon and start again. They work until approximately 7:30 before they are ready to leave. And now if they have parents' night or they have something special these young children do not get out of there before eleven or midnight. They work seven days a week. They don't have any time off.

Now when you hire these young children for three dollars and a half

a day and four dollars a day, some of them are working for \$25 a week. They also import here from other countries young men and young women who are supposed to be here to learn the ways of our country for \$50 a year. They are not paying the bill.

Being first hand at this and as close as I have, having as many of these camps in my area as I have — I am thinking today of Mr. Dam who fought for the paper boy that carried the extra load — these young students are carrying the load, and they will be glad to pay them more because they can't hire any suckers that will work for this kind of pay and be the slaves that these kids are. And I hope you don't go along with indefinite postponement.

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

Mrs. LINCOLN: Mr. Speaker and Ladies and Gentlemen of the House: I rise to support the motion of the gentleman from Hope to indefinitely postpone. As a member of the Labor Committee I listened very attentively to the public hearing concerning this bill. It was agreed by everyone that the positions of counselors and junior counselors at summer camps are highly sought after positions and that the supply greatly outnumbers the demand. These individuals accept these jobs because they want them.

The counselor and junior counselor applicants are usually individuals who are aiming for a career in educational or related fields. It is the educational value more than the dollar sign that most of them are looking at.

Secondly, I would like to point out that the child labor representative for the Department of Labor and Industry appeared at our hearing and stated that the Department was opposed to L. D. 745. The department's opposition was basically because of the fact that counselors and junior counselors are substitute parents and could not really be placed on an hourly schedule, just as Representative Hardy has explained to you, and I certainly hope you go along with the indefinite postponement.

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

Mr. DYAR: Mr. Speaker and Members of the House: I would like to concur with the thinking of the gentleman from Saco, Mr. Bedard, and some of the things that Mr. Brawn of Oakland brought up before you. I think you will find if you tour these camps that have been talked about here this morning you will find that the plush jobs, the counselors' jobs, are taken by out-of-state students. The jobs left to the people here in the State of Maine, our own youth, are the menial jobs, the kitchens, the raking, the dirty work. I don't think it is right in this day and age for our own young people to go into the kitchens at four o'clock in the morning and come out at nine or ten o'clock at night for three and a half or four dollars a day.

We have discrimination here, as has been told to you this morning. Our own youth cannot mingle with the rich out-of-staters. We have many camps in this state that are charging three, four, five and as high as eight hundred dollars a week for these people to come into the state. These people are making a good living, the ones who are from out of state who are catering to the rich. They are making this money at the detriment of our own citizens.

I hope this morning that you will vote against the "ought to pass" on this bill.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I would rather sit in my seat, and probably you will say I should have. But I have been very fortunate to have been a moonlighting teacher practically most of my life. And the job I moonlighted on was in the recreational business, in the summer hotel business. And because of that I have lived neighborly to many boys' summer camps, girls' summer camps, tutorial summer camps and recreational summer camps.

Many of them have been successful, but the great majority of these camps are not too successful. They are usually run by teachers; some-

times by coaches. Our friend, Mr. Westerman, the great coach at Maine, continues to run a summer camp. I am sure that his counselors were taken from his football squad and are Maine boys. Boys who wanted to go away on a job like that in the summertime.

Now many of your camp owners come from out of state — New Jersey, Connecticut, Philadelphia, Pennsylvania — I think Camp Kennebec in Belgrade, run by a Mr. Friedman from Philadelphia, was a very successful camp. They had three or four hundred campers there. It was well run. I think they must have paid taxes. I don't know whether it is still in being.

I know at Rangeley two camps have gone out of business — Camp Waya-Awi and another one, I have forgotten — but they were successful for quite a while. This summer business is not a great profit making thing. You have to make your money in two months of the year, and you have quite an investment. I think that you are getting in — when you get into counselors who are more or less members of the family, who want to come up there, who are on duty with the kids all day long, there is no eight hour day of work for them — I think you are going too far. I really do. And I can't vote for a proposition like this.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Bedard.

Mr. BEDARD: Mr. Speaker, Ladies and Gentlemen of the House: Listening to Mr. Hardy, you would think that these boys are being take on a joy ride. Well, I had a son that was a counselor in a camp, and his pay was \$200 for the season. Nobody ever gets rich at that price.

Now these boys and girls that work at these camps have recreation when? When they are all done working and cleaning up everything there is. And then those that are boarding in the camp have the use of everything, and they have to wait for their turn and take what is left. I say let's give our boys a fair chance and get a fair living wage.

Mr. Mills of Eastport moved the previous question.

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

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

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. Is it the pleasure of the House that the main question be put now?

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

Mr. SIMPSON: Mr. Speaker and Members of the House: I know the hour is getting late and I realize that the session is getting late. I do feel that as at least one individual in this House anyway that comes from an area that represents a lot of these camps, as well as other businesses, I did have some thoughts on it that I would like to express, and I would like to have the opportunity to put them on the record.

The SPEAKER: The Chair will order a vote. The pending question is, shall the main question be put now? All in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 38 having voted in the affirmative and 57 having voted in the negative, the motion did not prevail.

The SPEAKER: The main question is not put now, and it is still debatable. The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I would be in hopes that you would vote against the motion to indefinitely postpone and that you at least accept the Majority "Ought to pass" Report. I would concur wholeheartedly with the comments that have been made on behalf of counselors and junior

counselors, and I would like to see an amendment attached to this bill in the third reading that would exempt them.

However, I think that many people kind of chuckled and laughed at a few comments that were made here when we started to talk about kids who were working in the kitchen and kids who were working as maintenance employees and janitorial employees and so forth. I happen to have the opportunity to hire 15 high school and college kids in the summer-time, and many of these people I have hired after they have worked at summer camps.

I have many summer camps in my area; they come into my place of business practically every day. I have a great opportunity to talk to many of the youngsters who work in these camps. When you start talking about janitorial people and the kitchen people, and the maintenance people, many of these people are there, they live outside the camp, they don't necessarily live there and enjoy part of the educational experience that everybody else is enjoying. They are hired as help; and I mean hired and worked.

Now we were told here a few minutes ago a very valid, true statement about the time of day that these kids have to get up and get into the kitchen to start preparing breakfast, washing pots and pans, washing floors; get out maybe for an hour, an hour and fifteen minutes; go back in at noontime; come back out in the afternoon for an hour, hour and a half; go back in at suppertime; get through at nine, ten o'clock at night.

Now this bill would provide that they would be paid three quarters of the Minimum Wage, just like all other students are supposed to be paid. That would come to \$1.20 an hour. Now I would ask you if you had a son or daughter, and they were working in these particular places and working at that type of labor, and that is manual labor, aren't they worth \$1.20 an hour just like the kids who are working next door at the hotel, motel or restaurant, or some other place that has to take and pay the same kind of money?

Now as far as I am concerned, I think one of the biggest weaknesses that we have in many of our laws is that we always take and create a law, then when we get it through we start throwing exemptions in. I don't believe that this is one exemption that is good for the books, and I would hope that you would turn down the motion to indefinitely postpone; that we get in the third reading and then we can exclude the counselors and junior counselors. But let's put these maintenance people on three quarters of the Minimum Wage where they belong.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Hope, Mr. Hardy, that both Reports and Bill "An Act to Provide a Minimum Wage for Students Employed at Summer Camps," House Paper 569, L. D. 745 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, Bartlett, Bither, Brown, Bunker, Call, Clark, Collins, Cottrell, Cummings, Emery, D. F.; Hardy, Haskell, Hayes, Henley, Hewes, Immonen, Kelley, R. P.; Lawry, Lee, Lincoln, Littlefield, Lund, MacLeod, Maddox, Manchester, Marstaller, Morrell, Norris, Page, Parks, Payson, Pratt, Rand, Rollins, Ross, Scott, Smith, E. H.; Susi, Trask, Tyndale, White, Williams, Wood, M. E.; Woodbury.

NAY — Albert, Bailey, Baker, Barnes, Bedard, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bourgoin, Bragdon, Brawn, Bustin, Carey, Carrier, Carter, Churchill, Clemente, Cooney, Cote, Curran, Curtis, A. P.; Cyr, Dam, Donaghy, Dow, Doyle, Drigotas, Dudley, Dyar, Farrington, Fec-

teau, Finemore, Fraser, Gagnon, Gauthier, Gill, Goodwin, Hall, Hancock, Hanson, Hawkens, Herrick, Hodgdon, Kelleher, Kelley, P. S.; Keyte, Lebel, Lewin, Lewis, Lucas, Lynch, Mahany, Marsh, Martin, McCloskey, McCormick, McKinnon, McNally, McTeague, Millett, Mills, Mosher, Murray, O'Brien, Orestis, Pombriand, Porter, Rocheleau, Santoro, Shaw, Sheltra, Shute, Simpson, L. E.; Slane, Smith, D. M.; Stillings, Theriault, Vincent, Whitson, Wood, M. W.

ABSENT — Bernier, Boudreau, Conley, Crosby, Curtis, T. S., Jr.; Emery, E. M.; Evans, Faucher, Genest, Good, Jalbert, Jutras, Kelley, K. F.; Kilroy, Lessard, Lizotte, Silverman, Simpson, T. R.; Starbird, Tanguay, Webber, Wheeler, Wight.

Yes, 45; No, 82; Absent, 23.

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

Thereupon, the Majority "Ought to pass" Report was accepted and the Bill given its two several readings.

Committee Amendment "A" (H-455) was read by the Clerk and adopted, and the Bill assigned for third reading later in the day.

Divided Report

Majority Report of the Committee on Taxation on Bill "An Act Increasing Tax on Beer" (H. P. 245) (L. D. 326) reporting same in a new draft (H. P. 1408) (L. D. 1826) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. WYMAN of Washington
HICHENS of York
FORTIER of Oxford
— of the Senate.
Messrs. FINEMORE
— of Bridgewater
COLLINS of Caribou
MORRELL of Brunswick
ROSS of Bath
CYR of Madawaska
TRASK of Milo
— of the House.

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

Report was signed by the following members:

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

Reports were read.

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

Mr. ROSS: Mr. Speaker, I move **that the House accept the Majority "Ought to pass" Report**, and would speak just very briefly to it.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that the House accept the Majority "Ought to pass" Report. The gentleman may proceed.

Mr. ROSS: Mr. Speaker and Members of the House: **At the present time the licensee pays an excise tax of 25 cents per gallon of beer.** The original bill suggested that this be increased to 40 cents per gallon. The committee was willing to compromise and the redraft is 35 cents per gallon.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think if we are trying to find ways of getting people to vote for an income tax repealer this is one way to do it by passing taxes when we don't know what we are going to do with the money.

I would move indefinite postponement of this bill and all of its accompanying papers.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, now moves the indefinite postponement of both Reports and Bill.

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

Mr. FINEMORE: Mr. Speaker, Members of the House. This is not a tax like Mr. Martin, the gentleman from Eagle Lake, mentioned. We have 117 worthy L. D.'s that the House and the other body considered in their best wisdom were worthy L. D.'s, and they need funding. There is going to be no money left to fund any of them; they will all be swept right off that table. I think it is a very unfair thing.

Last year we had consumed in the State of Maine 17 million gallons of beer, with no one objecting to the price; something that never is objected to. This here would bring in \$1,700,000 per year or \$3,400,000 for the biennium, and I think it is one of the very best ways. It is a luxury tax.

I very much object to the method used by the gentleman from Eagle Lake, Mr. Martin, in saying that it would repeal the income tax. I object to that very much. The people who are interested in the income tax aren't the people who drink beer, and I am well aware of that, and I think he is. I think this is just something to flush this out and do away with it very quickly. I am very much against it. I hope you go along with the "Ought to pass" Report.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: As one of the signers of the "Ought not to pass" Report, I would like to mention the reason for being opposed to this bill. I was opposed to this bill primarily because, as was stated by the gentleman from Eagle Lake, Mr. Martin, we are raising money that is not necessary.

Now my good friend Mr. Finemore from Bridgewater has already said what I intended to say, so he is only bearing out the statement I am going to make, that when you pass a tax to increase the tax, or measure to increase the tax on beer, you are hitting at the poor people, because he has already said that the people that are interested in the repeal of the income tax are not the beer drinkers, they are the liquor drinkers. They are the fat cats that can afford it. It is the people that are working for \$1.80 an hour that can't afford this tax.

Now as far as funding measures that are on the Appropriations table, I have got a couple in there myself. But I would just as soon see my two measures die before I will take a vote to put another tax on the people of this state. Now we can pass all the resolutions we want to, and as a member of the minority party I was one of the

signers of the resolution within our party not to increase any major taxes. But it was my idea when I signed this that we were going to try to use a little common sense, and not shove a lot of little taxes down the people's throat. But we are shoving them down. We are shoving them down everywhere we turn around.

Now this is utterly stupid to raise money when it is not needed, and it is utterly stupid to raise money to fund these type of bills that are on the Appropriations table. I can't see going along and shoving any more taxes down the working people's throat in this state now, and I would hope you go along with the indefinite postponement of this bill.

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

Mr. HODGDON: Mr. Speaker and Ladies and Gentlemen of the House: When I saw this item on the calendar this morning I was somewhat disturbed. Not disturbed too much because it happened to be a beer tax, but the mere fact that it was another tax. You will all remember early in this session that the good gentleman from Norway, Mr. Henley, presented a resolution to this body, which was adopted, stating that we would be opposed to any major taxes.

Now I will grant by the definition of a major tax we have kept our word. But let's be honest. Let's be honest with the people we represent. Up to this moment we have considered upping the wildlands tax; we have considered upping the cigarette tax; we had a little gem before us called pari-mutuel betting which took a few more dollars away from the ordinary person; we have increased the licenses for hunting and for fishing; we will soon be getting before us again a gasoline tax. Now we have a beer tax. And if what I understand is correct, in the next couple of days don't be too surprised if you find a couple of more little gems on your desks for further taxes.

At the same time we are proposing all these penny ante taxes, every month we are getting reports that we are getting a surplus from our income tax. What

is this money going to be used for? It has been suggested that it be used for L. D.'s that are on the Appropriations table. I submit to you that we have debated on two occasions the merits of the Part II budget, and sent it merrily on its way to the other body. If the submission of these penny ante L. D.'s are a way to come in the back door to take care of the expenditures of pet projects that were not included in the Part II budget, I think we are entirely wrong.

Mr. Finemore says that the people who are interested in the income tax are not necessarily interested in the beer tax. I would have to heartily disagree with him. I expect that the way we are acting at the present time Mr. Lamb is sitting at his home in Ellsworth saying, "I do not have to go out and campaign for the repeal of the income tax. The people in Augusta are doing it for me."

However, since this is a beer tax, may I take just a moment of your time to explain to you how the State of Maine is in regard to the rest of the New England states. In New Hampshire the present state tax on beer is \$3.72 a barrel; in Massachusetts it is \$2.74; in Vermont it is the same as our tax at the present, \$7.75; in Rhode Island it is \$2.00; in Connecticut it is \$2.50. There are 31 gallons in a barrel of beer so we are now going to add \$3.10 to our tax bringing our tax up to \$10.85. On top of that we have a sales tax. Now to boil this down into language that we can all understand, may I assure you at the present time that anyone in this House can go into any one of the New England states outside of Vermont and buy a six-pack of beer to take home with you cheaper than a retailer in the State of Maine can buy it from the wholesaler.

I feel that this is another attempt to go in the back door to take care of items that we have already disposed of. I would urge you to go along with the motion for indefinite postponement of this L. D.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I guess probably I am thinking about that story that we used to read about the man without a country. Perhaps I ought to fall into the category this morning of a man without a party, because I find myself in non-concurrence on this bill this morning with some of the best Republican minds in the Maine Legislature.

I fear, however, this report may have come out somewhat before the House voted the other day on the Part II budget, and perhaps if it had been decided after that action it might not have been signed in quite the same way as we see it this morning. I find myself — I am not going to debate on the merits or the demerits of the beer tax bill as such. I somewhat regret that the senior member of the Appropriations Committee from Lewiston is not here this morning. If he were here I am sure that the halls would ring with his denunciation of this tax, which I am not going to do.

However, I do want to call attention to what you did the other day when you gave, I believe it was 112 votes to the Part II budget which was all the money that the Appropriations Committee — and they made this clear to you all in their defense of the Part II budget, was all that they intended you were going to raise this session, and by your vote the other day you pretty much concurred with that thinking. There is in that Part II budget \$700,000, as you all know, to take care of \$8 million or \$9 million of what some people have chosen to refer to as pet bills. Granted, I know that you aren't going to take care of very many pet bills with \$700,000 when they are built up to something between eight and 9 million. However, in voting as you did the other day you accepted, I think, the tax measures, namely \$1 million out of wildlands, and two cents on cigarettes, which properly financed this Part II budget.

I think I — I guess I won't say what I think. I do have a habit of analyzing reports and trying to determine why they were the way they were. I think I might have said in the corridor this morning

that if that honorable body in the other end of the hall was beginning to play games, that if they did not play along with my thinking that I happened in a weak moment to write a check for \$100 as my contribution to the Republican "war chest", and if I find that they are not going along I fear that I will tear it up with very good grace. Perhaps I am looking for reasons and — (laughter) excuse me, Mr. Speaker. I am looking at the Minority Floorleader and he is the cause for the humor, I am sorry.

However, I feel that you have committed yourselves and to attempt to pass this bill we are providing either new money, or money that someone thinks they are going to come up with to finance something else, which I don't think is sound and I think you have established your position pretty soundly the other day. I hope you will stick to it this morning in the defeat of this beer tax bill.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I think the House ought to be aware of the reason why the gentleman from Perham was to some degree pointing to me, because when he indicated that he was going to be tearing up his \$100 check for the betterment of the Republican Party I suggested instead that perhaps he give it to us and we would be more than happy to use it effectively to do the same job.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I have to defend my position on the report. First of all, I couldn't vote for it because there seems to be a 40% increase in a tax and that goes outside of my bounds anyway. And secondly, I felt that the Appropriations Committee, with its budget and its funding, made a package that we could all accept, and that is enough.

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

Mr. HARDY: Mr. Speaker and Ladies and Gentlemen of the House: As you all are aware this is a redraft and it was my bill in the beginning and I am sorry that the gentleman from Lewiston, Mr. Jalbert, isn't here because I agree with Mr. Bragdon that the verbiage would fly.

I introduced this bill when I was very worried about the state employees who we have successfully, in my estimation, left in the lurch the last session or two. I did it because I thought that the appropriate committees might need it at that time. I did it because this tax on beer has not been increased since 1961.

I don't have an L. D. on the Appropriations table but I do know that there is a limited amount of money in there, and I do know that a lot of you will be disappointed when your bill reaches the final night. And I know a lot of your poor people who you have these L. D's for will be disappointed that final night. And without any great emotionalism I think I will vote for this for that reason.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I rise to support the gentleman from Eagle Lake, Mr. Martin's motion to indefinitely postpone this bill. It seems to me that we might be playing into the hands of our sister state here. We just passed a bill here for reducing the prices of liquor down in the southern end of the State to be competitive with our sister state, New Hampshire. It seems to me that we could be in a position that was going to try to bail them out of a financial difficulty that they have down there so they won't have to pass a major tax to alleviate their financial problems.

I think the Taxation Committee should have come out unanimous "ought not to pass" on this particular item. We do not need the money right now. We passed the Part II. I cannot see any reason what is the request for this additional \$3 million. I disagree with my friend from Bridgewater, Mr. Finmore, when he says that this

wouldn't incite people to vote against the repeal of the income tax. I think that this is not true at all. I think that this is just another case like Mr. Hodgdon stated where we are helping play into the hands of brother Lamb.

This bill isn't needed. We have got a tremendous tax on the beer industry now and I am sure my good friend from Hope, Mr. Hardy, will agree with me there. So I hope that you will support Mr. Martin's motion to indefinitely postpone the bill and the reports.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: After hearing both sides of this question I will say this, that many of these people who are beer drinkers cannot afford to go to the cocktail lounges and spend a big price for a drink. They can buy two, sometimes three glasses of beer for what it costs them for one drink of liquor. They are more or less the working class of people. And I sincerely believe that this tax is unwarranted. It is not needed. This Part II budget was passed with the understanding that they would have some money for these L. D.'s.

When my friend, Mr. Hardy from Hope, will say that a lot will be disappointed, that isn't anything new. I have been down here a good many sessions and after they cut up the pie there is a lot of them that went back with very sad thoughts. They made a lot of promises when they came down here, but they couldn't fulfill them, so I don't see anything harmful with that.

And therefore I am going to support the motion to indefinitely postpone and I request a roll call.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: Oftentimes at home I am asked this question, "What do you do for us in Augusta?" Now this morning I want to go on record as being against this tax and I hope that when it gets into the records of the

Legislature that it is written in bold type.

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

Mr. CALL: Mr. Speaker and Members of the House: In some countries beer is considered food. And I think we are all in agreement that to many people in this country beer is food.

If this is an attempt to get back at the litterers I call it an unwise move. The fat cats, as some people have been referred to by at least one gentleman in this House, don't throw their empties into the gutter. Nobody hates littering any more than I do, but this is no way to stop littering. All empty bottles and cans are not thrown out of automobiles. Most of them are disposed of properly.

I will not vote for this legislative document. I am for the indefinite postponement of this bill.

Whereupon, Mr. Susi of Pittsfield moved the previous question.

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

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

The SPEAKER: The question before the House is, shall the main question be put now. All in favor say aye; those opposed say no.

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

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that both Reports and Bill "An Act Increasing Tax on Beer," House Paper 245, L. D. 326, be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Ault, Bedard, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Boudreau, Bourgoin, Bragdon, Brawn, Brown, Bunker, Bustin, Call, Carey, Carrier, Carter, Churchill, Clark, Clemente, Collins, Cooney, Cote, Cottrell, Cummings, Curran, Curtis, A. P.; Dam, Donaghy, Dow, Doyle, Drigotas, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Farrington, Fecteau, Fraser, Gagnon, Gauthier, Gill, Goodwin, Hall, Hancock, Hanson, Hawks, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Kelleher, Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lee, Lewin, Lewis, Littlefield, Lizotte, Lynch, MacLeod, Mahany, Manchester, Marsh, Martin, McCloskey, McCormick, McKinnon, McNally, McTeague, Mills, Morrell, Murray, Norris, O'Brien, Orestis, Page, Parks, Payson, Pontbriand, Porter, Pratt, Rand, Rocheleau, Rollins, Ross, Santoro, Scott, Shaw, Sheltra, Shute, Slane, Smith, D. M.; Smith, E. H.; Stillings, Susi, Theriault, Vincent, Wheeler, Whitson, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAY — Bailey, Baker, Barnes, Bartlett, Bither, Cyr, Finemore, Good, Hardy, Haskell, Lincoln, Lund, Maddox, Millett, Mosher, Simpson, T. R.; Trask, Tyndale, Webber, White.

ABSENT—Bernier, Conley, Crosby, Curtis, T. S. Jr.; Evans, Faucher, Genest, Jalbert, Jutras, Kelley, K. F.; Lessard, Lucas, Marsteller, Silverman, Simpson, L. E.; Starbird, Tanguay.

Yes, 113; No, 20; Absent, 17.

The SPEAKER: One hundred thirteen having voted in the affirmative, twenty in the negative, with seventeen being absent, the motion to indefinitely postpone does prevail.

Sent up for concurrence.

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

Mr. KELLEHER: Mr. Speaker, I move that we reconsider our action where this bill was indefinitely postponed and I hope you all vote against me.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that 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 to reconsider did not prevail.

The SPEAKER: The Sergeant-at-Arms will escort the gentleman from Berwick, Mr. Stillings, to the rostrum to act as Speaker pro tem.

Thereupon, Mr. Stillings assumed the Chair as Speaker pro tem and Speaker Kennedy retired from the Hall.

Order Out of Order

Mr. Donaghy of Lubec presented the following Joint Order out of order and moved it passage:

ORDERED, the Senate concurring, that the Joint Standing Committee on State Government is directed to report out a bill relating to the organization of the Department of the Secretary of State. (H. P. 1413)

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

By unanimous consent, ordered sent forthwith.

Mr. Ross of Bath was granted unanimous consent to address the House:

Mr. ROSS: Mr. Speaker and Members of the House: Although I signed that last bill "ought to pass," you may notice I voted for indefinite postponement. The reason for that was we had signed this bill out before we had received the Part II budget, and so the funding was there.

Third Reader Tabled and Assigned

Bill "An Act to Relieve Certain Elderly Householders from the Extraordinary Impact of Property Taxes" (H. P. 1400) (L. D. 1817)

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

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I stated last Friday that the Republican party was flexible, that **we were not stubborn persons unwilling to make changes, especially just to gain Republican credit on a subject as important as this. This certainly should be bipartisan.** Several members of both parties have come to me and suggested amendments. There have already been two presented to us; they haven't been presented yet, but they are on our desks. And others must have time because this was only voted on, the first two readings, last Friday.

Please prepare your amendments very carefully, and I suggest you talk them over with Mr. Johnson, the head of the Taxation Department. We will give very careful consideration to each suggestion. And for this reason I would hope that somebody would table this. I was going to suggest that we table it for two days, but after Mr. Susi's remarks this morning perhaps somebody would table it for one day and if we need another day we could table it tomorrow for the other day.

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

Passed to Be Engrossed

Bill "An Act to Remedy Omissions in the Workmen's Compensation Law" (H. P. 1404) (L. D. 1824)

Bill "An Act Establishing the Office of Legislative Liaison" (H. P. 1405) (L. D. 1825)

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

Amended Bill

Bill "An Act relating to the Sale of Marijuana" (S. P. 278) (L. D. 812)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Com-

mittee Amendment "A" and sent to the Senate.

Passed to Be Enacted

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

An Act relating to Defenses for Holders of a Retail Installment Sale Agreement (S. P. 616) (L. D. 1801)

An Act to Revise the Environmental Improvement Commission Laws (S. P. 623) (L. D. 1806)

An Act Revising the Air Pollution Laws (H. P. 1127) (L. D. 1557)

An Act to Authorize Food Stamp Program (H. P. 1210) (L. D. 1657)

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 relating to Service Requirement of Teachers under State Retirement System (H. P. 1329) (L. D. 1743)

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

(On motion of Mr. Porter of Lincoln, tabled pending passage to be enacted and tomorrow assigned.)

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

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

An Act relating to Municipal Regulation of Land Subdivisions (H. P. 1380) (L. D. 1800)

An Act relating to the Management of Solid Waste (H. P. 1383) (L. D. 1803)

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.

On request of Mr. Susi of Pittsfield, the foregoing enactors were ordered sent forthwith to the Senate.

On motion of Mr. Susi of Pittsfield,

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

After Recess

1:30 P.M.

The House was called to order by Speaker Kennedy.

Orders of the Day

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

Majority Report of the Committee on Natural Resources on Bill "An Act to Encourage Aquaculture in Maine's Marine Waters" (S. P. 408) (L. D. 1242) reporting "Ought to pass" as amended by Committee Amendment "A" (S-221) and Minority Report reporting "Ought not to pass" — In House, Reports and Bill indefinitely postponed in non-concurrence. — In Senate, passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" (S-243) in non-concurrence.

Tabled — June 10, by Mr. Hardy of Hope.

Pending — Further consideration.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen: This is a very complicated matter, and there is an amendment being prepared. It isn't ready for offer yet, and I hope that somebody will table this for one day.

Whereupon, on motion of Mr. Porter of Lincoln, retabled pending further consideration and tomorrow assigned.

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

Bill "An Act relating to Indian Tribal Governors, Lieutenant Governors and Council Members" (H. P. 398) (L. D. 408) — In House, Committee Amendment "A" (H-434) adopted.

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

Pending — Passage to be engrossed.

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

Mr. MILLS: Mr. Speaker, I present an amendment and move its passage.

The SPEAKER: The Chair understands that the gentleman from Eastport, Mr. Mills, moves that the rules be suspended for the purpose of reconsidering whereby Committee Amendment "A" was adopted on June 9. Is there objection?

The Chair hears objection.

The Chair will order a vote. A two-thirds vote is required for suspension of the rules. All in favor of the rules being suspended for the purpose of reconsidering whereby Committee Amendment "A" was adopted on June 9 will vote yes; those opposed will vote no.

A vote of the House was taken. 64 having voted in the affirmative and 10 having voted in the negative, the rules were suspended.

On further motion of Mr. Mills of Eastport, the House reconsidered its action of June 9 whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-454) was read by the Clerk.

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

Mr. BINNETTE: Mr. Speaker, I would like to pose a question to the Representative from Eastport if I may, please.

The SPEAKER: The gentleman may pose his question.

Mr. BINNETTE: Could you tell us now how much money that the Governor, Lieutenant Governor and the Council members are receiving at the present time?

The SPEAKER: The gentleman from Old Town, Mr. Binnette, poses a question through the Chair to the gentleman from Eastport, Mr. Mills, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. MILLS: Mr. Speaker and Members of the House: In answer to the question, there is no money that I know of being received by the Tribal Governor, the Lieutenant Governors and Council members. That was the purpose of this amendment, to correct something that didn't take place in committee. And the sum of money involved here on the appropriations is, as I understand, in the Part II budget.

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

Mr. DONAGHY: Mr. Speaker, I would ask that this be tabled for one day, pending further consideration.

Mr. Mills of Eastport requested a division.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves that this Bill be tabled until tomorrow pending the adoption of House Amendment "A" to Committee Amendment "A". A vote has been requested on the motion. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 43 voted in the affirmative and 54 voted in the negative.

Whereupon, Mr. Porter of Lincoln requested a roll call vote.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All in favor 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 Lubec, Mr. Donaghy, that this matter be tabled until tomorrow, pending the adoption of House Amendment "A" to Committee Amendment "A". If you are in favor of this matter being tabled you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEAS — Ault, Bailey, Bedard, Berry, G. W.; Binnette, Bither, Bragdon, Brown, Bunker, Carter, Collins, Cote, Cottrell, Cummings, Curran, Curtis, A. P.; Donaghy,

Dudley, Emery, D. F.; Evans, Fraser, Gill, Good, Hall, Hanson, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Kelleher, Keyte, Lawry, Lee, Lewin, Lincoln, Littlefield, Lund, MacLeod, Maddox, Marstaller, Millett, Morrell, Mosher, Page Parks, Payson, Porter, Pratt, Rand, Ross, Scott, Shaw, Shute, Simpson, L. E.; Simpson, T. R.; Trask, Tyndale, Wight, Williams, Wood, M. W.; Wood, M. E.

NAYS — Albert, Barnes, Bartlett, Berry, P. P.; Berube, Boudreau, Bourgoin, Brawn, Bustin, Call, Carey, Carrier, Churchill, Clark, Clemente, Cyr, Dow, Doyle, Drigotas, Dyar, Farrington, Fecteau, Finemore, Gagne, Gauthier, Hancock, Jutras, Kelley, P. S.; Kelley, R. P.; Kilroy, Lebel, Lewis, Lizotte, Lucas, Lynch, Mahany, Manchester, Marsh, Martin, McCloskey, Mills, Murray, Norris, Pontbriand, Rocheleau, Rollins, Sheltra, Slane, Smith, D. M.; Tanguay, Theriault, Webber, Wheeler, Woodbury.

ABSENT — Baker, Bernier, Birt, Conley, Cooney, Crosby, Curtis, T. S., Jr.; Dam, Emery, E. M.; Faucher, Genest, Goodwin, Jalbert, Kelley, K. F.; Lessard, McCormick, McKinnon, McNally, McTeague, O'Brien, Orestis, Santoro, Silverman, Smith, E. H.; Starbird, Stillings, Susi, Vincent, White, Whitson.

Yes, 66; No, 54; Absent, 30.

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

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

Bill "An Act relating to Certain Laws Relative to Great Ponds" (H. P. 1374) (L. D. 1791) — In Senate, indefinitely postponed in non-concurrence. — In House, receded from passage to be engrossed.

Tabled — June 10, by Mr. Lund of Augusta.

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

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

Mr. LUND: Mr. Speaker and Members of the House: We are seeking to incorporate some further thoughts of the gentleman from Albion, Mr. Lee, in the amendment that you now have on your desks, and I would hope that someone might table this until the next legislative day.

Whereupon, on motion of Mrs. Brown of York, retabled pending the adoption of House Amendment "A" and tomorrow assigned.

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

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

Tabled—June 10, by Mrs. Wheeler of Portland.

Pending — Acceptance of either Report.

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

Mr. HEWES: Mr. Speaker, I move this be tabled one legislative day.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, moves that L. D. 332 be tabled until tomorrow, pending the acceptance of either Report. Is this the pleasure of the House?

(Cries of "Yes" and "No")

The SPEAKER: The Chair will order a vote. All in favor of tabling until tomorrow pending the acceptance of either Report will vote yes; those opposed will vote no.

A vote of the House was taken.

82 having voted in the affirmative and 28 having voted in the negative, the motion did prevail.

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

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

House, Committee Amendment "A" adopted.

Tabled — June 10, by Mr. Jalbert of Lewiston.

Pending — Passage to be engrossed.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I note that this is tabled under the name of Mr. Jalbert, and I expect that he will be present tomorrow. I don't know what his interest is in this bill. Unless somebody does know I would hope that we would table it out of regard for Mr. Jalbert's wishes, until tomorrow.

Whereupon, on motion of Mr. Martin of Eagle Lake, retabled pending passage to be engrossed and tomorrow assigned.

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

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)

Tabled — June 11, by Mr. Hardy of Hope.

Pending — Passage to be enacted.

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

Mr. GOOD: Mr. Speaker and Ladies and Gentlemen of the House: Last session I had an amendment on a bill to compel Vahlsing Company to clean up the Prestile Stream. This bill was turned down with a very comfortable margin. The arguments that were used was that it would discriminate and that it would interfere with the overall target date of 1976, when all waters are to be clean.

The potato processing plants in Aroostook County are operating on this plan as the result of our action last session. But if this bill passes it will close down every processing plant in the state. The same arguments hold true that were used last year. If this bill is to be run in its present form, as it evidently is, I don't like it and I don't think it is practical.

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

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

Mr. DAM: Mr. Speaker and Members of the House: I rise to oppose this bill, 1468. I see that the gentleman from Portland, the sponsor of the bill, Mr. Whitson, is not here in his seat today, but he is here. And the reason that I oppose the bill is not because of the words potatoes in the waters of the state, but because of what is being done about repealing the part of the laws that exist now. And to do this I just wonder in my mind if this would jeopardize any of the statutes on the books relating to the deposits of forest products, refuse and oil in the statutes now. Would this change any of the existing law or would it leave it the same as it is? I would pose this question to anyone in the House that would care to answer.

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

Thereupon, on motion of Mr. Hardy of Hope, tabled pending the motion of Mr. Good of Westfield to indefinitely postpone and later today assigned.

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

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

Tabled — June 11, by Mr. Farrington of Old Orchard Beach.

Pending — Passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker and Members of the House: I am getting a little bit of flak on this bill, L. D. 1790, from the real estate people in my home town, and they are apparently getting some research material in the mail to me. And I would appreciate it if someone would table this for one more day, hoping that we can get this cleared up tomorrow.

Whereupon, on motion of Mr. Parks of Presque Isle, retabled pending passage to be engrossed and tomorrow assigned.

The Chair laid before the House the eighth 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 11, by Mr. Susi of Pittsfield.

Pending — Passage to be engrossed.

Mr. Marstaller of Freeport offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-456) was read by the Clerk and adopted and the Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

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

Tabled — June 11, by Mr. Williams of Hodgdon.

Pending — Passage to be engrossed.

On motion of Mr. Shaw of Chelsea, retabled pending passage to be engrossed and tomorrow assigned.

The following papers were taken up out of order by unanimous consent.

Third Reader

Tabled and Assigned

Bill "An Act to Reorganize the Department of Finance and Administration" (H. P. 1410) (L. D. 1827)

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

The SPEAKER: The Chair recognizes the gentlewoman from York, Mrs. Brown.

Mrs. BROWN: Mr. Speaker and Members of the House: I feel there are still a great many questions, and I would like to have this tabled

for one day so that I can ask some things that I haven't been able to find out this morning.

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

Third Reader

Tabled and Assigned

Bill "An Act to Create the Department of Transportation" (H. P. 1411) (L. D. 1828)

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

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

Third Reader

Tabled and Assigned

Bill "An Act to Create the Department of Human Services" (H. P. 1412) (L. D. 1829)

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

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

Amended Bill

Tabled and Assigned

Bill "An Act to Provide a Minimum Wage for Students Employed at Summer Camps" (H. P. 569) (L. D. 745)

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

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

Papers from the Senate

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Age Limit for Motor Vehicle Operator Licenses" (S. P. 4) (L. D. 18) reporting that they are unable to agree.

(Signed)

KATZ of Kennebec

JOHNSON of Somerset

KELLAM of Cumberland

— Committee on part of Senate.

LEBEL of Van Buren
McNALLY of Ellsworth
DUDLEY of Enfield

—Committee on part of House.
Came from the Senate read and
accepted.

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

Conference Committee Report

Report of the Committee of Con-
ference on the disagreeing action
of the two branches of the Legis-
lature on Bill "An Act Increasing
Salaries of Justices of the Supreme
Judicial Court and the Superior
Court and Judges of the District
Court" (S. P. 392) (L. D. 1170)
reporting that the Senate recede
from its action whereby it passed
the Bill to be engrossed; recede
from its action whereby it adopted
Committee Amendment "A", and
indefinitely postpone same; adopt
Conference Committee Amendment
"A" submitted herewith; and pass
the Bill to be engrossed as amend-
ed by Conference Committee
Amendment "A"; that the House
recede and concur with the Senate.
(Signed)

TANOUS of Penobscot
HARDING of Aroostook
CLIFFORD

of Androscoggin

—Committee on part of Senate.

CARRIER of Westbrook
HENLEY of Norway
PAGE of Fryeburg

— Committee on part of House.

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

In the House, the Report was
read.

The SPEAKER: The Chair rec-
ognizes the gentlewoman from
Portland, Mrs. Wheeler.

Mrs. WHEELER: Mr. Speaker
and Members of the House: I
neither support nor oppose the
Committee of Conference Report.
However, I would like to point out
for the record that this body has
approved an average 11 per cent
wage increase for the state em-
ployees, and that the proposal be-
fore us affords a raise of no more
than 5 per cent for the Justices
of our highest courts.

Thereupon, the Report was ac-
cepted in concurrence. The House

voted to recede from passage to
be engrossed and from adoption
of Committee Amendment "B".
Committee Amendment "B" was
indefinitely postponed. Conference
Committee Amendment "A" (S-
271) was read by the Clerk and
adopted in concurrence.

The Bill was passed to be en-
grossed as amended by Conference
Committee Amendment "A" in
concurrence.

Mr. Porter of Lincoln was
granted unanimous consent to ad-
dress the House.

Mr. PORTER: Mr. Speaker and
Ladies and Gentlemen: You will
notice that the next three items
are the State Government reor-
ganization bills that were before
the other body this morning. I
think it would be to our advantage
to accept the Committee Reports
and give them their first two
readings and try to get them in the
same condition as the bills we had
this morning. So I would urge that
they be given their first two
readings.

Ought to Pass in New Draft

Report of the Committee on
State Government on Bill "An Act
relating to the Department of
Agriculture" (S. P. 492) (L. D.
1500) reporting same in a new
draft (S. P. 639) (L. D. 1832) under
same title and that it "Ought to
pass"

Report of same Committee on
Bill "An Act relating to a Depart-
ment of Consumer Protection" (S.
P. 497) (L. D. 1458) reporting
same in a new draft (S. P. 637)
(L. D. 1830) under same title
and that it "Ought to pass"

Report of same Committee on
Bill "An Act to Create the De-
partment of Environmental Pro-
tection" (S. P. 498) (L. D. 1459)
reporting same in a new draft
(S. P. 638) (L. D. 1831) under
same title and that it "Ought to
pass"

Came from the Senate with the
Reports read and accepted and
the New Drafts passed to be en-
grossed

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

Ought to Pass

Report of the Committee on Constitutional State Reapportionment and Congressional Redistricting, acting by authority of Joint Order (S. P. 106) reporting a Resolve (S. P. 634) (L. D. 1822) under title of "Resolve to Apportion Representatives to Congress" and that it "Ought to pass"

Came from the Senate with the Report read and accepted and the Resolve passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the Resolve read once and tomorrow assigned.

Report of the Committee on Constitutional State Reapportionment and Congressional Redistricting, acting by authority of Joint Order (S. P. 106) reporting a Resolve (S. P. 635) (L. D. 1823) under title of "Resolve Dividing the State of Maine into Councillor Districts" and that it "Ought to pass"

Came from the Senate with the Report read and accepted and the Resolve passed to be engrossed.

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

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

Mr. ROSS: Mr. Speaker, I would like to pose a question through the Chair to anyone who could answer it. How does that differ from the present Councillor Districts?

The SPEAKER: The gentleman from Bath, Mr. Ross, poses a question through the Chair to anyone who can answer.

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

Mr. BIRT: Mr. Speaker, as far as I know, I think it follows the same lines as the present Councillor Districts. I don't think there are any changes that were made in it.

Thereupon, the Resolve was assigned for second reading tomorrow.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on State Government report-

ing "Ought not to pass" on Bill "An Act Creating the Municipal Assessment Appeals Board" (S. P. 493) (L. D. 1441)

Report was signed by the following members:

Messrs. JOHNSON of Somerset
WYMAN of Washington
— of the Senate.
Messrs. DONAGHY of Lubec
MARSTALLER

— of Freeport
HODGDON of Kittery
HANSON of Gardiner
FARRINGTON

of Old Orchard Beach
— of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (S. P. 630) (L. D. 1818) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. CLIFFORD
— of Androscoggin
— of the Senate.

Mrs. GOODWIN of Bath
Messrs. STILLINGS of Berwick
COONEY of Webster
STARBIRD
— of Kingman Township
CURTIS of Orono

— of the House.

Came from the Senate with the Minority Report accepted and the Bill passed to be engrossed.

In the House: Reports were read.

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

Mr. MARSTALLER: Mr. Speaker, I move we accept the Majority "Ought not to pass" Report.

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

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

Mr. BRAGDON: Mr. Speaker and Members of the House: With regard to this bill, I haven't had an opportunity to look it up, but I would like to ask a question before we vote on the motion now before the House, of some member of the State Government Committee. The reason for the question is, I seem to have somewhere in the back of my mind that we in

the Appropriations Committee have dealt with the Board which must be very similar to this Board that we are talking about in this bill at this time. We do have apparently a Municipal Assessment Appeals Board now. It may not have quite this name but I would like to know what the similarity is between the board we presently have and the board that this proposes to set up, if some member of the Committee would answer me.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, poses a question through the Chair to any member who may answer if they choose. The Chair recognizes the gentleman from Freeport, Mr. Marstaller.

Mr. MARSTALLER: Mr. Speaker and Ladies and Gentlemen of the House: In answer to the question, this new board would be a board appointed by the Governor's Council which would take the place of what the County Commissioners do now in terms of tax appeals.

Now I am not quite sure what the present state board does but this board would take the place of the County Commissioners. In other words, an appeal now first goes to the County Commissioners and it would take their place.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Another question if I might. Would we be substituting the present board, the present state board, with another board? I am sure that we have a state board, and it does not fall in the category of County Commissioners or anything like that at the present time. I think it is made up of about three people and I am sure they were before us and discussing their appropriation. They were created by the last legislature. I just don't want to see that we have two or three boards, all doing the same thing. This is the thing that bothers me.

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

Mr. CAREY: Mr. Speaker and Members of the House: In attempting to answer the gentleman's

question, currently we have a Municipal Valuation Appeals Board. Now that Board's duties is to act upon an appeal of a municipality that feels that its assessment has been placed too high. What this Board would do apparently would go even further and handle individual assessments of individual property owners within the community.

The City of Waterville does have such a board which goes immediately above its assessor and below the County Commissioners. I assume many communities have the same thing. If we did anything at all rather than create another 15-man body, I would certainly hope that we might throw these responsibilities onto the same Municipal Valuation Appeals Board. I would support a motion for indefinite postponement.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: As Mr. Carey has said, his statements are 100% correct. At the present time the only place you can go with an appeal on your tax is to the County Commissioner which is the right place. I don't know how many people would come from Fort Kent or Eagle Lake or even Bridgewater down here to appeal a tax when they were probably arguing over a matter of \$75 or \$80. So I don't believe that we need a board of that kind at this time.

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

Mr. FRASER: Mr. Speaker and Ladies and Gentlemen of the House: At the present time a person who feels that his property is not assessed properly goes to his local assessors who originally, in his opinion, made the mistake in the first place. If they still disagree they have to go to the County Commissioners, who in most cases are not qualified to do any assessing. This Assessment Board would be trained people who, I am sure, would give better satisfaction.

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

Mr. DYAR: Mr. Speaker and Members of the House: I believe in the 104th session we passed legislation that is now on the statutes wherein a person who has a grievance with the municipality in relation to assessment can bypass the County Commissioners and come directly to the State Tax Assessor's office. I know this to be a fact because in my town we have had to come to Augusta here and bypass the commissioners.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I note that the report of the State Government Committee came out with two bills, the original L. D. 1441 and the redraft 1811. I wonder if someone could explain what either bill is and what the difference is between the two?

Thereupon, on motion of Mr. Porter, of Lincoln tabled pending the motion of Mr. Carey of Waterville to indefinitely postpone and tomorrow assigned.

Final Report

Final Report of the following Joint Standing Committees:

County Government Natural Resources

Came from the Senate read and accepted.

In the House, the Reports were read and accepted in concurrence.

Petitions, Bills and Resolves Requiring Reference

The following Bill, approved by a majority of the Committee on Reference of Bills for appearance on House Calendar, was received and referred to the following Committee:

Legal Affairs

Bill "An Act relating to Petitioners' Committee under Municipal Home Rule Law" (H. P. 1414) (Presented by Mr. Emery of Rockland) (Ordered Printed)

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Revising the Implied Consent Law for Operators of Motor Vehicles"

(H. P. 1027) (L. D. 1422) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

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

Messrs. HEWES
— of Cape Elizabeth
LUND of Augusta
CARRIER of Westbrook

Mrs. BAKER of Orrington
Mrs. WHITE of Guilford
Messrs. HENLEY of Norway
PAGE of Fryeburg

ORESTIS of Lewiston
Mrs. WHEELER of Portland
— of the House.

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

Report was signed by the following members:

Mr. HARDING of Aroostook
— of the Senate.

Mr. KELLEY of Caribou
— of the House.

Reports were read.

On motion of Mr. Hewes of Cape Elizabeth, the Majority "Ought to pass" Report was accepted.

The Bill was given its two several readings.

Committee Amendment "A" (H-460) was read by the Clerk and adopted, and the Bill assigned tomorrow for its third reading.

The following Communication:

THE SENATE OF MAINE
Augusta, Maine

June 14, 1971

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

Dear Madam Clerk:

The Senate today voted to Insist and join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Repealing the Poll Tax" (S. P. 14) (L. D. 42).

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

Senators:
KATZ of Kennebec
FORTIER of Oxford
SHUTE of Franklin
Respectfully,

(Signed)

HARRY N. STARBRANCH

Harry N. Starbranch
Secretary of the Senate

The Communication was read and ordered placed on file.

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

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)

Tabled pending the motion of Mr. Good of Westfield to indefinitely postpone.

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

Mr. HARDY: Mr. Speaker and Ladies and Gentlemen of the House: I was sorry not to be able to answer the questions posed when they arrived but we had three of these dump bills and this 1468 had me confused.

It has two sections namely 1416 and 1417. They both were repealed. Under 1416 before it was repealed—in 1468 now, we put in the new section 416 which pertains only to oil. Now mind you 1417 was put back into the bill. This pertains to the potatoes already existing in

the statute and refuse piles created by forest products. So the only thing that has really been changed was the addition of the refuse piles and under both sections we increased the fine in 1416 from \$25 to \$100 to \$500 and \$1,000 and under 1417 we increased the penalties from \$25 and \$20 to \$100 to \$5,000.

I think the forest products is the thing that has had the bill more or less in jeopardy and everybody has agreed at this point, this being the new one but everyone has agreed to it, that the bill is all right at this time.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of Mr. Good of Westfield that the Bill be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

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

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

On motion of Mr. Kelley of Machias,

Adjourned until nine o'clock tomorrow morning.