

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Fifth
Legislature***

OF THE

STATE OF MAINE

Volume III

June 16, 1971 to June 24, 1971

Index

1st Special Session

January 24, 1972 to March 10, 1972

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**KENNEBEC JOURNAL
AUGUSTA, MAINE**

HOUSE

Wednesday, June 16, 1971

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

Prayer by the Rev. Mr. Donald Smith of Hollis.

The journal of yesterday 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 Definition of Theft by One Renting or Truſted with Property" (H. P. 963) (L. D. 1324) reporting that the House recede from passage to be engrossed, adopt Conference Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "A"; that the Senate recede and concur with the House in accepting the Minority "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)

LEE of Albion

HEWES of Cape Elizabeth

HENLEY of Norway

— Committee on part of House.

TANOUS of Penobscot

HARDING of Aroostook

QUINN of Penobscot

— 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-466) 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.

**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 Size Limit of Trout" (S. P. 548) (L. D. 1687) reporting that they are unable to agree.

(Signed)

HOFFSES of Knox

BERNARD

of Androscoggin

— Committee on part of Senate.

BOURGOIN of Fort Kent

FINEMORE

of Bridgewater

BITHER of Houlton

— Committee on part of House.

Came from the Senate read and accepted.

In the House, the Report was read.

On motion of Mr. Finemore of Bridgewater, the Report was accepted in concurrence.

From the Senate: The following Order:

ORDERED: the House concurring, that the Speaker of the House, the President of the Senate and the Majority and Minority Leaders and Assistant Leaders of the House and Senate, be and hereby are authorized during the current biennium to attend the conferences of the National Conference of State Legislative Leaders, and that their necessary expenses, and the dues of the State of Maine for membership, be paid from the Legislative Appropriation, (S. P. 647)

Came from the Senate read and passed.

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

Tabled Later in the Day

From the Senate: The following Order:

ORDERED, the House concurring, that the Speaker of the House and not exceeding 4 members of the House, or 5 members if the Speaker is unable to attend, designated by him, and that the President of the Senate and not exceeding 4 members of the Senate, or 5 members if the President is unable to attend, designated by him, be and hereby are authorized to attend the conferences of the National Legislative Conference held during the 1971 calendar year; and be it further

ORDERED, that the Law and Legislative Reference Librarian, Edith L. Hary, be and hereby is authorized to attend the conferences of the National Legislative Conference held during the 1971 calendar year; and be it further

ORDERED, that the necessary expenses of the persons attending such conferences be paid from the Legislative Appropriation. (S. P. 648)

Came from the Senate read and passed.

In the House, the Order was read.

(On motion of Mr. Gill of South Portland, tabled pending passage in concurrence and later today assigned.)

From the Senate: The following Order:

ORDERED, the House concurring, that there be prepared after adjournment of the present session, under the direction of the Clerk of the House, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve, and that there be printed six hundred copies of the same. The Clerk shall mail a copy of the Register to each member and officer of the Legislature and the State Library shall receive such number of copies as may be required. (S. P. 649)

Came from the Senate read and passed.

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

From the Senate: The following Order:

ORDERED, the House concurring that the State Budget Officer be and hereby is directed to furnish to the Legislative Finance Officer copies of all departmental budget requests and all information and data relating thereto submitted to him by all State departments, commissions and agencies as soon as same come into his possession, (S. P. 650)

Came from the Senate read and passed.

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

From the Senate: The following Order:

ORDERED, the House concurring, that the State Librarian be directed to forward bound copies of the Legislative Record to members of the Senate and House and to the Secretary and Assistant Secretary of the Senate, and the Clerk and Assistant Clerk of the House, at their home addresses. (S. P. 651)

Came from the Senate read and passed.

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

Reports of Committees Ought to Pass in New Draft

Report of the Committee on State Government on Bill "An Act relating to a Department of Natural Resources" (S. P. 490) (L. D. 1440) reporting same in a new draft (S. P. 646) (L. D. 1840) under same title and that it "Ought to pass"

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

In the House, report was read and accepted in concurrence, the New Draft read twice, and later today assigned.

Orders Out of Order

Mrs. Doyle of Bangor presented the following Order and moved its passage:

ORDERED, that Margot Riley and Richard Bowman Riley of Hall-owell be appointed to serve as Honorary Pages for today.

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

Mr. Bunker of Gouldsboro presented the following Order out of order and moved its passage:

ORDERED, that Heath Norris of Brewer be appointed to serve as Honorary Page for today.

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

Ought to Pass

Report of the Committee on Taxation on Bill "An Act to Provide for the Taxation of Pulpwood and Logs in Place Where Situated" (S. P. 463) (L. D. 1380) reported same in a new draft (S. P. 622) (L. D. 1805) under same title and that it "Ought to pass"

Came from the Senate with the Report accepted and the Bill indefinitely postponed.

In the House, the Report was read.

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

Mr. FINEMORE: Mr. Speaker, I move the indefinite postponement of this bill in concurrence with the Senate.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves that this Bill and Report be indefinitely postponed in concurrence.

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

Mr. MARTIN: Mr. Speaker, I wonder if the gentleman could explain the reasons why we had a unanimous report from the committee and whether or not there is any hope for this bill?

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

The Chair recognizes that gentleman.

Mr. FINEMORE: Mr. Speaker and Members of the House: In answer to the gentleman's question, the gentleman from Eagle Lake, Mr. Martin, we tried to recall this bill from the Senate after it had gone in. We found that we had made an error and we tried to recall it, but in the delay one of the members of the other body had it tabled and it was taken off the table the next day when he wasn't

there and given its readings, and later it was indefinitely postponed in the Senate. And if the gentleman wants me to, I can give him the outline of this whole bill as I have it written up. I have taken and put some time on it, but I hope I don't have to. It is considerably long. It is a bill that is hard to work. But if the gentleman insists that I do, I will.

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

Mr. MARTIN: Mr. Speaker and Members of the House: One of the problems I think that some of us face is a rather simple one. At the present time in my community and in many others within my legislative district, we have thousands and thousands of cords of pulpwood that set on the sidings of the B & A Railroad for as much as a year. And what happens, of course, is that it occupies space which no one else can use. It cannot be taxed under the present law because it is, in effect, in transit under existing statutes, and the land is unusable by anyone else.

In Portage, for example, where a small chipper is located, a great deal of wood is coming in, and the question has arisen as to whether or not since that is no longer in transit, why they can't tax it. Unfortunately, the Bureau of Taxation has ruled that the chips are still in transit, even though they are in Portage, so in effect they ought to be taxed in Millinocket. Of course what happens is that Millinocket does not tax the wood because they have no idea how much wood that there is there, and so as a result it is never taxed.

Perhaps the approach I think we ought to take—I think we really ought to work something out if to do nothing else for my community or perhaps if we can't do anything for my community, at least something ought to be done for the Town of Portage—and I would hope perhaps some of you would accept the report this morning, let it go to third reading, and see whether we can work out an amendment.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I will agree with part of what Mr. Martin has said one hundred per cent. This wood is piled down. But first to explain, wood in transit is taxed, because these pulp companies, paper companies, even the small lumber companies like Eagle Lake, like Mr. Pinkham, and even one member of our House, Mr. Collins—I believe that he would bear me out—that they give them an average of their inventory year. They don't give them an exact inventory on April the first. This is given to them on an average for the year on the amount of lumber in their yard and the pulpwood in transit and the pulpwood that is piled down.

But to go a little further, I was hoping I wouldn't have to say this, but I will. In addition to the assessment and tax collection problems which would arise if L. D. 1805 were enacted, there are other very practical problems which could frustrate the collection of this tax.

In the first place, once the pulpwood and logs are found, in order for their value to be ascertained they must be scaled and very few municipalities have available the services of a qualified scaler. There is also the problem of ascertaining ownership which may change from the pulpwood cutter to the pulpwood buyer pursuant to a contract to which the town has no access and which would require a legal interpretation to ascertain ownership on April 1. Indeed, there could very well be a problem with logs and pulpwood which, by its nature, may be way back in the wood in even ascertaining exactly what town it is within on that date.

In the same vein, there is a problem with wood that is being river-driven because the rivers generally represent the boundary lines between towns, and while I realize that we have passed legislation outlawing log-driving after 1976, at least until that date there can be a problem in ascertaining on which side of the river the wood is actually located. This situation, of course, is further compounded by the fact that by the time the tax bills come out in

most municipalities, any wood that was located therein on the first of April has long since been moved and it becomes impossible for anyone to accurately ascertain just exactly how much was within the municipal limits on that date.

There are also new, equitable problems that would be created by the passage of this bill, because if the pulpwood or logs are to be taxed as personal property, should not they perhaps be taxed in the town from which they were cut and which town had to at least theoretically reduce its real estate assessments on the property because of the removal of the wood or should not they be taxed in the towns to which they are hauled and within whose boundaries they may sit for many months, rather than the single day in April upon which taxes are assessed?

These are all problems that would be incurred by the passage of this legislation, and I would point out to you in closing that the exceptions from the general rule that taxes are assessed and paid in the town of residence are primarily non-mobile and easily ascertainable items. But this is not true for pulpwood and logs. And while I am sympathetic with the desire of municipalities to collect the maximum amount of taxes. I simply feel that in this case, unless we are willing to provide that all personal property shall be taxed in the town in which it is located on April 1, that we would be creating serious problems, both theoretical and practical, by adding pulpwood and logs to the exception to the general rule.

I hope we do not pass this because at the present time I almost think it would be impossible for the towns to designate the ownership and the location on April the first; and as I have mentioned, it is mobile and it could be there April the first and gone April the second. And this wood would have to be scaled no matter where it was. I hope you do not go along with this bill and put this burden on the tax assessors of the towns.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen: I always

Speak about the town I came from, some of you will get a good laugh out of it. The Diamond National is located in my town. The Androscoggin Chipper Mill is located also in my town. During the spring months they cannot get into the woods. They have to bring out this lumber, these logs, and they have to be piled to get them through the spring months.

Now you assess as of the first day of April. We tax, in our municipality, over a 12 months period, we divide it. Now if you were to tax these logs on April first, you would definitely force these two places out of our municipality. The Diamond National hires from 250 to a thousand people. The Chipper mill has anywhere from 12 people actually on the job and they handle over a thousand people, they are a big payroll throughout our state and I should hate to ever see this happen.

As Mr. Finemore has just told you, when you assess on this property you do not know who owns this at the time. Now in the case of the Chipper mill, they own theirs because they pay for it. In the case of the Diamond National, if the logs are brought in, it is paid over a basis —this is not true. Now if it is cut out of their own lumber, out of their own yards and hauled down here out of the woods, they cannot work in the woods up there during these months.

I will go along with Mr. Finemore on indefinite postponement because I don't want to see them move out of my town, these two mills, because this is all that pays our taxes.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Although I am chairman of the Taxation Committee in the House, we signed this bill with some reluctance because we realized the shortcomings of the bill. As I have thought it over, I also concur with Mr. Finemore of Bridgewater this morning.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that the Bill "An Act to

Provide for the Taxation of Pulpwood and Logs in Place Where Situated," Senate Paper 463, L. D. 1380, be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

92 having voted in the affirmative and 34 having voted in the negative, the motion did prevail.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act to Establish Stepparents' Responsibility to Support Stepchildren" (S. P. 429) (L. D. 1243)

Report was signed by the following members:

Messrs. TANOUS of Penobscot
HARDING of Aroostook
— of the Senate.

Messrs. LUND of Augusta
ORESTIS of Lewiston
KELLEY of Caribou

Mrs. WHEELER of Portland
Mrs. WHITE of Guilford

— of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (S. P. 640) (L. D. 1333) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. QUINN of Penobscot
— of the Senate.

Mr. HEWES of Cape Elizabeth
Mrs. BAKER of Orrington

Messrs. CARRIER of Westbrook
PAGE of Fryeburg
HENLEY of Norway

— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

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

Mr. HEWES: Mr. Speaker, I move the acceptance of the Minority "Ought to pass" Report and would speak to my motion.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, moves the acceptance of the Minority "Ought to pass" Report.

The gentleman may proceed.

Mr. HEWES: Mr. Speaker and Members of the House: This basically relates to Aid for Dependent Children — AFDC. Now this is a large item in our welfare budgets

at the present time. I have figures in front of me which indicate that when I came to the Legislature five years ago the appropriation for 1967-68 was \$1,000,039. The appropriation now for the fiscal year about to commence next month is \$8,799,000.

So there has been an 18 per cent share picked up by the State, which according to my mathematics would reduce the amount that the State would have had to work for this 18 per cent to \$7,215,000. In other words, according to my mathematics, the ADC State contribution has multiplied approximately seven times in five years. I submit if it multiplies seven times more in the next five years that we will have approximately a \$50 million item here.

This particular bill would provide that stepfathers, that is husbands of women for whom their children are receiving benefits, the husbands' or stepfathers', as are called in this bill, income would be included in determining a grant. This would mean a saving, it is estimated, of about \$1,900,000 during the upcoming biennium or over \$950,000 per year according to estimates.

It was a highly contested hearing. One of the speakers was a gentleman named Matthew I. Barron, who is the Director of the Portland Welfare Department, and he has had 37 years experience in welfare. Among other things he said, "Total income in a household should be considered before a recipient receives a grant."

Now it only seems fair that if a widow not receiving ADC aid, if she remarries her husband's income is considered in running the household. Why shouldn't it be the same for a woman who is receiving ADC aid or for whom her children are receiving this aid? Why shouldn't the total income for the household be considered in determining whether or not a family is entitled to a grant or the amount of that grant?

So I submit that the passage of this bill, L. D. 1243, as amended, is in the best interests of the people of Maine. It will amount to a saving of perhaps \$1,900,000

in the next biennium. It will, in my opinion, allow the deserving recipients to be able to cut up the welfare pie entirely among themselves so that they will get the amount to which they are entitled. Whereas to not give any consideration to the income of stepfathers will mean that this pie, there is only so much pie, this pie will have to be sliced a little bit thinner for the ones that should be receiving ADC aid.

I hope that you will vote for this bill.

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

Mr. LUND: Mr. Speaker and Members of the House: I agree with most of what was said by the good gentleman from Cape Elizabeth, Mr. Hewes, but I disagree completely with his opening statement that this has to do basically with AFDC. Because it doesn't have to do basically with AFDC. What this bill would do if it were enacted, it would affect the relationship between every stepparent and every stepchild in the State of Maine — not just those who are concerned with ADC.

If it only concerned those with ADC and dealt with the problems that Mr. Hewes spoke about, I would be inclined to support it. But it affects the relationship of everybody in the state and the sum total result of this bill if it were passed, would be to create havoc with the time honored legal and moral obligations that our society has recognized over the many years.

What it would do, to take a specific example, suppose a person married the divorced wife of John D. Rockefeller; the person who then married the divorced wife would share with John D. Rockefeller the obligation to support the children of John D. Rockefeller. Not only that, but if this person who then married had previous children of his own by a previous marriage, he could then go back into court and seek a reduction in his obligation to support his natural children because the law would have imposed upon him a new obligation to support different children.

The result of this bill would be that every child, whose parents have divorced or remarried, would have at least four parents who would be concerned with the obligation of support. Not only that, but an adult, a person who had grown up, whose father remarried, would then be faced with the legal obligation to support his father's new wife if she should require support. It would require, for instance, a stepchild that wanted to marry would have to get the consent of four or more parents if the child was under age.

The bill would impose — the result would be that you would impose the obligation to pay for damages that were caused by a stepchild up to the extent of \$250, just as a natural parent is under our law. But this obligation to pay damages would not be accompanied by any legal control over the stepchild, because the bill cannot grant that.

What I am trying to say is, that if the Legislature should pass this bill in an effort to deal with a AFDC problem, I really think you would be throwing out the baby with the bath water. The number of problems that will be created by this bill are so manifold that it just is beyond comprehension. To repeat — it does not simply affect AFDC cases, it affects every stepchild-stepparent relationship in the state, and I just think if you give consideration to that a little bit you will see that it just is unworkable.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House:—

The SPEAKER: Would the gentleman defer, the gentleman from Augusta not having finished his dissertation, the Chair still recognizes that gentleman on the floor.

Mr. LUND: Excuse me, Mr. Speaker. May I inquire whether a motion for indefinite postponement is in order at this time?

The SPEAKER: The Chair would inform the gentleman that he may make a motion to indefinitely postpone both Reports and Bill.

Mr. LUND: Mr. Speaker, I would so move.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I have debated somewhat as to how I might want to approach this thing. I think probably I might make one simple comment, that I have had some personal experience in my own life with this sort of a situation, having lost my father when I was 16 years old and having a large family all younger than I was, so I don't think that I am speaking of this from any situation of having grown up in a family of affluence. This type of situation never was of any value to me.

The comments that have been previously made by the two previous speakers, one of the first who fairly adequately covered the costs involved on this, I think he did a reasonably good job. I would like to get back just a little further, that in 1961 the cost to the state for ADC care was \$935,000, and this has blown up to, as was pointed out, to \$8,799,000 at the present time, and this doesn't include the federal money that is involved with this.

In talking with the sponsor of this bill, the original sponsor of this bill, this was discussed in a caucus of the other body, and I appreciated the comments on the ground that I am on, but I would just like to bring out one point, that a member of the Attorney General's staff was up there, and all of the comments of the previous speaker relative to the legalities and the problems involved were all disputed by him; they were denied. The indication was from him that this would not create any problems from a legal standpoint, that this simply took care of a situation that previously was on the books.

Now to get back into the history of this, as I understand it, prior to about three years ago this situation of stepparent-stepchild relationship was the responsibility of the stepparents or the stepfather. The Supreme Court, in a decision a couple of years ago, came out and said that if the State did not have any statutes relative to stepparent-stepchild relationship, then these stepchildren must be included under ADC. If the State were

to pass enabling legislation to prevent this, then they would not have to make these payments.

It is my understanding that there are some 28 states, I believe, that presently have legislation of this type on the books which eliminates the need of paying ADC to step-children where the mother has remarried. The attempt to do the same thing in the State of Maine would be one of the things that might slow down the tremendous growth in ADC costs that have incurred.

Now from the information that was told to us at the Appropriation hearings on the general welfare budget, the cost of this is \$80,000 a month, or roughly been running to, as the gentleman from Cape Elizabeth pointed out, \$900,000-plus per year. I do feel that this is good legislation. I feel that there is a responsibility, and as the gentleman from Cape Elizabeth pointed out, in some comments that were made by Mat Barron, Director at Portland, and he starts off with an excellent paragraph where he said, "From time immemorial when man has taken to himself a wife he has taken with her all her worldly goods, including her children, for better or for worse, for richer or poorer."

A man could marry a divorced wife of the Rockefeller family, and even with the — under this law, as I understand it — even the children could be eligible for ADC, even with the amount of money there is behind them. It seems to me that we are moving in the right direction in trying to slow down welfare costs with the passage of this bill, and it is consistent with guidelines that have been laid down by the Federal Supreme Court.

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

Mr. BRAGDON. Mr. Speaker and Members of the House: The gentleman from East Millinocket, Mr. Birt, has dealt with many of the questions which I was about to raise here, dealt with it objectively, and I am about to propose to take another approach.

I cannot, in my own mind, buy the arguments of the gentleman from Augusta, Mr. Lund, with regard to the effects of such a bill as

we are talking about. I realize that I am not properly knowledgeable in the field of law to attempt to argue with the gentleman from Augusta. Mr. Birt has mentioned the fact that more or less refute some of the arguments which Mr. Lund used in an attempt to kill this bill.

What I am questioning is, really, and I think this is the gist of Mr. Lund's remarks, that we cannot pass a bill like this to apply to one segment of our society. He used the illustration that if somebody married the children of Mr. Rockefeller, who is eminently able to support them, that we were really getting into a mixed up mess with regard to who is taking care of who. And this is the problem; I just don't buy the idea that the legislature can't pass a bill that will apply only to people who do apply to the Maine Health and Welfare Department for ADC under this bill, and not have it apply to every other person who has like relationship in the state.

And since I am not capable of debating with Mr. Lund, I certainly hope that my questions have stirred up some thinking on the part of the members of this House who are familiar with the rulings of the courts and the finer provisions of the law in regard to these matters, will engage in somewhat of a discussion with Mr. Lund with regard to this very issue. I have found that legal minds do not always agree, and possibly Mr. Lund might accuse me of coming up with a situation where legal minds do disagree, this House always refuses to go along. Now this is not my intent, but I certainly would welcome such a discussion as to the pros and cons of the questions that Mr. Lund has raised, between the legal minds in this body.

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

Mr. MILLETT: Mr. Speaker and Ladies and Gentlemen: I think that approaching a bill which has as far-reaching consequences as this one does, one of the better approaches might be to first of all determine whether or not there is a need for legislation in this area. And that is the question which I would like to deal with initially.

If we can establish that there is a need for some type of legislation in this particular field, then I would suggest maybe we give consideration to what this particular bill does, and does it do as the gentleman from Augusta indicates, apply to every situation regardless of the particular problem situations? I do feel he is correct on that point, but I would like to back up and approach it from the standpoint of whether or not a problem exists.

Now to go back to the comments made by the gentleman from East Millinocket, Mr. Birt, when he described a situation that did exist prior to a point of about three years ago, as I understand it, in Maine history. I am going to say also that contrary to Mr. Lund's comments, this bill does have a great effect on the AFDC program in Maine. And while I would admit that it is not primarily directed toward that problem, it is that problem, I think, which caused its origin in the first place.

For the benefit of some of you who are logically concerned about AFDC, and to kind of put the thing in the proper perspective, I would like to give you what I feel is the situation with respect to AFDC in Maine, both before the change in regulations that were referred to and since.

I can recall, and many of you can, where we used to call this Mother's Aid, and we used to shorten it, and in fact I think the proper identification was ADC, which meant to me when I was a younger person growing up that this was state money going to dependent children. In other words, it wasn't adults who were benefiting by this, but it was dependent children. And the initial understanding of the history that I have is that this was the purpose, that there had to have been established deprivation of parental support. Now that is a fancy term, but it means there was a lack of a parent in the family.

Now I would like to generalize and say that normally that has been the father; it is not always true. But to make this discussion proper in terms of gender of sex, I would say that in the initial days of ADC, now called AFDC, it was

designed to help those children in families where a father did not exist. Now I think we all agree that this is a very noble purpose, that if we really put this down as a basic level of considering the welfare of the children involved in these broken homes, then we can't help but get serious about the situation.

Prior to 1968, as I understand it, the only way in which the parent could be absent from the home, and the family qualified for ADC, was through the death, a divorce, drafted into the military service, deportation to a foreign country, confinement in a medical institution, incarceration into a penal institution or, lastly, a situation in which an unwed parenthood condition existed. Now these are very obvious factors. The father isn't there for one of these reasons. And that is the condition under which ADC existed up until a Supreme Court ruling, as I understand, in 1968, and that ruling, identified by King vs. Smith, actually said that a state could no longer continue denying ADC, now called AFDC, to a family just because of the existence of a male in the family who might be categorized as a substitute parent.

All right, this has started many changes in our AFDC program now. We now allow, as I understand it, four ways in which a male can exist in the family and his total family still qualify for AFDC.

I would like to call your attention to those four ways, one of which is the stepparent relationship which we are dealing with this morning, another is when the father is unemployed or underemployed. Now I would remind you, while I am speaking of that particular segment of the law, this is taken care of in the Part II budget and would cease as an eligible program as of July 1. A third way in which a male could still be in the family and his children and his wife qualify is through total incapacity of that father in normal cases. This would still continue and is not touched with on this bill.

Now the fourth one, and the one which bothers me the most of any,

is that the Supreme Court ruling really brought in under the umbrella the unrelated male. In other words, the friend of the wife or friend of the mother who visited occasionally or maybe even made it a point to become almost a permanent visitor, who shared in no way in the support of the children, and actually, probably in many cases, was the responsible sire for continued children being born into that family.

Now this is the situation which we have here now, and since 1968 the State of Maine has had to discontinue dropping a mother, who has been on ADC, when she marries. Now you might ask the question, is this right or wrong, but that is what has happened. Now according to Maine law, if a woman having dependent children is getting ADC and she decides to remarry, the State cannot under any circumstances, unless voluntarily by the new spouse and the mother, discontinue her AFDC grant. In other words, they must continue, regardless of the wealth of the new found father.

Now this bill seeks to approach that as a problem. And I think, without me telling you any individual cases, you could agree that there are in the vicinity of 2,000 cases where this exists in the State of Maine right now, and you don't have to stretch your imagination too much to know that there are abuses. In fact, I would go so far as to say that in 90 percent, in my opinion, of the some odd 2,000 cases that exist now, I think there are flagrant abuses where the male who has come into the family is fully capable of supporting the children, and yet under state law now he is not obligated to do so.

I would agree with Mr. Lund that this bill does have far-reaching consequences in that it requires the new stepparent to assume the same responsibility towards support of children — we will call them stepchildren — as a natural parent would do so.

Now without stretching your imagination again, the intent was to make him responsible for the support and keep him from becoming a welfare recipient when need

did not exist within the family. That is my reason for supporting this bill here today. I do agree with Mr. Lund. I think he is probably knowledgeable in this field, and certainly we could get into some situations where a child support case could be litigated and it could result in a child —

The SPEAKER: The Chair would request it be more quiet in the back of the House. We have discussions going on on the floor, and if you want caucuses find a room or go into the corridor.

The gentleman may proceed.

Mr. MILLETT: Thank you, Mr. Speaker. I apologize for being rather long-winded. But I have had a chance to study this, and to me it is one of the crucial issues in the problem of welfare. And I do appreciate being able to express to you my feelings on this issue, and then I would hope that you would decide on the basis of how you understand the problem. So I want to continue, and I want to tell you what I feel is happening here.

The situation which would transpire if this bill were to be enacted is that the Department of Health and Welfare, within the 90-day grace period, would notify all stepparent recipients in the State of Maine as to the legislation that had been enacted, and it would set up procedures for evidentiary hearings. This is a requirement of the law and they would have to conform.

They would give the present recipients an opportunity to justify whether or not their circumstances, due to incapacity or other eligible factors, would qualify them to continue, and those cases where there was no response to the notice of a hearing, they would all be dropped at a given date, and that date could not of course be earlier than the effective date of the bill. So we would be talking in terms of maybe October 1, or in that vicinity. Many of the cases which were ruled ineligible would be dropped, and a saving would occur to the State of Maine from that point on.

The gentleman from Cape Elizabeth, Mr. Hewes, talks about nearly \$2 million, and his figures are

definitely correct. If anything, I would expect they might be understated, because they were based on caseloads a year ago, and things have changed since that time. So the procedure would be followed by a regulation, hearings would be established, the income of the stepparent would be considered, and if he is employed and the income is enough to put his actual total family income above the budgeted needs of the family, that case would be discontinued.

Now I am going to cut short my opinions here, but I just want to ask you two questions, and I hope you will decide on the basis of whether or not you feel that our entire moral family structure is at stake here.

I have heard a lot of people say that it is better to have a man in the home than no man at all, and I am talking now for the benefit of minor children. I as a parent would seriously disagree with that statement. I am of the opinion that a frequent male in the home, under circumstances which are not completely above-board, it is one of the worst things for a dependent child, a child growing up needing the relationship that a father provides and a mother, by having a frequent male visitor or male who is a part-time parent, if you want to use the present circumstances in a real, direct accusation — these people are part-time parents. They are parents in name only. They are not responsible for the support of these children, and I complain that this discredits the family relationship, which I have been brought up to believe is rather important.

Now just contrast — do you feel that a man in the house is better than a family with a father in the home? I would take the latter alternative. I would much prefer a father, a father who has the same responsibility toward the children who he is responsible for maintained in a home situation, not a house situation with unrelated males coming and going at all hours of the day.

Now that is the basic question. I agree that this legislation is very far-reaching. I also am aware of the fact that the liberal and

civil rights organizations are opposed to this legislation. I am also aware that the other body has not accepted it. For that reason I am not optimistic that you people are all going to agree with me here today. But to go back to the first thing I said, if you agree that a problem exists, if you agree that a father, a legal father is important in the family relationship for minor children, then I think you will have to give this bill serious consideration. And I would hope that any questions which might be brought up by legal experts greater than I in this field, could be resolved maybe in the non-concurrent status which might follow our acceptance of the Minority "Ought to pass" Report.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I did go to this hearing. I have been concerned about this, waiting for this bill to come, and I would disagree with my friend from Dixmont. Mr. Millett, in the fact that I feel, and I seriously do feel that the situation would be exactly opposite to what he says. And that is, that these people, rather than to get into this, will live without the benefit of matrimony. So that is exactly what you will have all over, just to have a part-time or full-time father in the home but without the benefit of matrimony.

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

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: I have been rather quiet during this session on issues concerning welfare and housing. Having been accused of being a Miss Bleeding Heart, I felt perhaps that I might do more harm than good.

However, I cannot keep quiet on this issue. I consider this to be one of the most ill-conceived and vicious pieces of legislation to come before us this session. What we are doing in effect is punishing innocent children for the administrative sins of the Department of Health and Welfare

and for the alleged moral sins of their parents. The same people who think there is a man under the bed of every ADC mother in the State of Maine are now supporting legislation which will discourage and in many instances break up marriages.

The new draft also provides that a stepparent will still be responsible for his stepchildren, even if his marriage to the natural mother is terminated. Many a low income man is going to think twice before marrying a welfare mother with several children. I certainly would have no objection to making a stepparent financially responsible if we put an income limit on such legislation. Certainly a man with a \$10,000 income could and should support 2 or 3 stepchildren.

Why is it that hardly anyone batted an eyelash when we passed the \$800,000 Aid to Dependent Railroads bill which is now on the Appropriations table? Are we going to pay for this railroad welfare legislation by taking food, clothing, and medicine away from 4,000 children?

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: This so-called stepparent bill is potentially one of the most destructing pieces of legislation before us in this session. This bill would in some cases have the effect of destroying marriages and disrupting dozens of the domestic relations laws we now have on the books.

If this bill passes there is a good chance that lawyers' offices will be flooded with divorce cases, because to avoid the harmful effects of this bill many couples receiving ADC assistance will seek a divorce in order to subsist. And as you know, divorce quite often results in damaging the personality development of our children. There is no question that our welfare system needs reform. But this bill is not even a partial panacea to correcting our welfare ills.

If this bill passes you have the very real prospect that a child would have many legal parents. For every time a parent becomes

married the child would have a new person standing in the relationship of a parent. In other words, the child could have as many fathers as the mother marries. The stepfather would be forced to cut down on the amount of child support he pays to the first family. I fear that the net result and effect of this bill would be a flood of litigation, resulting in many divorces with many people going on the town welfare rolls.

Many stepparents' incomes are scarcely enough now to provide for his legal obligations to his first family. What is at stake is the well-being of thousands of children in this state. There is little question, this bill may save some money. But are we going to save money in order to deprive many of the children in this state of food, clothing and proper medical care? What this amounts to is taking dollars and cents from children for their basic necessities in life. What we must weigh today is whether we wish to save a little money or whether we wish to disrupt marriages and deprive children of a proper home life and cause havoc with our domestic relations laws.

I think it is a clear-cut choice of responsibility, and I urge you to vote for the indefinite postponement of this bill. And I request that when the vote be taken it be done by the yeas and nays.

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

Mr. SMITH: Mr. Speaker and Members of the House: I am simply going to rise to concur with the statements that were made by Mrs. Goodwin and Mr. Kelley. I think that the question raised by Mr. Millett has been adequately answered by those two people. In fact, the coming and going of males that aren't attached to the family by matrimony would be encouraged certainly by this bill. I think also we want to keep in mind, as they have pointed out, this is a bill—this program, rather, is a program designed to benefit children. If we enact this bill I think many thousands of children are going to be deprived of very very basic necessities.

Now I would be among the very first to agree that we have got a great great mess on our hands in respect to welfare, but that is not correctable by this piece of legislation. It is correctable only at the federal level. There is, as you probably know, a rather sweeping piece of welfare reform legislation in the Ways and Means Committee now being considered by Wilbur Mills and the others on that committee. Hopefully within the next few months some sort of reform, now that the Nixon Administration and the Democrats on the Ways and Means Committee have found a common ground to stand on, will be forthcoming and we will be able to deal with many of the basic problems that most of us want to get at. But this bill is not going to deal with those basic problems.

One other point that I would like to make, and that is that the Select Committee on Inquiry of the Department of Health and Welfare, which we set up earlier in the session, is going to continue its operations, as I understand, and it seems to me that it has a lot of work to do, and there certainly is going to be an opportunity for us to suggest, those of us on the committee, to suggest ways in which the Health and Welfare Department can save money for the State of Maine. And rather than now depriving thousands of children the kind of aid they are getting from the program, I think that we ought to continue with the Select Committee on Inquiry and to come up with some really solid suggestions that make some sense on how we are going to save money in the Health and Welfare Department.

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

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: I had a welfare mother swing into my office in Waterville a few weeks ago, a member of the United Low Income, who asked where I stood on this bill. I told her that I was supporting this bill. She was fairly heartbroken; she said that she had tried several men, she finally found one who

made her happy, and they planned on getting married. However, if this bill went through, the gentleman wouldn't accept the responsibility of her two children, and the marriage would be off.

I mentioned to her certainly that if the man wants a woman bad enough he will have to accept the responsibilities that go with it, that somewhere under the gravy there has to be some mashed potatoes.

I would certainly hope that Mrs. Goodwin, if she is so interested in some reform, would go along with the "Ought to pass" Report. In this way she could offer any amendments that she wanted. As for Mr. Kelley of Caribou's comments saying that the kids had as many fathers as the mother could marry; I would say that the children have as many fathers as the mother can handle.

I would tell you that we have talked to the Health and Welfare Department, and they have told us that — you are all aware of course of the fears that the gentleman from Eagle Lake has of the need for another \$700,000 because of possible welfare cuts. And I would tell you that the Health and Welfare Department has informed us that if this provision is enacted there is \$1.9 million that is built into the budget, and that money could become available to take care of those people who are now fearing cuts.

I would certainly hope that the report — I stand with Mr. Hewes and I would certainly hope that we will eventually accept the "Ought to pass" Report.

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

Mr. BRAGDON: Mr. Speaker, Members of the House: The debate on this matter has gotten away from the legally feasible attitude that it started out on with regard to Mr. Lund's remarks, and so I will pursue it in another angle.

One thing that has not been mentioned, either by Mr. Kelley or others — Mr. Smith — with regard to, we will say, when they say that these people are going to be denied. No one has said — and what I am going to say —

that a properly run Health and Welfare program is designed to take care of people in need. And I don't think that you can logically argue that if a woman such as you refer to with children marries a man like a Rockefeller, which Mr. Lund refers to, I don't think you would argue but what Mr. Rockefeller should take care of the children.

However, if she does see fit to marry a man who is not able to take care of her children, the point that I do bring up is that you have not changed her status with regard to need, and that she will continue to get the aid in spite of the fact that she does have a stepfather. I don't think you have changed this situation a bit. If a properly run program and properly investigated program, I still think she can marry this guy that isn't able to support her and her children, and still be eligible under a good program for the money.

I think that you have really missed this point, and it was brought out in Mr. Kelley's argument. I think that this is a fact that bears upon the situation. If they properly investigate these cases, you have not denied people in need.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: The gentleman has just about carried the message to you people that I would like to, because as I understand it, the bill says the new parent's wages will be considered in the settlement, and if he has no wages they won't be considered. So I think this is one fright that he pointed out that I intended to.

And as for the gentlewoman from Bath, referring to these people under the bed, I think if she would visit some of those homes she would find they were in the bed.

And ladies and gentlemen, I would like to think that — I have to view this in the light of a situation that if I was viewing myself, had I been quite fond of a young lady and she had children, I think that from a personal standpoint

that if you thought anything of this person you wouldn't let the two children stand in the way if you considered that you really thought something of this person and was anticipating marriage. I don't think this would stand in the way.

I do think this isn't the case in most cases, I think the only word in my vocabulary that would cover it would be leeches or bums that are looking for a handout, and they are interested only in themselves. And these are the type of people that we are supporting if we don't support this bill.

Now if some of you people have had a chance to be in Augusta and have viewed some of these cases where you could at a young age retire and move in, I suspect you had ought to support this bill. But I don't think this is the method that should be used. I think that anyone that is really thinking of matrimony with a woman, I don't believe children would stand in the way. First of all, his wages are only going to be considered in the settlement. That doesn't mean that they are not going to still get Mother's Aid, because as I understand the bill, they are only going to consider his earnings. If you don't have any, well they won't be considered.

And so I very definitely support this measure, and I hope we don't indefinitely postpone it. And I would like to say, while I am on my feet, that we got along very nicely before this come into being. Now I believe this come into being somewhere in about '68. I know I was in the House, and I think I was sitting in this same seat when this come into being.

There was no hardships caused before we had this legislation. But to me there has been some hardships caused since we had it. So I thought we were getting along good without it when they started it, and we found it has been very costly, and I would like to go back to the old status that we had prior to — I think '68, yes. I am quite sure it was '68 — and that being the case I was sitting in this same seat. And the children weren't having any hardship before we took in these — we took away the grand-

father clause so to speak, and about the same time we allowed unrelated males in the house. And both of these turned to be quite costly for the Department, and to the taxpayer, which I represent.

And I think costly also to the recipient to this degree. For this reason, a lot of — they are able when they distribute the money, the real needy, the people that should get the money are not getting it. And so it really hurts the real people that should be getting it to some degree. So I think this is the point you might be overlooking. If we have more money we can more properly take care of the qualified cases and the people that it really was intended for.

I think this enters into the situation also. I think this should be considered. If we have an extra million dollars in the account, certainly they turn down cases, or at least they will be able to extend better aid to the ones that are qualified. And I think this should be considered. I do hope that you will not indefinitely postpone this bill.

The SPEAKER: As this discourse continues, it is difficult for the Chair to hear every word that is uttered. But I would admonish the members of the House to be cautious of their rhetoric because every word that is uttered here is on permanent record of the state, and will last for time and time. Now some things that we say may come back to haunt us. So I would urge you to be cautious in your discourse, and be quite careful of your rhetoric.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: I have listened very intently this morning to both sides of this question, and I am very happy to say that I concur with all the remarks that my good friend Mr. Millett has related to you. He has related to you a lot of facts. Our Appropriations Chairman, Mr. Bragdon, seems to be in a quandary whether we are going to violate a law or not, due to the fact that the gentleman from Augusta has made some statements, and I don't know why we should bring

Rockefeller in here. I think he is an out-of-stater anyway.

But getting back at the other angle, as I am being considered as quite a conservative, I have heard a lot of comments from people in my area, same as many of you people have, of the abuses of what is going on in this AFDC.

I will admit that up until 1968 the expenses were not as heavy, but due to the fact that our federal government issued or passed a law whereby we had to take care of these stepchildren, that is why our budget has increased so much. But of recent date some states have taken the matter in their own hands, and they have passed laws where they are going to get away from that. And I think this measure that is up before us gives us an opportunity to get away from this tremendous overhead which I believe comes to about \$80,000 a month.

I do not believe in injuring any of the little ones, but I do believe that some effort should be made to take care of these unwanted males in these homes, and the abuses that are being handled at the present time. And I sincerely hope that we will not support that measure for indefinite postponement. I urge you all to vote against it to give this bill an opportunity to work itself out.

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

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to give you what one ordinary taxpayer thinks about this situation. This was a letter that was sent to a member of the Appropriations Committee from a lady in Bangor. She said she wrote the letter because she didn't have enough money to come down here and tell us personally, and she quotes several instances of this stepfather clause that she is acquainted with. One of them was a Mrs. — and the name has been deleted — 'here was getting ADC for her and her children. She recently married a gentleman who is working every day as a mechanic. After they got married they added him to her welfare check. Her check went from \$268 to \$333;

plus she gets a check from the VA. She is also a local bootlegger.

"Now his first wife and children are also on ADC. He recently quit his job because he said he wouldn't work for \$2.75 an hour. The taxpayers of Maine are supporting his first wife and family. He sits back and isn't contributing to the support of any of them.

"So their children get free hot lunch, free breakfast, free medical expenses; they also recently had their teeth fixed free at a clinic. They get their groceries and oil at city hall, and they get surplus food. Now I wonder where their ADC check goes? I can tell you. In the kitchen they have a brand new washer-dryer, a frost free refrigerator; in their bedroom they have a brand new thousand dollar TV; they have a color TV in their living room, plus a new black and white TV. Out in the yard they have a boat and now they are talking of buying a snowmobile.

"Now I think that the man who has to work two jobs for a living and looks next door and sees a man like this living in style gets kind of disgusted. I think it is a slap in the face to the man who tries. They preach poverty, yet they have more than any working man does."

She has several instances in here that are just about the same. I would like to quote a paragraph by Matthew Barron in his testimony before the committee on this. He says, "That any state so naive as to declare AFDC recipients eligible to receive welfare cash tax dollars without first considering all of the income in the household is doomed to either bankruptcy or an increased income tax that would put the feudal laws of the Middle Ages to shame."

I support the passage of this bill, and I hope we will not indefinitely postpone it.

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

Mr. CARRIER: Mr. Speaker, Members of the House: I think that it is about time we take off the colored glasses this morning and face the true facts about this bill and its effect on the state and of the people of the state. At present, as it was said, the law does

not provide for legal enforcement for support of stepchildren. However, in certain cases, the stepfather and the mother are included in the assistance—in order to determine the assistance on ADC.

Now there is no responsibility whatsoever from the stepfather to the stepchildren. Actually if he takes any responsibility, it is totally voluntary.

Now let me cite to you a case which we heard at the hearing, and we have heard — there was many cases cited. We had a case of a person that married, a man that married a woman, this was his second marriage, I believe, and he was supporting his other children at the cost of \$55 a week. Now it is the second wife that he married, or the other wife, I didn't know which number it was, but she had eight children.

Now let me explain to you that this actually involved ten children. But this fellow was making — and he told us — he was making \$150 a week. Now this roughly on a four week period could amount to \$600. If you happen to have a fifth week, that is \$750. And besides that if my notes were correct, the woman was getting \$326 on ADC. So that made over \$1,000 a month to support the family.

And of course, naturally, they were up there complaining that this was hard to do. Well, I submit to you that there are a lot of people in this House that are not making \$250 a week that are supporting families of that number, and they are doing a good job. They are doing a good job because they have got the incentive and they still have some pride to do it by themselves. Not to leech on the state; not to leech on the taxpayers of this state. I submit to you that this has been going on for a long time, and that it is about time that we take some decisive step in order to cure this. I think that this bill making the stepfather responsible for the stepchildren might cure something here, in the respect that the natural father, some of them, do not provide for their children. Well, if the stepfather does, well, the natural father that marries the other stepfather's wife might provide for his. So there might be a balance somewhere here.

Now it was — you can confuse this bill by saying all kinds of things. And they tell us in this House, and in the other house it has been said that actually by passage of this bill that you will take the money away from the children, that they will go hungry, that they will be without food, clothing and medical care, and all this stuff.

Well, I can tell you that some people that are on ADC now, and that actually the kids are deprived of that because actually the parents, instead of spending the money on the kids they spend it on themselves. And I submit to you that we have to put the responsibility somewhere. If the father won't pay for it, well let's try and get the stepfather to pay for it.

Now it has been said here also that — well, it hasn't been mentioned here, but it has been mentioned otherwise that this would affect the inheritance tax and all this stuff, whoever is going to inherit from this bill. This is not true; this will not affect to my knowledge, and through inquiries, this will not affect the status of the people, the father or the mother as far as inheritance tax goes.

Now if these people do not want the stepfather's obligation, I submit to you that if they are qualified they should adopt these children. But one way or the other we should try to make them pay for something here. Put the responsibility where it is, take it off the taxpayer for a change and make this AFDC program work. I think this is where the objection comes in. Everybody is all hepped up about this program due to the fact that the ones that don't need it get it, and the ones that do get it abuse it. And the ones that actually should get it are not getting it.

I submit to you that this is a good start to get this thing started, and that I hope that you vote against the motion for indefinite postponement so that we can try and pass this bill, or do something in order to straighten out some of these people.

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

Mr. KELLEHER: Mr. Speaker,

Ladies and Gentlemen of the House: I rise to oppose the motion of indefinite postponement of Mr. Lund and support the Minority Report. And perhaps this isn't just the document that we are all looking for, and I am quite sure that both sides of the aisle, both sides of the issue would perhaps want to amend this particular instrument. But it seems to me, and I know where I come from in particular, and perhaps where you people come from, too, that one of the greatest cries of the people that we represent are the abuses in Health and Welfare.

Well, this may not be perhaps the perfect instrument to use, but it might be a step in the right direction. And I would say that I would feel that the people where I come from back in Bangor, and even in my county, would like to see some type of a program presented concerning the violators of these Health and Welfare recipients. And I am not, like my good friend from Westbrook, Mr. Carrier, so carried away that there are that many violators. But I do feel that we should vote against the indefinite postponement motion, let the bill come back.

I don't believe that the opponents of this bill should be so scared to death of it. If they are afraid of it, I haven't heard anyone say it is unconstitutional. And believe me, if it was, the lawyers in this House would be up here banging away that it was. So it has got to be constitutional the way it is written right now, or they would be using that argument. And I feel we should let the bill get a reading this morning, and when it gets to third reading we can correct any problems that need to be corrected.

I think that the committee did a fairly good job in reporting this bill out, and I notice that not all the legal attorneys happen to be on the "ought not to pass", that some of them passed it that it "ought to pass." So I would like to see us kill Mr. Lund's motion and support Mr. Hewes. And if there is any problem, then we will correct this bill later on.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: Until this morning I had thought that the problem of solving poverty was a rather complex one, and as I listened to some of the opponents of this motion it appears that all one needs to do to help her children, if she is an ADC mother, is marry into the Rockefeller family. And, of course, if they are partisan, they could probably try marrying into the Kennedy family, and that would do just as well.

There are those who do not want to go that far, and we know that that doesn't happen, that it probably never happened, and is never going to happen.

The gentleman from Waterville, the gentleman from Dixmont, the gentleman from Old Town, would prefer that they marry into the middle class, adopt the social and economic and allegedly moral standards of the middle class. And that will solve the problem. And you and I both know that that hasn't happened, and that is not going to happen, either.

If this bill is passed, it is going to do one thing, and that is to break up families. ADC mothers may have some problems, but they are not stupid enough to give up the medical care for their children in order to marry a worker who earns no more than will keep them at the poverty level.

The question of abuse has been raised by the gentleman from Chelsea, Mr. Shaw. We raise the image of all the poor families in this state washing their clothes in Maytag washing machines, on their Zenith color TV's they are sitting around at night watching that. They have probably got five or six snowmobiles that they zoom around the countryside. And I would suggest that all the people in this House who think that that is what poverty is about should support him.

There are 4,000 children at stake in this bill. These children have educational problems. They have medical problems. They have psychological problems that we seem to be very willing to brush off this morning. The needs are going to be there no matter what method

we take to try to solve these problems.

The people supporting the bill are well intentioned. It has been said before, and I will say it again, this is not the way to do it; that we are going to be hurting 4,000 innocent children with the passage of a bill like this. I support wholeheartedly the indefinite postponement.

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

Mr. JALBERT: Mr. Speaker, Members of the House: Were it not so late in the time of adjournment I would like to rehash the lengthy prepared statement I made at the early part of the session concerning welfare programs, in which one who ridiculed my thought as being stupid, of welfare programming being taken over by federal government. There has been a great deal of comment this morning made as to who the one was who was really either cheating or putting upon us some programs that we shouldn't have, with the emphasis of course being put on the Maine State Welfare Department.

I will tell you where the blame lies. And until such time as the various states pounce away and thrust themselves on our heroes in Washington, this type of operation will definitely continue. The federal government, through Congress, harpoons us with rules and regulations and laws that we either must live with or lose three, four, five, seven, or as much as nine to one matching dollars.

I would like to give you a very clear-cut example of this by stating what happened two years ago. The Appropriations Committee was in session. Dr. Dean Fisher asked to be heard. He informed us that he would need the funds for seven additional help. Upon asking him why, his reply was that he needed, through federal ruling, monies for seven additional help. With the vast program that he has got, there wasn't too much eyebrow raising until such time as he gave us the reason why.

A new ruling had been handed down from Washington that several states had to have quotas of hiring

help, and our quota in Maine numbered seven. Their job was this then — and their job exists now. These seven people in Maine, their primary and only job is to teach people how to get on welfare.

Now that was not dreamed up by Dr. Fisher. That was dreamed up by the Congress of the United States, who harpoon us with all these laws and rules and say, now put them to work. And if you don't put it to work, you lose the matching funds. There is where the problem lies. That is what I said when we first were here in a 20 minute dissertation on the Floor of this House, for which I was publicly chastised, and I have never had an opportunity to rise to the occasion of rebuttal. But there is your situation now.

You can pass this bill. You don't have to pass this bill. Whatever happens is this. Until such time as the federal government is willing to pick up the price tag for the baubles that they hit us with, we are going to continue with problems such as this.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: A few minutes ago after I tried to cover the subject in my modest way, you were told that this would be in the record, so I really want to put something in the record while I am on my feet this time.

I want to tell you as best I can what goes on in my area. And I will try to recite it to you in such a way that it will reach even those that are a little bit hard to understand.

Now in my neighborhood we have some people living in this way of life and they live so much better than the neighbors around them that they have an automobile, a colored TV, where their neighbor is struggling hard to make a living doesn't have either a colored TV or a radio. They are able to go fishing every day, which is rather a good sport in my area. They are able to go hunting when it comes fall here and they live what we call living the life of Riley; that is an old saying back where I come from. So they really live the

life of Riley. And this is getting to be a way of life.

To this extent — now mind you, let me tell you these kids have oranges to give to the neighbors' kids and so forth, so finally I can tell you just what happened and it is spreading every day and this is how it works.

I know a party in my district, two married couples, very happily married, had five children apiece and they were very happily married. So they had a card game this night and they got to talking about how well this particular family was living on the other end of town and how well their neighbors were living going fishing every day, and these fellows were trying to figure some way that they could get a Saturday afternoon off to go fishing.

So in the discussion they had had maybe a highball or two, and they said by golly we have got a scheme that I think will work. Your wife is just as good looking as mine and just as good a cook, why don't we just simply swap wives and we won't have to get married if we are on welfare, we would be on the gravy train. So by golly if that isn't just what they did. A few days after they just merely swapped wives. They didn't change the household; they just swapped places of living. Now they go fishing every day and they live the life of Riley, they have a new car. And so this is spreading; it is spreading every day.

They see how good this party is doing, and this is why I have sat here and waited to see if they wouldn't tell you how many signed up over here every day for it. But this is what is going in my area and if you were in touch with the situation I assume that it is going on in Old Town and other places, because people want to live the best they can and get the best they can for their children.

Now these ten children now are really dressed up and now they have everything the other kids have. They didn't before, but now the father can go fishing every day and the kids can have everything, and so it is a small town and the neighbors say maybe

we can trade around somehow just so we can live in style. And so this is becoming a way of life.

Now I am telling you this specifically because I want it in the record because I hope to be around here some other year and I can take it and read it and tell you that what I told you ahead of time as I have on many other occasions.

Now I have just one other suggestion while I am on my feet. The people that want to accept this Minority Report and try to do something about this are merely trying to do something. Now for you other people that want to do away with this I suggest, what do you offer this House, these Members, as a solution? Certainly you must have something to offer us, other than just the ones swapping wives and doubling up these cases and multiplying it by 30 or 40 cases a month.

Certainly if you are against the proposal of the Minority Report here, certainly you must have some proposal. I would like to have something from this proposal. I think that in some cases this Pine Tree Society meets with people and encourages this and tells them that this is the way to live in these poor areas where we don't have any industry. And it is certainly working good in my area and if I was a young man I think I would consider it. I like to go fishing too.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I pose a question to any lawyer who might care to answer, and it is a rather simple one. If this bill passes as it is now written, what is the effect of any husband — what is the relationship that will exist between the husband and the stepchildren that they have, even though these children obviously do not belong to them? That is point number one. Point number two is, what effect, if any, will this bill have on the inheritance laws?

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question to any attorney

in the House who may be able to answer this question. The Chair recognizes the gentleman from Fryeburg, Mr. Page.

Mr. PAGE: Mr. Speaker and Members of the House: I have talked with the Attorney General's office about this and I might add that this amendment to this bill as it was originally put out has been sent back to the Health and Welfare Department four times before we finally got this one as printed.

The Attorney General's department tells me that this would have no effect on your last question, Mr. Martin, which was inheritance I believe. Is that correct?

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

Mr. GOOD: Mr. Speaker and Ladies and Gentlemen of the House: I don't know enough about the legal ramification of this bill to really understand it, but I do know that I think it is disgraceful that a woman can take a man to live with her and he not be compelled to care for her financial needs, but instead keep her on welfare while he goes merrily on his way, spending his money for beer and so forth and at the same time looking for a better deal, in other words a woman with more children and a bigger welfare income. I understand that when there were laws on the books that AFDC recipients had to be inspected periodically, that there was a ruling that the Health and Welfare Department had to send a card a day or two before announcing the hour and date they would arrive for the inspection.

A certain percentage of those women, the ones we are talking about now, then washed the kids, kicked the man out, bought some food fit for the kids, picked up the beer cans, and sat down to wait for the Health and Welfare inspector. After that, business as usual. If this bill is passed I hope that this ruling will not be re-applied. I hope this bill is passed. If it is not good it can be amended properly so it will work. It is getting late in the session. This is about the only chance we have to

correct some of the ills of the ever expanding welfare program in the State of Maine.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: The first question that I raised has not been answered and I suspect that the reason it has not been answered is probably because the answer is yes. I have been told by lawyers that if this bill should pass any father who is married or remarried, and there are stepchildren involved, they automatically become the parents and legal parents of those children. This not only applies to AFDC recipients but it applies to every one across the board.

If for no other reason than for this one, that would be reason enough for me to oppose the bill. Perhaps my community is different than yours, I don't know. But I am not going to stand here and accuse any family in my home town of committing adultery, of having a man within the home, or of having children illegitimately, unless I can prove it. I personally do not know of a single instance where this happens. I am sure that there are abuses; I don't dispute that. Abuses exist in every program. Abuses are going to exist as long as people are human. I am not going to cast the first stone upon any family within my district that is receiving AFDC.

I have been a school teacher for three years in a high school within my district. I have seen poor families and I have seen the effects of the lack of money. I repeat, my district is a little bit different. But I cannot point at a family and say that they are abusing when I don't know that they are.

According to national statistics roughly 2% of individuals receiving welfare are receiving it when they ought not to be receiving.

But you know when you stop and think about it, I wonder how many other abuses exist in this State. How many people don't pay federal income tax in order to prevent paying taxes? How many peo-

ple find loopholes just for the sake of avoiding to do things? How many people get themselves free passes to go to fairs? How many people get themselves free passes perhaps to use an interstate highway that has tolls? These are not the poor people we are talking about. These are the average Americans that you and I supposedly are or represent, and yet abuses exist there. And to simply say that all abuses created in this world are created by AFDC mothers is not right and it ought not to be said.

I think this legislation if nothing else is going to help to break marriages, not to bring people together. The very point that the gentleman from Dixmont made ought to be remembered, because he said and he asked the question himself as to whether or not we wanted a father in the home or whether we wanted someone that keeps visiting, and which of the two is better.

There is no question as to which of the two is the best thing. There is no question that having a man in the home full-time is the best thing. And as the gentleman from Augusta, Mr. Bustin pointed out, the average AFDC mother knows fully well and isn't that stupid, that if they figure that if they can't get what they want with the man in the house they may just decide to get rid of him and get it without him. And then you have an absentee father, which can be much worse than what we have got now.

The gentleman from Enfield, Mr. Dudley has raised the point and made a question out of it that ought to be answered and I suspect maybe we can't really find that answer, but we can make a try. And that is, what solution do we have for the problem. If this is not the solution, what is?

Well you know that I and all of us here have heard the questions of abuses. I wonder how many of us have really made an effort when we know of an abuse to call Dr. Fisher or someone within the Department and say that this case X located in such and such a town, I want it investigated and I want the facts. How many of us have

really done that on any case that has been brought to our attention?

I can recall one instance when someone brought one case to my attention and when I started checking it out I found that there was no abuse, but that there was jealousy involved. I can recall one other instance which I got involved in when I was a freshman legislator where there was an abuse, and it revolved really around a misunderstanding. I helped to get an extra increase in benefits for an AFDC family because I know that they were not getting adequate money, and I believed them and I understood the problem. I went to the Department and I said, "Verify these facts and if they are not getting enough money then they ought to receive more." They got more money.

The next week I went by and there was a new used car in the driveway. I did not simply complain. I did not simply say that abuses existed and criticize them or criticize the Department. I went to see the family that I had worked with earlier and I said "Why the car? What happened to the other one?" Not perhaps in those words, but really in effect that same thing. After it was all over, in the following week we had negotiated with the used car dealer to take the car back and the old used car was back in front of their driveway.

How many of us really have taken that type of an approach, when we know that there is an abuse or we think there is, do we check it out?

How many of us are going to listen to rumors, to say that there are abuses when there are not? That is what bothers me. I hear complaints about the Department of Health and Welfare every day, I hear complaints about every other department of the state, and for that matter I hear complaints about this very Legislature.

But one of the very greatest problems, whether it is us or those departments, how many people really know or want to understand the problem? I think it is about time that all of us, including us as legislators, made a serious at-

tempt to really get to the bottom of the problem. I don't think this bill is going to solve it, unfortunately, and for that reason I will have to vote against it.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I would like to reply in part to the questions that were proposed by the gentleman from Eagle Lake, Representative Martin. First, somewhat facetiously, I would reply to the questions that the gentleman from Enfield raised in the mind of Mr. Martin and in the minds of many of the members of this Legislature—and this is definitely, I assure you, facetiously.

I think perhaps the gentleman from Enfield described what might be a Utopia to perhaps some young men. I have got beyond the point where it would appeal to me as any sort of a Utopia, and I somehow feel that the majority of this House would perhaps look at it in very much the same light that I do. It is the same kind of a solution that the Department of Health and Welfare in an instance has been proposing to us over the years. All these things are inevitable, so let's relax and enjoy them. This is not the kind of a program that I think the people of the State of Maine are going to buy with any good grace. Now that in part answers the question that he raised with regard to Mr. Dudley's remarks.

Perhaps secondly, the question that he raised with regard to the relationship of people who do enter into this second or third or fourth marriage, which we talk about. I think that the kind of people that we like to talk about, we will say—and I have known from personal experience what I think because it is very close to me.

I think what should happen, we say, when a man marries a woman who has one or two or three or four children, the number doesn't matter, I think to immediately settle this question, which we have been talking about with regard to their relationship or the property responsibility, or these various questions which Mr. Lund and

which others raised and nobody has satisfactorily answered perhaps, I think they should promptly do this. I think a man who is willing to marry a woman with children should immediately arrange to adopt those children and definitely remove all doubt as to what his responsibility was toward that family which he has gone into.

I think most of us would agree that these are the kind of people we like to talk about and I think they do handle these things in the proper way. If there are those who do not, I don't know as we can force them to do it. But I am sure that this would and should be the proper solution to this thing.

With regard to attempting to impress — this is his third question, Mr. Martin's. With regard to attempting to dictate or impress the Department of Health and Welfare, I can only give you another illustration. I fear perhaps everybody in this House has a like one. I am willing if they all want to give a record of their impressions I will take the time, I have been here long enough now so I am willing to stay all summer and do this job right if it is necessary.

But in answer to this question about why don't we do something if we see things wrong with regard to the way the Health and Welfare Department is handled, I have this observation to make. Early this spring the selectmen in my own town, the Town of Perham, knew about a large family of small children where the father had gone away and a real need — it was still cold weather, and a real and imminent need existed that somebody look after this family.

They categorically did not fall under the charge of the town, although the town fathers do still assume a responsibility for all of their citizens in most of our towns. He knew of the situation. He called the Health and Welfare office in Caribou and he told them that here was a case where small children were really in jeopardy. They might starve to death or they might freeze to death. The father had gone away and the mother was not too responsible. And he suggested that they immediately in-

vestigate and see what should be done about it.

As far as they knew, no effort was brought forth on the part of the Health and Welfare Department in the Town of Caribou. The matter went on for a week and the grandmother came in and took care of the children, so that the selectmen knew, we will say, that no real problem of starvation or freezing did then exist. So they ceased to bother the department in Caribou.

Exactly, ladies and gentlemen, exactly two months after this request was made to the Health and Welfare Department in the Town of Caribou by the first selectmen of the Town of Perham to look after this needy family, he had a call from the department in Caribou and they were — two months after he made this emergency request, they called him and asked him what the address was of that family that he had complained about. He says, "For God's sake, wouldn't you imagine they would have probably died by this time!" He says, "The emergency is over, the grandmother took care of them, but what kind of a service is this that you are giving to our needy children in the State of Maine?"

Now I hope — I see Mr. Martin has gone out. I wish he could have had the answer that I have made to his question, but I think this is a very good answer to attempting to dictate to the Department of Health and Welfare — and this has not happened only in my town, I feel it has happened in many. Now I am sure we are not getting what we call a logical common sense administration of this welfare program. If we had this we would not have the problems that we are facing today.

I think with these few remarks I will admit that I have said all I am going to say on this subject. I am going to vote for this bill. I believe it will help the situation. It should make some money available if we have any shortage, where the real need exists. And I think the Department of Health and Welfare should get the message from this body, that we do not approve of the way the Department is being handled — and I wish I

could use stronger language. But they had better get wise to it and do something about it.

Whereupon, Mr. Faucher of Solon 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 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 motion for the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? Which is debatable with a time limit of five minutes by any member.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I realize that there is a very good use for the previous question and I realize too — and I think a lot of us do, that it has been used too much this year. We have been a long time on this bill, but nevertheless there have been several committee members who have not talked on it. We have run far afield from the subject. And I for one wanted to talk on a few of the basic things that I am sure that others did. I object to the previous question at this time.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the representative from Norway, Mr. Henley. I think there are a lot of people here who are quite disturbed in regard to this problem and I think they may have something to offer, and I would be most happy to listen to what they have got to say.

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

Mr. BRAGDON: Mr. Speaker, I have made my say and I am certainly willing to have every-

body else have their say, and I hope you will vote not to consider this at this time.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen: I have had a chance to speak. I don't think that the question that has been asked by the gentleman from Eagle Lake, Mr. Martin, has been answered. I would like to have Mr. Hewes or some other person who is a member of the Bar who supports this bill give his answers. So I hope you will vote against the previous question.

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

A vote of the House was taken.

43 having voted in the affirmative and 74 having voted in the negative, the main question was not ordered.

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

Mr. BIRT: Mr. Speaker and Members of the House: I would like to just make a couple of comments to try to summarize some of the statements that have been made. I think we have got quite far afield from the original point. I don't think there is anybody in the Appropriations Committee — and I mentioned this committee because they have deliberated a great deal over the budgets on welfare, I don't think at any time there was any serious thought toward eliminating or cutting welfare costs as such to needy people.

I think that the whole thrust of this particular bill is to correct this situation which the Supreme Court created, and which the Supreme Court indicated, as I understand it, clearly in their decision, that unless laws such as this were on the books they would have to make the payments. I think this is the whole thrust of this bill. The Supreme Court indicated in their decision as to how the payments would have to be made unless there was legislation. And some 28 states, I think was the figure I

heard, presently have this legislation on their books.

I think this is the whole thrust of what we are talking about this morning, not on whether needy people will be deprived of ADC. There are many many people in the State of Maine receiving ADC and they are certainly entitled to it. At the present time there is \$60 million a biennium being disbursed around the state to take care of this. I think this is the whole thrust of it. I do feel that we have got quite far afield. I would like to bring the discussion or the point back to the initial thrust of the bill.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: We have listened to a lot of truths on both sides of the question. I would say that I am not up tight on this bill even though I voted that it "ought to pass." All over the country we are opposed by a situation which is bleeding the taxpayers of the country — and it is welfare. We all of us who are helping to pay the bills on welfare do not want people to go needy. We want those who need welfare to get it. We also know that there are many abuses. Many of those have been brought out this morning which in some ways have no bearing on this, possibly in other ways they do. This is merely one way, one method, one approach, to lessening the welfare load.

It was felt by the members of the committee who voted for this bill that it should do one thing only to begin with. It should reach the floor of the chambers to be discussed thoroughly, and that is what we are doing, to see if this was not one way of taking care of a part of this terrible welfare situation. It has been called a mess from Washington to the smallest town, and it is a mess. That is the only reason. We do not want to bring about anger or recriminations.

We realize that a lot of the younger members of this body, who never lived through the real depression of the thirties and know what it is to be poor, to them their

idea of being poor is different than it is to some of us; consequently it is only a relative phrase. So when we get into those things we are going far afield. But this bill is mostly just aimed at the cases where they are flagrant, where a stepfather has a reasonably good income, and it is not even considered in considering whether the family is eligible for AFDC. That is the thing that has been mentioned the most, it should affect any welfare aid, the total income of the family.

Now I know there have been accusations that this would bring about a rash of divorces; possibly it would. But if any welfare mother and wife wants to sell her husband for a few dollars, perhaps that is the best way for it to be. I still think that the big majority of married couples, who have married in good faith and care for each other, will still stick with it, regardless of the fact that the husband's income is going to be considered.

If there are going to be legal repercussions and backfires, possibly our legal minds can get together on it. As you will note, the lawyers signed both sides. I am not an attorney, so I cannot tell. I don't know as any attorney can tell; time will have to tell. So I say we should defeat the motion to indefinitely postpone, accept the Minority "Ought to pass" and then see if we can figure out that it needs some small amendment or something to take out some of the worst phases of it. I don't know. But it is only an attempt, and I hope that we will defeat the indefinite postponement and accept it and see what it can do for us.

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

Mr. HEWES: Mr. Speaker and Members of the House: In reply to the first question of the gentleman from Eagle Lake, Mr. Martin, it is my understanding that passage of this bill will obligate all stepfathers to support their stepchildren, whether or not they are receiving ADC aid or not. However, I feel that the taxpayers want to draw the line somewhere. The appropriation has gone up about seven times in five years, and if it

continues that way this will be a \$50 million item rather than an \$8 million item five years from now.

Perhaps the passage of this bill will spark some corrections, because I think most speakers have agreed that there are abuses and that there are problems. The gentleman from Enfield says, "What is the solution?" Hopefully this is a step in the right direction, and this will spark further corrections, and I hope you will defeat the pending motion.

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

Mr. HODGDON: Mr. Speaker, Ladies and Gentlemen of the House: I am very glad to see that the gentleman in the lower left hand corner is back in his seat. And as Representative Hewes has tried to answer one question, I too would like to answer a question that the gentleman from Eagle Lake has raised; his question being, "Has anyone here, with absolute knowledge, any charges that they can substantiate and getting away from rumors?" Fortunately, I am sitting in a back seat and I do not find it necessary to arise on occasions, in spite of my own thoughts, to defend the administration of some of the departments of the state. And it is my impression that is what happened with the gentleman in the lower left hand corner a few minutes ago.

My duties as a municipal officer in the Town of Kittery brings me in constant contact with the administration of Health and Welfare. In caucus the other day I made a charge; I haven't changed my mind a bit. I will make it now on the floor of the House and say to you ladies and gentlemen, as a municipal official, that the present administration of Health and Welfare is a farce.

Now there is no need for me to prolong, but I would be glad to take Representative Martin aside and recite case histories. In the last five months that I have been down here I have been in Health and Welfare on many many occasions. I will only say that the present time I am fighting for a case back home where seven children are involved. The principal of

the school found them absent from school and decided he would look into it. And because of a lack of food they had taken the bird feeder and they were out back in the school yard eating bird seed, and that case has been pending before the Health and Welfare since the 14th day of January, the answer being that they do not want seven more wards in the state.

We are faced with a problem that has been going on in Health and Welfare on every department, more especially AFDC. I can assure all of the members of this House that at least in the territory that I represent the taxpayers are now becoming entirely fed up with this farce. I don't think anyone in this House has any desire to take anything away from any needy children. I can assure you that it is not my intention to take anything away from needy children, but it is my intention to vote for any legislation that will tighten up the loosely run ends of Health and Welfare as we know it today.

This bill is not that restrictive. There is a provision that if the stepfather, if the pay of the working father is not great enough, then the mother will still receive AFDC. It is again the time when we have got into a bill where emotions have run away with us. We are losing sight of the main thing that the bill is trying to do. And I would urge all of you to vote against the indefinite postponement of this bill and consider a motion for the Minority Report and let's tighten up the reins just a little bit.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: In trying to analyze this bill, L. D. 1833, I come down to section four where the word parent is used and is defined in the following paragraph.

Now in my previous experience on city government, we have had these cases, a lot of them. What this bill does is to find out what a child is, stepmother, stepfather, what their responsibilities are, but you still come back to section four. It is defined that "a parent shall

be either a natural parent, an adoptive parent or a stepparent. A stepparent means a person who has been legally married to the natural or adoptive mother or father of a child after the marriage of the natural or adoptive parents has been terminated." The whole phrase hinges on the word marriage — legally married.

Now if we have a case of a married or a divorced woman or one that has no male support, and a male who has no female companion, and through either of their marriages there are several children involved, and they get married and they cannot support their children under this law here, as I interpret it, this is going to drop the welfare costs on each municipality.

We have had an occasion of this in my home town. A man with six children, his wife died, was playing around with a woman with eight children. They had two out of wedlock. The state moved in and scared them into getting married. Immediately they were off the state welfare costs and on the city costs. At the present time they are on surplus foods down there now.

I think indefinite postponement of this bill is a very good idea.

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

Mr. PORTER: Mr. Speaker, Ladies and Gentlemen: I have been waiting all winter for this bill. I thought it was an opportunity for us to save some state money. I thought it was an opportunity to get welfare under control. My brain trust here on my left tells me that we are spending \$140 million on welfare. This part of that program costs \$60 million. That, ladies and gentlemen, is \$60 for every man, woman and child in this state just for this part of the program. I was very much in hopes we could get that under control.

Looking at the calendar, I regret the action that was taken down the hall yesterday. I am not naive enough to think that we are going to get this thing enacted; however, I think there would be a good psychological effect if we should pass it. I think it would have

an effect to the department to shape it up. I think it would have the same effect on our stepfathers. You had better shape up or else. It also would be a message to the public that this House is concerned about the welfare program in our state. I would hope very much that this House would take the constructive action of passing this bill.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Lund, that both Reports and Bill "An Act to Establish Stepparents' Responsibility to Support Stepchildren," Senate Paper 429, L. D. 1243, be indefinitely postponed. If you are in favor of the motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Berry, P. P.; Boudreau, Bustin, Call, Clemente, Cooney, Cote, Dam, Doyle, Farrington, Genest, Goodwin, Hancock, Kelley, P. S.; Lund, Martin, McCloskey, Mills, Murray, Norris, Orestis, Sheltra, Slane, Smith, D. M.; Tyn-dale, Vincent, Wheeler, White, Whitson.

NAY — Albert, Ault, Bailey, Baker, Barnes, Bartlett, Bedard, Bernier, Berry, G. W.; Berube, Binnette, Birt, Bither, Bourgoin, Bragdon, Brawn, Brown, Bunker, Carey, Carrier, Carter, Clark, Collins, Conley, Cottrell, Crosby, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Donaghy, Dow, Drigotas, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Faucher, Finemore, Fraser, Gagnon, Gauthier, Gill, Good, Hall, Hanson, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Jalbert, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lee,

Lessard, Lewin, Lincoln, Littlefield, Lizotte, Lynch, MacLeod, Maddox, Mahany, Manchester, Marsh, Marsteller, McCormick, McKinnon, McNally, Millett, Morrell, Mosher, Page, Parks, Payson, Pontbriand, Porter, Pratt, Rand, Rocheleau, Rollins, Ross, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Stillings, Susi, Theriault, Trask, Webber, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Churchill, Evans, Fecteau, Lucas, McTeague, O'Brien, Santoro, Smith, E. H.; Starbird, Tanguay, Wight.

Yes, 29; No, 110; Absent, 11.

The SPEAKER: Twenty - nine having voted in the affirmative and one hundred and ten in the negative, with eleven being absent, the motion does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted, in non-concurrence the New Draft read twice and later today assigned.

Orders Out of Order

Mr. McCloskey of Bangor presented the following Order and moved its passage:

ORDERED, that Elizabeth Downing Doyle of Bangor be appointed to serve as Honorary Page for today.

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

Mr. Hewes of Cape Elizabeth presented the following Order and moved its passage:

ORDERED, that Diane Partridge of Moscow, Idaho be appointed to serve as Honorary Page for today.

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

Non-Concurrent Matter

Resolution Proposing an Amendment to the Constitution Classifying Certain Bailable Offenses (H. P. 852) (L. D. 1165) which was finally passed in the House on June 11 and passed to be engrossed on May 27.

Came from the Senate having failed on its final passage in that body.

In the House: On motion of Mrs. Boudreau of Portland, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

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

which was indefinitely postponed in the House on June 11.

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

In the House:

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

Mr. HARDY: Mr. Speaker and Ladies and Gentlemen; On June 11 we defeated this bill by a vote of 94 to 40 and so I would therefore move that we adhere to our former action.

Whereupon, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act relating to Petitioners' Committee under Municipal Home Rule Law" (H. P. 1414) (L. D. 1841)

which was referred to the Committee on Legal Affairs in the House on June 14.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Emery of Rockland, the House voted to recede and concur.

Messages and Documents

The following Communication:

THE SENATE OF MAINE
Augusta, Maine

June 15, 1971

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

Dear Madam Clerk:

The Senate voted to Adhere to its action whereby it accepted the Minority "Ought Not to Pass" report, in non-concurrence, on Bill, "An Act to Create the Office of Ombudsman" (H. P. 139) (L. D. 194).

(Signed) Respectfully,
HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

Orders

Mr. Birt of East Millinocket was granted unanimous consent to address the House.

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: This morning on your desks we are presented four bills — 1842, 1843, 1844, and 1846. I have been asked quite a few questions on these by various people because I have been active on the Apportionment Committee, and I will attempt to briefly explain to the House to try to clarify the expressions and also to alleviate any fears or apprehensions as to what might be going on in House apportionment.

These four bills refer entirely to apportionment of the House. L. D. 1843 is Plan A, which is a proposal that is developed by Republican members of the Apportionment Committee. L. D. 1846 is a Democratic counterpart. These two bills are not very far apart and possibly could be worked out if the need develops. They are developed primarily as we have interpreted the Constitution and as the present House is apportioned, and they are not far generally speaking from the present House apportionment.

Plan 1842 is a Republican plan and Plan 1844 is a Democratic plan. Now what the intent of these are, these four bills are used as a basis to send some questions to the Supreme Court to get some answers as to whether our present Constitutional Amendment for House apportionment is within the guidelines as set out by the Supreme Court of the United States under several cases that have come up ever since the original Baker vs. Carr case of 1954.

It is the intent of these four bills that they be held in the Senate on the table unassigned until the questions can be resolved and the answers come back from the court. Now is it very possible that these answers will not come back until after the adjournment of the Legislature. If they do not, some program will be worked out for something in the special session.

If the questions were to be answered, and come back prior to the

adjournment of the Legislature, I am sure that the results of these questions would then become the basis for both parties to work out apportionments and then hopefully come together on some plan that might satisfy the entire Legislature.

I am sure that there are questions in all four of these plans that do not satisfy me. One that I know has been brought up and I very much disagree with, is one in my own county relative to the assignment of the extra seat, as to which town it might go to, either Brewer or Orono in this case. And the language that is in there is language that possibly should be given serious consideration as to whether it should be left in there.

But basically I don't think there is any problem right now as to the adoption of any of these plans. They will not be adopted; they will serve simply as the basis for the Court to act on. Now the Court will not — and I would bring out one point — the Court will not act on the apportionments as such. The Court will act on the questions that are posed to the Court relative to whether the Constitution of Maine is consistent with the guidelines as set out by the Federal Supreme Court.

Mr. Jutras of Sanford was granted unanimous consent to address the House.

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: To quote the Minority Leader, a few minutes ago, I have "checked out an abuse today." Once again the members of the Legislature of the State of Maine have been ignored, snubbed, obfuscated, and disregarded by a recipient of funds that keep a particular institution into being operating in the style of high living tycoons of the United States.

House Paper 1263 is an order directing the members of the various departments and agencies to report salaries of their employees to this Legislature, and this order was passed in both houses on the eighth or ninth of April, 1971. We needed this information prior to adjournment to act judiciously on

certain bills. We did not get it for obvious reasons.

The latest information indicates that it will be made available to us sometime in July after the adjournment of this regular session. The printers are not to blame; I am told this and I believe the source of my information, and I did part of the leg work in this investigation.

Why haven't we received it? The answer is: Responsible fiscal agents of the University of Maine, either by direction or not, or by their superiors — and a similar situation has happened in the burning of the John F. Kennedy autopsy papers in a private home fireplace by a naval officer on Sunday, the 24th of November, 1963, by direction of a superior officer. I repeat, misinformation, corrected lists of salaries, planned delays by personnel of the University of Maine, has denied us the so-called "Snoop Book," a necessary legislative tool. We thank you for the obstruction and the snub, those responsible at the University of Maine.

House Reports of Committees Ought Not to Pass

Mr. Bither from the Committee on Education reported "Ought not to pass" on Bill "An Act Creating the Nonpublic Elementary Education Assistance Act" (H. P. 294) (L. D. 394)

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

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday afternoon on supplemental calendar number one, appeared a report from the Committee on Education, reporting "ought not to pass" on L. D. 394, An Act Creating the Nonpublic Elementary Education Assistance Act, which was just read to you by the Speaker a moment ago. We did not get to our supplemental calendar and thus it has appeared today as unfinished business. In view of this report, and rightly so, it was placed in the

legislative files pursuant to Rule 17-A.

This bill would have allowed aid to nonpublic elementary schools. It was introduced in January by me and referred to the Committee on Education. By agreement of all interested parties, including the committee, no action was taken on the bill and no public hearing was held. The reason that no action was taken is that the supporters of the bill are awaiting a decision from the Supreme Court of the United States. That Court presently has pending before it for decision an appeal from a subordinate federal court questioning the constitutionality of a Pennsylvania statute which was the basis upon which my legislation was drafted. This case was argued some two months ago, along with three others, and we have been awaiting this decision for the last two months. Unfortunately the court has not announced any decision.

The legislative leadership has been very cooperative in allowing this bill to remain in committee, due to the very unusual circumstances that I have outlined above. This bill was reported out of the Education Committee because it is very late in the session and the leadership has asked all committee chairmen to clean their calendars, and in view of this, it was no longer possible to keep the bill in committee.

I am somewhat upset that the bill was reported out "ought not to pass" because the report does not reflect any judgment on the merits of the bill. In my view the bill could have been reported out "Leave to Withdraw" or referred to the special session or to the 106th Legislature. I merely wish to emphasize that the unanimous "ought not to pass" Committee Report does not evidence, on the part of our good Education Committee, the fact that they feel this legislation has no merit and the fact that the report was not made upon the merits of the legislation. This report was made solely because the Supreme Court has not decided the case I mentioned and because of the impending adjournment of this Legislature.

If I may express my personal conviction and the personal conviction of many attorneys that I have consulted, I am of the personal view, and so are they, that the Supreme Court of the United States will decide that the Pennsylvania statute is constitutional and that will foreclose any questions with regard to my proposed bill.

As soon as this decision is forthcoming, I am going to make sure that my proposed legislation is considered on its merits at the earliest possible time. To those who have been awaiting action by us, I would hope that we will have faith and hang on so that we may persevere.

Leave to Withdraw Covered by Other Legislation

Mr. Lund from the Committee on Constitutional State Reapportionment and Congressional Redistricting on Resolve Dividing the State of Maine into Councillor Districts (H. P. 205) (L. D. 271) reported Leave to Withdraw, as covered by other legislation.

Report was read and accepted and sent up for concurrence.

Referred to the Next Legislature

Mr. Page from the Committee on Judiciary on Bill "An Act Limiting Prejudgment Attachments and Prejudgment Trustee Process" (H. P. 1159) (L. D. 1614) reported that it be referred to the 106th Legislature.

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, I do not object to the committee report being accepted, but I would like to say a few words on the bill. Is this procedure correct?

The SPEAKER: The gentleman may proceed.

Mr. TYNDALE: Mr. Speaker and Ladies and Gentlemen of the House: I sponsored this bill before the Judiciary Committee, and although none of you knew it, it had a very extensive hearing before that committee and several very prominent lawyers appeared and have written to the committee in regard to this bill.

I would like to bring to your attention a brief statement made by Mr. Howard Reben, a lecturer at law at the Portland University of Law. And this bill was originally designed to meet a condition which is in question as far as constitutionality is concerned before the Supreme Court.

"The bill about which I have been invited to address you today is L. D. 1614 and is entitled: 'An Act Limiting Prejudgment Attachments and Prejudgment Trustee Process.' On one hand the title of the bill is a correct reflection of its contents but from another viewpoint it is inaccurate. Let me explain what I mean. When comparing the bill to the present statutes in the State of Maine the bill does indeed limit prejudgment attachments. The current law permits a creditor to attach a debtor's property without requiring that he do more than timely file a complaint and pay the required fees. Thus, without benefit of a hearing of any sort, or even the requirement that the creditor make certain claims a debtor under the present law may be deprived of his property.

You may wonder then, if this is a true comparison of the bill to present Maine law, why is it that I argue that the bill may not, in fact, limit prejudgment attachments or trustee process. From the first viewpoint I have compared the proposed bill to the statutes existing in the State of Maine."

Now I will not continue reading because it does go into technical details in regard to a couple of cases. But I will say this, that you will not hear the end of this bill today. It will be before you again. And somehow or other during that course of time I hope that you will give a few minutes of your spare time in looking over the law on prejudgment attachments which deprives you of your property at the will of any attorney, including your car, your TV or any other article which you have purchased and which you may owe a small amount, and due to the fact that there may be some credibility in the statement of the person that sold it to you, you are holding up

the payment, you can immediately have an attachment put against you.

I think this is unfair; I think it will be changed. I think the attorneys on the committee knew it was going to be changed. They refrained from passing judgment on the bill for a lengthy period of time because of the ton of correspondence they received, and I thought I ought to bring the facts before you, because I did not want to waste your time in the frivolity of bringing before you a facetious bill.

Thereupon, the Report was accepted, the Bill referred to the 106th Legislature, and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Donaghy from the Committee on State Government on Bill "An Act relating to the Department of Veterans Services" (H. P. 1185) (L. D. 1637) reported same in a new draft (H. P. 1422) (L. D. 1847) under title of "An Act to Create the Department of Military and Civil Defense" and that it "Ought to pass"

Mr. Farrington from same Committee on Bill "An Act to Reorganize the Department of Education" (H. P. 1188) (L. D. 1662) reported same in a new draft (H. P. 1423) (L. D. 1848) under same title and that it "Ought to pass"

Mr. Stillings from same Committee on Bill "An Act to Create the Department of Cultural Resources" (H. P. 1177) (L. D. 1627) reported same in a new draft (H. P. 1426) (L. D. 1852) under title of "An Act to Create the Department of Public Safety" and that it "Ought to pass"

Same gentleman from same Committee on Bill "An Act Proposing a Salary Adjustment for Certain Unclassified State Officials" (H. P. 1184) (L. D. 1642) reported same in a new draft (H. P. 1427) (L. D. 1853) under same title and that it "Ought to pass"

Mr. Donaghy from same Committee, acting by authority of Joint Order (H. P. 1401), reported a Bill (H. P. 1424) (L. D. 1849) under title of "An Act Providing for a

Full-time Attorney General" and that it "Ought to pass"

Mrs. Goodwin from same Committee, acting by authority of Joint Order (H. P. 1413), reported a Bill (H. P. 1425) (L. D. 1850) under title of "An Act relating to the Secretary of State" and that it "Ought to pass"

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

Passed to Be Engrossed

Bill "An Act relating to Establishment of a State Building Code" (H. P. 1417) (L. D. 1836)

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

Passed to Be Enacted Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Bond Issue

An Act to Authorize Bond Issue in the Amount of \$3,850,000 for Student Housing at Central Maine Vocational Technical Institute, Eastern Maine Vocational Technical Institute, Washington County Vocational Technical Institute, and the Maine Maritime Academy, Water Front Engineering Complex (Phase 1) at Maine Maritime Academy, Site Improvements at Washington County Vocational Technical Institute, Heating and Air Conditioning Shop and Laboratory at Southern Maine Vocational Technical Institute, Completion of School Building at Peter Dana Point Reservation and Multi-Purpose Buildings for Penobscot and Passamaquoddy Reservations (H. P. 175) (L. D. 233)

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

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

Mr. PORTER: Mr. Speaker and Ladies and Gentlemen: As a retired school teacher I find it very difficult to say anything against vocational education. However, I feel I should say something against this. I am perfectly willing to vote for bond issues for buildings at vocational institutes. I favor more equipment in these institutes. I would favor more instructors. But I am not in favor of building dormitories at these locations.

The legislature in its wisdom placed these vocational institutes in strategic places around the state, the thought being that they were so distributed that it would be unnecessary to have dormitories and that the youngsters could commute to these schools. Since that time we have had a tendency to build dormitories. I am opposed to this. I think the youngsters should have this opportunity to attend this type of school. I think they should commute.

I am not trying to kill this bill, because I see some very important matters in it, especially the Maine Maritime. I am not going to ask you to vote with me. I am simply expressing my objections to building these dormitories in these locations.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am happy that at least the gentleman from Lincoln, Mr. Porter, did not make a motion. As a former educator I am somewhat amazed at even his remarks. I can assure that all efforts have been done in Part II to help out the furthering of programs at our vocational institutes.

When the programs first started by the passage of the first vocational school, since the one that was SMVTI, I mention now Central Maine Vocational in our area, subsequently Eastern Maine, Northern Maine and Washington County. Courses have now got to a point where people have to travel considerable distances to get from one course programming to another. Taking the area concerning itself

with the very first item on the calendar, which just happens to be that way, concerning Central Maine Vocational Technical Institute, the people of Maine voted overwhelmingly in favor of an addition to the Central Maine Vocational School for courses. Even now with a 30-40 member housing program for students, it is now difficult for rooms to be found for them. Somehow or other this has been the case in the last couple of years.

I spoke only last year to the director of the school who told me he was having difficulty making placement in private homes. This addition will be ready for the next school year, we hope, and it would mean the addition of 100 students to that one school. And I am sure the same pertains insofar as Eastern Maine is concerned, and additional funds for construction are now in progress for Northern Maine which will not suffice, and I am sure that we will be back here, at the next session probably, for more money for an addition at that school in Northern Maine, which I will support.

This is a must program. It necessitates two thirds of the membership present and voting. It would be a catastrophic loss to the people involved in the programs and to the people of Maine if this bond issue did not only be allowed by this Legislature to go to the people but be passed by the people. I wholeheartedly hope and urge you to support this bond issue. And when the vote is taken, Mr. Speaker, I move that it be taken by the yeas and nays.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: During the discussion of the Part II budget, there was not too much comment actually done on it, and I don't think it was probably well pointed out, and I think it should be at this time, that the Appropriations Committee, in their deliberations, did not come up to the fulfillment of the requests of the University of Maine; and I think this has been pretty well discussed widely, in the press and every-

where of their requests. But they did at that time make a determination to rearrange priorities. And although there was a cutback on the U of M's funding, they did increase the Governor's request by some \$600,000 for students at the vocational schools. And this is spread out pretty well under all five of the vocational schools.

This would allow the taking of about 400 more students than what they had originally anticipated, but it is not beyond what we understood their capacity to handle as far as classrooms are concerned.

The action that we have presently before us relative to the dormitories, and I am mindful of a comment that was made to me when I first came down to the legislature, that at one time or another you find yourself in direct opposition to everybody in the legislature. We have had awful good relations down here in the corner and we are going to continue to have them, I am sure of that, when I sit down. But I do find myself this morning in opposition to my right seatmate.

I do believe in talking with people that are in the education field, that about 25 to 30 miles was the maximum area of commuting distance in which it could adequately be done. We also know that many of these schools have courses that are individual to their own particular school, and that not all of the courses that are taught at vocational education are taught at all schools. Dormitories are necessary so that students can take the courses that they wish.

We have got an adequate dormitory program going. We were told at the hearings that if this dormitory program could be completed, it should take care of adequate dormitory space for practically all of the schools, except, as the gentleman from Lewiston indicated, possibly additional dormitory space in the next biennium at Presque Isle. I do believe there is a good deal of need for this. I do think that we have to expand our vocational education.

One of the reports that I have seen some time ago indicated that Maine had one of the smallest percentages of students attending post-

secondary educational schools at the two-year level, which included our vocation schools, of any state in the country. There are many students who wish to take this program, and I hope you will give it your support.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I don't generally sign an "ought to pass" report unless I feel I have a logical reason for doing so. And I think probably I owe it to the House to explain why I signed this report along with the unanimous — I believe it was unanimous — in the Appropriations Committee.

I feel that the gentleman from Lincoln has raised a valid question; however, I do not agree with him. I think the logic behind my signing of this report would have to go hand in hand with my logic with regard to the University of Maine. I am one of those who do not buy the idea that it is logical or practical or feasible to attempt, we will say, to send perhaps 90 or 95 percent of our rising generation to the University of Maine or to some like institution of higher learning. I do not buy the idea that if they do that there will not be unemployment in that group. If we should attain the goals of the chancellor to send 95 percent of our young people to the University or like institutions, that certainly I am sure that we would come up with unemployment in that group. I feel that we have got to have diggers of ditches and plumbers and other people like that.

And so I feel that there is in this field of vocational education, I feel that there is a more logical place to place some of these younger people, rather than to insist, perhaps, that they should all go to an institution like the University. This is my reason for going along. I feel that this program has been advancing. It has had its record with the people, and approving bond issues in the past has been good. And I believe many of the people, or the majority of the people in the state agree with my philosophy, not only with expanding these vocational schools, but also they agree with

me that it is not logical or feasible to send 90 or 95 percent of our younger generation to these completely institutions, that I refer to, of higher learning. But there is an area here, and this is the reason why I signed the "ought to pass" on this bond issue.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry that I have to take exceptions with the remarks of the gentleman from Lincoln. I do so for perhaps one reason, if none other. As you well know, and all of you I am sure if you have ever been to Aroostook County, are fully aware of the extent of mileage that you have got to go in order to get anywhere. And if we assume that someone can travel back and forth day in and day out 30 miles, that is really about as far as you can go before you can say that everyone is going to have to travel back and forth from the school to where they live.

But beyond that I think you reach a point where if you hope that these students are going to go to school, you are going to have dormitories, or need dormitories, for them to stay there. And I know in my own case, in my own area, that about 35 percent of those people that are going on to higher education today are now going on to vocational schools in the State of Maine. And because of the distance involved, they have to stay in the school they are going to.

Many of them have tried to find housing, for example, in Auburn or in Presque Isle, but they have been totally unsuccessful. And if we don't have those dormitories to do the job, I think really the vocational schools are going to fall flat on their face, not because students do not want to go, but simply because they will not have a place to stay. And so I would hope that you would give this bill the two-thirds vote that is necessary to enact it.

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 pres-

ent 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 enactment of House Paper 175, L. D. 233. This requires, under the provisions of Section 14 of Article IX of the Constitution, a two-thirds affirmative vote of the members present and voting. All desiring that this matter be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bailey, Baker, Barnes, Bartlett, Bernier, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bourgoin, Bragdon, Brawn, Bunker, Bustin, Call, Carey, Carrier, Carter, Churchill, Clark, Clemente, Collins, Conley, Cooney, Cote, Cottrell, Crosby, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Donaghy, Dow, Doyle, Drigotas, Dyar, Emery, D. F.; Emery, E. M.; Evans, Farrington, Faucher, Finemore, Fraser, Gagnon, Genest, Gill, Good, Goodwin, Hall, Hancock, Hanson, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Jalbert, Jutras, Kelleher, Kelley, K. F.; Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lee, Lessard, Lewin, Lewis, Littlefield, Lizotte, Lund, Lynch, MacLeod, Maddox, Mahany, Manchester, Marsh, Marsteller, Martin, McCloskey, McCormick, McKinnon, McNally, Millett, Mills, Morrell, Murray, Orestis, Page, Parks, Payson, Pontbriand, Pratt, Rocheleau, Ross, Scott, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Starbird, Stillings, Susi, Tanguay, Theriault, Tyndale, Vincent, Webber, Wheeler, White, Whitson, Williams, Wood, M. W.; Wood, M. E.; Woodbury, The Speaker.

NAY — Immonen, Lincoln, Moshier, Norris, Porter, Rand, Rollins.

ABSENT — Bedard, Brown, Dudley, Fecteau, Gauthier, Hardy, Kelley, R. P.; Lucas, McTeague, O'Brien, Santoro, Smith, E. H.; Trask, Wight.

Yes, 130; No, 7; Absent, 14.

The **SPEAKER**: One hundred thirty having voted in the affirmative, seven in the negative, with fourteen being absent, the Bill is passed to be enacted under the provisions of the Constitution. It will be signed by the Speaker and sent to the Senate.

Bond Issue

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a total was taken. 125 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Increasing Salaries of Justices of the Supreme Judicial Court and the Superior Court (S. P. 392) (L. D. 1170)

An Act relating to Power to Loan under State Housing Authority's Law (H. P. 1387) (L. D. 1810)

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

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

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.

Mr. Curtis of Orono was granted unanimous consent to address the House.

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: Earlier this morning we heard some charges or suggestions made that the University had been tardy in providing information for the so-called Snoop Book. I was upset by these allegations and did a little quick checking. From my information the University provided all the information desired in two and a half weeks after we passed the order.

I also took the liberty of calling the Bureau of Accounts and Control and the person who answered there, involved with this publication of the Snoop Book, said that the University had acted promptly and the delays were involved in printing and other problems.

On motion of Mr. Porter of Lincoln,

Recessed until two o'clock in the afternoon.

After Recess 2:00 P. M.

The House was called to order by the Speaker.

Order Out of Order

Mr. Simpson of Millinocket presented the following Order and moved its passage:

ORDERED, that Adriana Michaud of Millinocket be appointed to serve as Honorary Page for today.

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

The **SPEAKER**: The Chair requests the Sergeant-at-Arms to escort to the rostrum the gentleman from Brewer, Mr. Norris, for the purpose of presiding as Speaker pro tem.

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

Orders of the Day

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

SENATE DIVIDED REPORT — Majority (10) "Ought to pass" in New Draft — Minority (3) "Ought not to pass" — Committee on Natural Resources on Bill "An Act to Regulate Surficial Mining Under the Maine Mining Commission" (S. P. 133) (L. D. 345) — New Draft (S. P. 631) (L. D. 1819) under same title. — In Senate, Majority Report accepted, Bill passed to be engrossed.

Tabled — June 14, by Mr. Hardy of Hope.

Pending — Acceptance of either Report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker, Members of the House: I move at this time to accept the Minority "Ought not to pass" Report and would speak very briefly to my motion.

The SPEAKER pro tem: The gentleman from Bar Harbor, Mr. MacLeod, moves the acceptance of the Minority "Ought not to pass" Report.

The gentleman may proceed.

Mr. MacLEOD: Mr. Speaker and Members of the House: Serving on your Natural Resources Committee this past winter and these nice spring days we have had some very difficult choices to make; especially for me living in an area down on the coast where we are very environmental conscious and concerned over the future of our state. However, there have been a number of bills that have appeared before us, and this is one of them, which I feel affects a great many of the people in my area, as well as yours. Especially in the areas like Aroostook County, where I understand that your gravel pits are spread out, and that you don't have that much choice in finding good usable gravel from these pits.

I will not make a long dissertation here this afternoon, and bore you with too many of the facts. This is a seven page gem which came out early in the session, has been rewritten and it has some very good features to it. However, I do feel that it puts quite a bit of hardship on the small operators in our state today.

I would also, just for a matter of information — this comes under not the EIC, but comes under the Maine Mining Commission which is set up, as you know. And it also has a price tag on it of \$115,500 over the biennium.

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

Mr. BITHER: Mr. Speaker and Members of the House: Yesterday we passed L. D. 1788 which was the wildlands bill, and I read in the paper this morning that we socked it to the land barons yes-

terday. Now we have L. D. 1819, and now we are going to sock it to the little fellow. Incidentally, this bill does not — and I feel very very contented — I was going to say qualified, but at least contented and happy to speak on this bill, because I am not a contractor. I haven't a thing to gain or lose in this bill, but I watched it in the hearing. And in the hearing it was a stinker, I am telling you. It was a big stinker there. It is a little smaller now because they have taken the unorganized towns out of it.

Now what they have done in this bill is added a lot of things that weren't in it, or was put in there by the 104th Legislature. They have added loam and sand and gravel and cobbles, and all unconsolidated matter. Incidentally, this is surficial mining, not superficial, but surficial mining; mining on the surface.

This bill very simply — and I don't know that I can make it too simple because there are so many pages — requires a mining plan. Anyone who removes a thousand yards of gravel or sand or anything, and a thousand yards isn't very much, it may be 100 truckloads, maybe less. Anyone that removes a thousand yards must have a plan of mining. This plan must be approved by the Mining Commission, on any project for a thousand yards or if it affects an acre or more of land. Not only that, but it must have a reclamation plan. You must reclaim this after. And as I read the bill, after 12 consecutive months of operation, you must reclaim this hole that you have dug from which you have removed this material. You must have a reclamation, or rehabilitation plan that is approved by the Commission. It only costs you \$10; there is a \$10 fee.

I don't know how many papers there are to fill out, but I suspect there are a lot of them. You must have also a thousand dollar bond. I suppose — I am not sure — but I suppose that thousand dollar bond is in case you disobey the Commission, you are fined a thousand dollars a day,

and at least that will pay your first day's fine.

So you have a \$10 fee; a thousand dollar bond; a lot of papers which includes — again I am repeating myself, I know, but includes the mining plan and a rehabilitation plan.

One nice little thing in here that I rather like, you can substitute land for reclamation, providing you get permission ahead of time. In other words, I suppose if you had a pit that you didn't want to reclaim right then you could reclaim someone else's pit, or an old pit somewhere else that was dug years ago.

Incidentally, too, this does not take care of any old pits that are already dug. This does not do anything for the perhaps disgraceful holes that we have made in our landscape in the past. But here again you must submit this to the Mining Commission and get a permission.

This includes peat bogs. If you people have ever seen a peat bog, I would like to have you tell me how in heaven's name you are going to reclaim a peat bog. These peat bogs in Maine came in after the glacial period which was approximately 11,800 years ago — 12,000 for round figures. And this peat has been growing there — I say growing there — ever since. This was a former lake, and there isn't a blessed thing that I can see you can do to reclaim a peat bog. You are going to have a hole there, and I don't care what you might think, and what the Commission might think.

The thing that is going to bother the most is our sands and gravels. There are hundreds and thousands of sand and gravel pits all over Maine. Someone mentioned northern Maine. They are not only in northern Maine, but they are all over Maine. And let me tell you that this is one of our greater resources. This is one of our great resources, these sands and gravels. They are worth a lot of money.

One of my friends — and not too distant seatmate — said the other day, "Well, all you have to do is slope off these walls." Well, if you slope off those walls you are

going to lose a lot of gravel, and this we cannot afford to do. I am telling you, because once this sand and gravel is done with, once it is gone, it is gone forever. You are never going to have any more, because this gravel was laid down here by the glacier some thousands of years ago. And until you get another glacier you are not going to have any fresh gravel unless you make it out of crushed rock. And that is what it is coming to.

So remember that you waste this material, and you are done for so far as gravel is concerned. And I hope the Minority leader over here in the corner doesn't say too much about the material up home, because up home they have a scarcity of gravel, and they darn well better watch. The best gravel they have up there is river gravels. I am talking about glacial gravels; in fact we do not have too much in northern Aroostook. When 95 is completed to the Canadian border, I am telling you that most of the gravel within a few miles or a short distance of 95 is going to be gone.

I know a gravel operator in the Town of New Limerick who has a little pit, a gravel pit, that he does not operate. He just has it open there. And a year ago he sold \$200 worth of gravel, I should say he got paid for \$200 worth of gravel. He didn't sell any. His neighbors would come in and take a little gravel, and later would say, "Well, I took so much gravel," and they would pay him for it. Now he didn't sell any gravel, but under this law he would have to have a plan, he would have to have a reclamation plan too.

What are you going to do if you dig a little hole on your farm? Are you going to dig another hole to fill in the first hole? That is the only thing I can think of. That is probably the best plan, dig a second hole. There is nothing wrong with it as far as I can see. Although you would have to have a mining plan for that too. But that is the way we keep on.

I support the gentleman from Ear Harbor, Mr. MacLeod, that we should kill this bill. This is not

a little stinker, this is a big stinker, and let's kill it.

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

Mrs. CUMMINGS: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Bither is absolutely right in one of his statements, that this bill does nothing to erase the ghastly mistakes that have been made in the past. But it does prevent any more mistakes being made in the future, and I would hope you would defeat the present motion.

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

Mr. WHITSON: Mr. Speaker and Members of the House: I would just like to point out that Mr. Bither was right in another one of his statements. There are hundreds of thousands of gravel and sand pits throughout this state. They are a scar on our land. They decrease the productivity of our land agriculturally; they are an eyesore, and although I feel that this bill is not of paramount importance — there are more important environmental measures before this body — so I won't make this a do or die issue. I hope that you would support this bill.

Mr. Lund of Augusta requested a roll call vote.

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

Mr. LEE: Mr. Speaker, Ladies and Gentlemen of the House: I am in favor of the motion before the House. I don't want to belabor this thing. I have been involved in the nitty-gritty part of the gravel business all my life, and I see nothing wrong with a gravel pit.

If this bill had taken care of some of the older pits maybe I could go along with it. Somebody said in the Statement of Fact that it said this would have something to do with 90% of the destruction of our land. Now I might remind you that probably 90% of the gravel that is taken is probably done under the Highway Commission's contracts, which are already taken care of, they are put in the contracts. So that leaves 10% left to the little operator. I am surely in favor of the Minority Report.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: In the first place I would like to say that I am in opposition to the pending motion. I think somebody might point out that this bill did not arrive here out of the blue. At the previous session of the legislature we enacted a mining regulation which covered practically all of the forms of mining except for gravel pits. During the interim between the last session and this one, a study committee was established which worked on legislation which this is the result of.

I am particularly interested to listen to comments of some of the opposition. I am quite surprised at the remarks of the gentleman from Houlton, Mr. Bither where he admits that these old gravel pits are disgraceful little pits, as he referred to them, and I would be very interested to know what Mr. Bither proposes that we do in order to prevent a continuance of such disgraceful old pits.

Both he and the gentleman from Albion, Mr. Lee, commented that they felt the bill — by implication, I gather they felt the bill ought to include provisions for reclaiming old pits. I would suggest to you that the legislation of which this is a part provides for a procedure under which old pits can be reclaimed. If you look at the rest of this measure you will find that there is provision, if funds can be appropriated or can be received from federal sources, there is a provision for the State to re-

claim old pits and to restore them to use.

I would suspect that some of the people who spoke in opposition haven't really considered this measure in relation to the other legislation that we already have on the books. In closing I would simply say that we have acted to prevent the worsening of this problem in the State in dealing with areas other than gravel and borrow pits. Yet gravel and borrow pits constitute about 90% of this problem. If we are serious about dealing with the problem I would suggest that we vote against the pending motion.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I am very pleased to agree with my friend, Mr. Lund. Lest it be felt that I am opposed to all conservation bills. I worked with Mr. Lund in the last legislature on the other bill on surficial mining. Practically this same bill was in there but it was finally deleted out and it did leave all of our gravel and sand pits throughout the state with very little controls.

I do feel that there are some thorns in the bill. I agree with Mr. Bither that it is rather difficult to reclaim a peat bog after it has been mined, so I feel that it is definitely subject to amendment. But I think the only person in my area who will object to my championing this bill will be a couple of owners of gravel pits and I think that even though they are constituents of mine that I can still stand it, so I urge you to oppose the Minority "Ought not to pass."

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I am sorry that I came in late on this bill. I don't know how much debate has gone on it. However, I assume it is the same bill pretty much that we discussed twice in the last session referring about **mostly the gravel pits and such** things, generally the public gravel

pits are probably the major thing we are talking about.

However, I would like to ask a question because I happen perhaps partly by rumor and partly otherwise, I was called over the weekend by a lady who was concerned that in an area of our state that there were probably substantial indications that there might be deposits of copper which required exploration and I think some exploration has been done, and she was concerned we'll say perhaps because this did happen to be on the land of the International Paper Company and our mining laws are somewhat different than the laws in the west.

In other words, I think most of us understand that a man who owns a piece of ground is entitled if there is gold under it he is entitled to the gold. Now I am not enough of an environmentalist so that I would want to do anything, we'll say, that would discourage the development of a copper mine or a gold mine or a diamond mine if anybody came up with the idea that there was one in the State of Maine. I am sure that probably the Governor and James Keefe probably would agree with me somewhat in my position here.

This lady's concern was that probably International Paper might do what we would call a surface mining job. In other words, they would if they saw fit to open this up, that they would be doing a surface job where the water from the copper mines, if such developed, would run down into some of the lakes where there are cottages and would destroy, or in other words would pollute the water of the lake.

However, if there are minerals, again I say if there are substantial deposits of copper or any other valuable metal here in the State of Maine, I hope that we do not go so far along the line of reasoning that we have heard here in this session that we can live as a people concerned only with having cottages around our lakes, that the beautiful environment is all that we have got to consider in all of our discussions. I hope that there is nothing in this bill that would in the least discourage we'll say

the development of this copper mine if one does happen to exist, and I certainly would welcome the comments of the gentleman from Augusta whom I look upon as an environmentalist extraordinary of this Legislature. I would like to have him comment on my remarks.

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

Mrs. BROWN: Mr. Speaker and Members of the House: I would read to you, Representative Bragdon, the fact that we passed in the 104th Legislature a mining conservation and rehabilitation land grant, and in this we said "where land mining operations are conducted to provide for the reclamation of the affected lands to encourage their productive use." If you go to section 1 of that bill it says, "It is declared to be the policy of this State while encouraging the prudent development of its mineral resources that where mining operations are conducted to provide for the reclamation of affected lands and to encourage their productive use." I don't feel that we are trying to stop mining. We are just trying to have some reclamation take place after the mining has gone on.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I very much support this bill and it is perhaps due to the fact that I was Chairman of the Maine Mining Commission which was authorized by the 104th Legislature. After being elected last fall I had to resign from that and became acquainted with the problems that this bill tries to cope with in the process.

When the original proposals for a Maine mining reclamation act were submitted to the 104th Legislature they were designed to regulate the surficial mining operations which constitute the large majority of all mining in the State. The surficial mines, specifically those of sand, gravel and borrow operations, are responsible for ninety-five per cent or more of the openings created in the surface

soil of Maine. This process of creating such holes and leaving them open as more or less permanent unproductive scars, wasting Maine's soil, and presenting unattractive if not actually repulsive views to residents and visitors, has been going on uncontrolled for decades. The destruction of productive land and beauty is only one of the detrimental effects of these practices. Also becoming of prime importance are the factors of damage to streams by erosion and sedimentation, destruction of wildlife cover and food, pollution of fishing waters and breeding grounds, and otherwise wasting of our natural resources.

When the mining act became law in the last legislature control of the gravel and borrow operations as you know was eliminated from its control.

The principal purpose of the bill which you have before you today is to bring under control of the existing acts all of those operations previously exempt in the last legislature.

Other sections of the proposal before you will deal with adjustments to the existing act, which now appear to be desirable, to make the administration of the Maine Mining Commission more specific and efficient.

This bill should be passed, I feel, as a conservation measure for the State and the citizens of Maine. Productive and usable land is a limited resource. That land which has damage takes many, many years to recover naturally, if it recovers at all. The rehabilitation of those damaged areas must be performed in most cases by those responsible for the damage in the first place. This bill would be the instrument by which the State can assure the future productive use of one of its greatest resources, our land. The benefits will accrue to all the inhabitants of the State as well as the State government, and I feel that future generations will benefit from our foresight.

It is also my understanding that some of the mines in the State of Maine and other operations currently involved with this are in support of this legislation. For that

reason I urge you not to accept the Minority Report.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: I am in support of this bill and opposed to the Minority Report and I would call your attention to the fact that the Majority Report includes the names of ten members of the Natural Resources Committee on the "ought to pass." During the course of study in the Legislative Research Subcommittee studying this bill, I was a member of that subcommittee, we visited the site of several surficial mining areas in Kennebec County and one in another county, and right within almost a stone's throw of the State House is one of the most horrible examples of land that has been ruined.

And then we visited another location in the town of Leeds, I think it was, under the supervision of the Blue Rock Industry, and there you can see the results of land reclamation. It is not too expensive an operation but it was very successful, and the land was level and trees were planted and it would be a useful area in the future and not left with great yawning holes in the ground where water collects and is a danger to children and everybody else. So I support the "ought to pass" and oppose the Minority Report of this bill. I hope you will vote accordingly.

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

Mr. EVANS: Mr. Speaker and Ladies and Gentlemen of the House: A great deal of these gravel pits, borrow pits, are in wooded areas that would never be used for farming and we have heard a lot of it uses up the soil. Generally there are gravel banks to start with right on the surface of the ground. And to begin with, a lot of these small pits are owned by fellows that need the money bad and if they have to reclaim those pits there won't be anything left in it, because sometimes there is very few yards of gravel in them anyway.

I ask you which is the most important, to feed our hungry or to make things beautiful for the people that come into the state? Now that doesn't give you anything to eat and that is exactly what this bill is based on, that we have got to have beauty. So now beauty doesn't put food on your table so I say, why pass this bill? Vote against it.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Castine, Mrs. Wood.

Mrs. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I wish to go on record as supporting this bill. In my district we have a copper mine run by a Canadian concern. They have destroyed a beautiful pond and several acres of land. They have now announced they are shutting down the operation and are going to leave it. I think if you could see the mess that is being left there you would oppose the Minority Report.

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

Mr. EVANS: Mr. Speaker and Members of the House: In answer to the lady that just spoke, we already have on the books, if I am not mistaken, laws to take care of that. This law was passed the last session, and this is another example where you just get the law on the books and then we can add to it.

Now we exempted the gravel pits last time, for a good reason, because they were needed. Now they have come back and want to get them on the books.

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

Mr. LEBEL: Mr. Speaker, Ladies and Gentlemen of the House: It is too bad all of us do not have a gravel pit because I have one and it is just a small one. It cost me \$300 to dig the dirt off so I could get a little gravel. In a couple, two or three years, the gravel will be all gone and it will cost me another \$300 or \$400 to fix it up so it will be in good shape to meet this bill. So I hope we kill this bill.

Mr. Brawn of Oakland moved the previous question.

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

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

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

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

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Bar Harbor, Mr. MacLeod, that the House accept the Minority "Ought not to pass" Report in non-concurrence on Bill "An Act to Regulate Surficial Mining Under the Maine Mining Commission," Senate Paper 133, L. D. 345. A roll call has been ordered. If you are in favor of the motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Ault, Bailey, Bartlett, Bedard, Bither, Bourgoin, Bragdon, Brawn, Bunker, Call, Carey, Carrier, Churchill, Clark, Collins, Conley, Cote, Cottrell, Crosby, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Donaghy, Drigotas, Evans, Faucher, Finemore, Fraser, Gagnon, Gauthier, Good, Hall, Hancock, Hanson, Hardy, Hawkens, Hayes, Hewes, Hodgdon, Immonen, Kelley, K. F.; Kelley, R. P.; Kilroy, Lebel, Lee, Lewin, Lewis, Lincoln, Littlefield, Lizotte, Lynch, MacLeod, Maddox, Manchester, Marsh, Marsteller, McCormick, McNally, Millett, Mills, Mosher, Page, Parks, Pontbriand, Porter, Pratt, Rand, Rollins, Scott, Shaw, Sheltre, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Starbird, Susi, Trask, Webber, Wight, Williams, Wood, M. E.; Woodbury.

NAY — Baker, Barnes, Bernier, Berry, G. W.; Berry, P. P.; Berube, Binnette, Boudreau, Brown, Bustin, Carter, Clemente, Cooney, Cummings, Curran, Dam, Dow, Doyle, Dyar, Emery, D. F.; Farrington, Gill, Haskell, Henley, Herrick, Jalbert, Jutras, Kelleher, Kelley, P. S.; Keyte, Lund, Mahany, Martin, Mc Closkey, Morrell, Murray, Orestis, Payson, Ross, Slane, Smith, D. M.; Stillings, Theriault, Tyndale, Vincent, Wheeler, White, Whitson, Wood, M. W.

ABSENT — Birt, Dudley, Emery, E. M.; Fecteau, Genest, Goodwin, Lawry, Lessard, Lucas, McKinnon, McTeague, O'Brien, Rocheleau, Santoro, Smith, E. H.; Tanguay.

Yes, 84; No, 49; Absent, 16.

The SPEAKER pro tem: Eighty-four having voted in the affirmative and forty-nine having voted in the negative, with seventeen being absent, the motion does prevail.

Sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought not to pass" — Minority (6) "Ought to pass" — Committee on Taxation on Bill "An Act to Provide One Property Tax Rate for the Unorganized Territory" (H. P. 1317) (L. D. 1732)

Tabled — June 15, by Mr. Martin of Eagle Lake.

Pending — Acceptance of either Report.

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

Mr. ROSS: Mr. Speaker, I move that the House accept the Majority "Ought not to pass" Report.

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

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: This L. D. is L. D. 1732, one that happens to bear my name, even though it is one of those bills that originally originated in the other body, and then all of a

sudden someone realized that it contained a way of raising money, and obviously they couldn't do that, so the bill was clearly not properly introduced. And so in order to get the bill in the Legislature it was decided the only way it could be done was to use this method, which was chosen.

There are a number of bills that have come before us. We have already killed one bill, and this was a bill that I also had under my name. There is another bill later on the calendar that had been introduced by the gentleman from Perham, Mr. Bragdon, which basically calls for — and it is item number 12 on your calendar — for an amendment of changing the system of taxation in the unorganized territory. This bill that we are presently talking about, the bill that we will be discussing later this afternoon, and also a bill that bore my name which earlier came out of the Taxation Committee with a unanimous "ought not to pass," are the three bills that have been flying around during the session.

This is the work of basically two groups. One of the bills, of which I had been the sponsor, came out of the so-called Governor's Task Force on Wildland Taxation, and the second bill that the gentleman from Perham, Mr. Bragdon introduced is a bill that the industry put together in order to change the system of taxation in the unorganized territory.

Now basically we have to remember that all of us agree that the method of taxing in the unorganized territories today, as we presently have it on the law books, is a ridiculous method. We all realize that simply to say that we are going to charge 15 mills or 20 mills or 25, is not really knowing whether or not we are going to get the money that we ought to be getting from the unorganized territory.

If the wood is not used and if no one is getting an exorbitant profit from that land, then really most of us believe that it ought not to be taxed. However, when some of this land becomes what some of us refer to as commercial, then obviously the people that have created it to become commercial ought to carry the load.

Now basically this particular bill, L. D. 1732, is one which would abolish a number of taxes. If you take a look on page 7 of the bill and the Statement of Fact, the bill would provide a single property tax upon all taxable property in the unorganized territory equal to the median of the mill rates of all the organized municipalities adjusted to 100 percent of the just value. In order to provide the single tax rate, there is an elimination of the taxes assessed on property in the unorganized territory of the state for special purposes, that is the Forestry District tax, the Forest Fire Protection tax, the County tax, the school operating tax, the school capital tax, a road maintenance tax, the fire protection tax, and the public service tax would be abolished under this bill.

Now you might at this point argue that we are going to have a decrease in revenue. Well of course we won't because if you now say that the taxes are going to be based on the median to what everyone pays, and of course realizing that the median will simply mean the median of the organized rates all over the state, which in effect will be less than half of what the organized towns are paying in terms of valuation on their land, it would mean that we would get, as far as the state is concerned, \$3.2 million more than we are presently receiving under the existing system in the state's revenue.

I am not going to stand in front of you and tell you that this is the answer to our problems. I will say that it is probably closer to the answer to the problems than any of the other two bills that we have around. I don't think the sufficient amount of work has been done on either my bill or the bill that the gentleman from Perham has to really merit their being passed this session.

I, for example, was asked whether or not I wanted anyone to sign a Minority "Ought to pass" Report on my bill, and I said no, because I would just as soon it came out unanimous "ought not to pass" because I didn't think that the work had been done to really

get it through. I think some of the same things I am saying about my own bill I can also say about the bill that the gentleman from Perham will be talking about later this afternoon.

This bill comes the closest to any of those three, and I am not sure that it really meets the problem. I don't think really, in the final analysis, that the amount of work that ought to have been done has been done, and in particular my bill or the bill introduced by the gentleman from Perham. So I am in a rather awkward position because I am going to ask you to support this bill this afternoon rather than either mine or the other one which I have already mentioned. I think that the way that we have handled the situation in the past is not a good one, but this will provide at least an opportunity for those people in the unorganized territory to pay the median rate of what everyone else is paying, and it is an approach and a step in the right direction.

I am sure when I sit down a number of people are going to get up and argue that this is not so, and perhaps they have legitimate points. But I am sure that when the other bill comes around I am going to get up, and I am sure they won't mind my poking holes in theirs.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: As has been pointed out by the previous speaker, this is one of three bills that we have before us in this session dealing with methods for taxing the unorganized territory. I have also been concerned in a couple of other bills and in much debate as to the level of taxation on the unorganized territory.

I think we could very conservatively say that even though perhaps we haven't accomplished much in this session, we certainly have focused attention on something that has needed attention, and that is the general subject of method and level of taxation on unorganized territory.

I think that the previous speaker spoke accurately when he said that in effect we aren't ready. We don't have the answers yet — I believe that this is true — either as to method or as to equitable amount. We know that it is way beyond the level that presently exists, but until we are more sure of ourselves I don't think we should be attempting to establish level or method.

I believe too that the previous speaker has indicated or inferred by certain remarks in his debate that his bill is already feeling the cold breath of the grim reaper, and the bill which the Governor's Task Force presented dealing with method of taxation has already died.

We have just one other one to come before us, the industry bill, and I would hope that we would give it the same treatment and that we not move on this until we are ready. And I don't believe we are ready.

When we are ready, I think it is going to produce a sizeable amount of revenue which will be only equitable taxation, and it probably will come in another session. But I would hope that we not do a botched-up job so that the people who would be most affected, the landowners, could come back and point out how irresponsible we had been. I think it would be irresponsible to move now.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I feel called upon to make a few remarks because the gentleman from Eagle Lake did refer to the bill which I have my name on. I, like Mr. Susi perhaps, feel that perhaps he has prejudged bills that are not already before us, and I don't want to do that.

I realize that the bill that I presented, and the other bill which Mr. Martin referred to, were the so-called bill — the Governor's Task Force bill, perhaps was somewhat melded together by the Taxation Committee. I am sure that mine, there were many amendments offered with which

they are more familiar than I am, so I am not perhaps going to make very much in the way of comments with regard to the bill that I presented when it does come before us. I will leave that more to the Taxation Committee who are knowledgeable about it.

However, I don't think that I can agree with the decision that the gentleman from Pittsfield has arrived at; that we don't have knowledge enough to attempt to pass what I consider a good bill with a good philosophy of taxation regarding these wildlands. I am sure that he is wrong in his assumption that it is the kind of tax bill that governs the amount of revenue received, and I think when he takes a second look at it he will agree with me. It is not the kind of a tax bill, Mr. Susi, that we have; it is the number of mills, and so forth, that we attach to it that makes the sum of money that you get out of it.

So that does not get into the area that we are talking about, the amount of money that we are getting or not getting. It is just the method that we are using in these various bills for taxation. We can get out of any of them, if we see fit, we can set them up so we can get \$1 million or \$10 million if we use the proper rates on any bill.

So your assumption with regard to the amount of money, I am sure is absolutely wrong. However, I hope you won't prejudice as the gentleman has asked you. I think that the bills that will come up before you do have some merit because of the methods that they propose. And so we will discuss them perhaps as they come along.

I don't recall the motion that was made by Mr. Martin. If the Chair would enlighten me, what is the motion before the House?

The SPEAKER pro tem: The motion is to accept the Majority "Ought not to pass" Report.

Mr. BRAGDON: To accept the Majority "Ought not to pass" Report on his — I would agree with that.

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

Mr. DYAR: Mr. Speaker,

Members of the House; I would like to concur with the two gentlemen in the corners of the House, and disagree with the gentleman from Perham, Mr. Bragdon. I think we are too emphatic on using a mill rate rather than the valuation.

Yesterday on the Floor of the House I quoted figures from memory from the 1968 State Evaluation book. This morning I went to Taxation and although the new evaluation book is not out, I did get the figures on Brown Company holdings in Franklin County. I was wrong yesterday in some of my figures, because I did not realize they owned as much acreage as they did.

In the nine townships that they have either control of or partial control, they own 142,598 acres. They own 6,931 acres of public lands. The total valuation of the 142,000 acres is \$1,229,000. The average valuation per acre is \$8.10. The average tax is 21 cents an acre. The average mill rate is 25.98. This figures in the state wildlands tax, the county tax, and the forestry district tax.

Now I argue on the point of no equal evaluation of these lands. In Township 2, Range 5, they own 1,000 acres of public lands with a valuation of \$6.02 an acre; Township 3, Range 5, they own 1,000 acres with a valuation of \$4.61 an acre; Township 2, Range 6 they own 1,000 acres with a valuation of \$8.91 an acre. So you see in three practically joint townships you have three evaluations, all evaluated by the State Tax Assessor's office.

Yesterday Mr. Lund made reference to Tim Pond Township, which is owned by Brown Company, consists of 25,461 acres. It also consists of 980 acres of public lands. The valuation for the 25,000 acres is \$167,000; and the valuation of the 980 acres is \$5,210. On the 25,000 acres you have got an evaluation of \$6.06 an acre. So I don't care whether you put 25 mills, 35 mills or 45 mills, you are still going to have different rates for different people, because there is no equalization of the valuation.

And when somebody in this body comes up with the figures of what

an acre of wildland is worth — and I am only talking about wildland, I am talking about land where there are trees growing, including swamps, mountainsides, ledges, and gravel pits — I am not talking about farmlands where people who have farms in these unorganized towns, I am not talking about them. You will find that they are probably valued at 30, 40 dollars an acre for these tillable lands.

As I say again, until we come up with a fair evaluation of these lands so that you can't pick up a piece of paper like I have here of nine unorganized townships with four different tax rates, and about five different evaluations, then we may accomplish something.

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

Mr. COTTRELL: Mr. Speaker, Members of the House: I think we are horribly wasting time at this point in trying to deal with the problems of valuations of our wildland and a new system of taxation. I think this bill before us was Senator Martin's bill, and it has points of great merit. But it is no time at this point to try to wrestle with it. And I will say the same thing about the productivity tax. That is a new idea introduced to our Taxation Committee, and there is no time now to wrestle with that.

We just passed a Land Use Regulation Act. All these things — valuation, regulation — should be handled with great deliberation. It is imperative that we do something about it, but not now. I hope this bill is indefinitely postponed, and in advance I will also make a motion to indefinitely postpone the productivity tax.

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

Mr. CYR: Mr. Speaker, Ladies and Gentlemen of the House: I think there is a lot of confusion in regards to this right here. In the first place many of the previous speakers are debating item twelve on page eight, and introducing it into this bill right here.

To arrive at a tax there are two important elements. There is the

rate, and there is the valuation. Now this bill here only deals with the rate. It is a beginning. How this was arrived at, it is a computer study of 495 communities, organized communities in the State of Maine, and the median of this tax was 25.2. And this would be the rate that would be used for this.

Now this is not a figure pulled out of the sky, as I said; it is the figures, the actual rate now going on in 495 communities in the State of Maine that they have made a computer study and arrived at a median rate. This is the first part of it, so first of all you are basing your rate on something which is already valuable.

The second part of this study right here, it establishes only one rate for all of the unorganized territory. What we have today, the rate in unorganized township runs all the way from 30 mills to — I heard the figure in this House debated — 110 mills. But at least it runs all the way from 30 mills to about 90 mills.

And the reason for the differences is because some of the townships have to carry the load of a school, or carry the load of a road. Now under this bill this would be all equalized and all of the unorganized territory would divide the share, would divide the load, which is as it should be. I hope that we accept this L. D. 1732.

Mr. Ross of Bath requested a roll call vote.

The SPEAKER pro tem: 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 pro tem: The pending question is on the motion of Mr. Cottrell of Portland that both Reports and Bill "An Act to Provide One Property Tax Rate for the Unorganized Territory," House Paper 1317, L. D. 1732 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 — Bailey, Baker, Berry, G. W.; Bither, Boudreau, Bragdon, Brawn, Brown, Bunker, Carrier, Churchill, Clark, Collins, Cottrell, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Dudley, Dyar, Emery, D. F.; Evans, Finemore, Gagnon, Hall, Hancock, Hanson, Hardy, Haskell, Hawkens, Henley, Hewes, Hodgdon, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lund, Lynch, MacLeod, Maddox, Mahany, Manchester, Marsh, Marstaller, McCormick, Mills, Morrell, Mosher, O'Brien, Page, Payson, Pratt, Rollins, Ross, Santoro, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Stillings, Susi, Trask, White, Williams, Wood, M. W.; Woodbury.

NAY — Albert, Barnes, Bartlett, Bedard, Bernier, Berry, P. P.; Berube, Bourgoin, Bustin, Carey, Carter, Clemente, Conley, Cooney, Cyr, Dam, Donaghy, Dow, Doyle, Drigotas, Farrington, Fraser, Gauthier, Gill, Herrick, Immonen, Jutras, Kelleher, Kelley, P. S.; Keyte, Lebel, Littlefield, Lizotte, Martin, McCloskey, Millett, Murray, Orestis, Parks, Pontbriand, Rand, Slane, Smith, D. M.; Starbird, Theriault, Vincent, Webber, Wheeler, Whitson, Wight, Wood, M. E.

ABSENT — Ault, Binnette, Birt, Call, Cote, Curran, Emery, E. M.; Faucher, Fecteau, Genest, Good, Goodwin, Hayes, Jalbert, Kilroy, Lawry, Lessard, Lincoln, Lucas, McKinnon, McNally, McTeague, Porter, Rocheleau, Sheltra, Smith, E. H.; Tanguay, Tyndale.

Yes, 70; No, 51; Absent, 28.

The SPEAKER: Seventy having voted in the affirmative, fifty-one in the negative, with twenty-eight being absent, the motion does prevail.

Sent up for concurrence.

At this point, Speaker Kennedy returned to the rostrum.

The Sergeant-at-Arms escorted the gentleman from Brewer, Mr. Norris, to his seat on the Floor, amid the applause of the House,

and Speaker Kennedy resumed the Chair.

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

Bill "An Act Revising the Implied Consent Law for Operators of Motor Vehicles" (H. P. 1027) (L. D. 1422) — In House, Committee Amendment "A" (H-460) adopted.

Tabled — June 15, by Mr. Dudley of Enfield.

Pending — Passage to be engrossed.

On motion of Mr. Hewes of Cape Elizabeth, retabled pending passage to be engrossed and tomorrow assigned.

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

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

Tabled — June 15, by Mr. Ross of Bath.

Pending — Passage to be enacted.

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

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

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

Tabled — June 15, by Mr. Scott of Wilton.

Pending — Passage to be engrossed.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I surely was hoping that we could run this today and accept or reject the amendments. I personally favor three of the four amendments. But evidently there is a serious question as to whether in fact we can do this. So I now

reluctantly request that somebody table this for one legislative day.

Whereupon, on motion of Mr. Morrell of Brunswick, retabled pending passage to be engrossed and tomorrow assigned.

The Chair laid before the House the sixth 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 15, by Mr. Smith of Waterville.

Pending — Further Consideration.

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

Mr. HODGDON: Mr. Speaker, I now move that we adhere to our previous action.

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

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

Mr. MARTIN: Mr. Speaker and Members of the House: I was under the impression that an amendment was being worked out. I wonder if someone would indicate whether or not that has fallen through, and if it has then perhaps obviously the motion to adhere might be in order; if it has not then perhaps it ought to be retabled.

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

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen: We have tried to work out an amendment, and it is such a complicated thing

that even though we agree in principle, many of us feel it isn't possible to make a workable bill at this time.

Thereupon, the House voted to adhere.

The Chair laid before the House the seventh 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 15, by Mr. Hewes of Cape Elizabeth.

Pending — Acceptance of either Report.

On motion of Mr. Lund of Augusta, retabled pending acceptance of either Report and tomorrow assigned.

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

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

Tabled — June 15, by Mr. Donaghy of Lubec.

Pending — Adoption of House Amendment "A" (H-445)

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

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

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

Tabled — June 15, by Mr. Donaghy of Lubec.

Pending — Passage to be engrossed.

On motion of Mr. Donaghy of Lubec, retabled pending passage to be engrossed and tomorrow assigned.

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

Bill "An Act to Create the Department of Transportation" (H. P. 1411) (L. D. 1828) (House Amendment "A" H-463 adopted.)

Tabled — June 15, by Mr. Donaghy of Lubec.

Pending — Passage to be engrossed.

On motion of Mr. Donaghy of Lubec, retabled pending passage to be engrossed and tomorrow assigned.

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

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

Tabled — June 15, by Mr. Donaghy of Lubec.

Pending — Passage to be engrossed.

On motion of Mr. Donaghy of Lubec, retabled pending passage to be engrossed and tomorrow assigned.

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

HOUSE DIVIDED REPORT — Majority (9) "Ought not to pass" — Minority (4) Ought to pass" in New Draft — Committee on Taxation on Bill "An Act to Encourage Improvement in Forest Growth by Creating a Method of Taxation Based Upon the Productivity of Various Classes of Forest Lands" (H. P. 1192) (L. D. 1667) — New Draft (H. P. 1419) (L. D. 1837) under same title.

Tabled — June 15, by Mr. Finemore of Bridgewater.

Pending — Motion of Mr. Ross of Bath to accept Minority Report.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: You have before you now the other wildlands tax bill that was mentioned previously. This is a redraft of L. D. 1666 and 1667. Both of those bills had in them a board set up. The redraft does away with this board and says that the administration will be in the hands of the State Tax Assessor. It has a formula, a set rate of 33 mills. It would start April 1,

1973. The details have been worked out with the Attorney General's department to straighten out all of the technicalities. It limits the value of the land in the first year whereby an increase could not be more than 10 percent. This would protect both the towns and the land holders.

Legislators have always wanted to change the wildland tax formula and to be fair to both the land-owners and the taxpayers alike. As mentioned by the gentleman from Eagle Lake, Mr. Martin, aside from the wildlands tax which we have now increased in the Part II budget from 15 to 20 mills, they also have a forest district tax, two school taxes, a county tax, a road tax, a fire protection tax, and public service tax. These would be repealed as in Mr. Martin's bill.

This has been researched. It has been researched quite thoroughly. There are some people who think it should be researched more. But I think that probably it has been researched enough, and it is estimated that the increased income under this bill would be \$500,000 a year on top of the recent estimate of 5 mills that we put in the Part II budget.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: This bill here, there has been a lot of work done on. There has been a lot of work done by the landowners, and they seem to believe that they would be satisfied with the productivity tax. They believe that it would be a fair tax. They won't say how many mills they want and they don't say how many they will get. But now with the new plan of tax evaluation through aerial photos, I believe that this bill can be worked out, and I hope you will go along with the Minority "Ought to pass" Report.

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

Mr. COLLINS: Mr. Speaker and Ladies and Gentlemen of the House: On the report I am listed as "ought not to pass." At the time that I signed the report, the new draft had not been completed,

and the new draft does take care of the objections that I had; namely, it transfers the authority to the State Tax Assessor, it provides that municipalities will not lose revenue, and finally and most important, it guarantees that there will be an increase of about \$500,000 per year of income. So I do now support the "Ought to pass" Report.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Inasmuch as this bill bore my name when it was presented into this body, I feel that I should make some remarks in regard to it. I have felt from the time that I agreed to sign my name to it that it was a very logical approach to this problem. I think it will save the municipal officers in these organized towns where they have forest lands, it will set up a guideline which they can well go by, and it is going to be much more uniform than the methods that have been used in the past.

I think that if you would read the Statement of Fact, and I fear you may not, because I know your books are getting big and it is hard to dig these bills out, I think that to get as good a picture of this bill as I could give you, and since I fear that you may not read it, I am going to impose upon you by reading the Statement of Fact connected with this legislative document 1837. And in so doing I may repeat some of the things possibly that the gentleman from Bath has called attention to. However, I will risk that. And in this Statement of Fact it says:

"This bill proposes a 'Maine Tree Growth Tax Law' to assess all forest lands, in both the organized and unorganized areas, on a productivity basis. It applies to any parcel of forest land of 100 acres or more and to smaller parcels upon request of the owner.

It divides forest lands into softwood, hardwood, mixed wood and nonproductive types. The State Tax Assessor administers the law and is directed to determine the 100 per cent valuation per acre for each forest type based upon the

economic productivity of those forest lands.

Upon certification of this information to the respective municipal assessors for the organized areas, they will adjust the 100 per cent valuation by whatever percentage of current just value is then being applied to other property within the municipality and, commencing April 1, 1973, will apply the municipal property tax rate to those assessed values.

For the tax year starting April 1, 1973 any change in the total forest land assessments of any municipality is limited to 10 percent for the protection of all concerned." This means up or down.

"In the unorganized territory, the State Tax Assessor will adjust the 100 per cent valuation to 50 percent or by such other percentage as is then being used to determine the state valuation applicable to other property within the unorganized territory, and commencing April 1, 1973, those assessed values will be taxed at the state property tax rate.

The bill sets the state property tax at a mill rate computed by dividing the total municipal property taxes levied statewide for the previous year by twice the current state valuation of municipalities." And we are now using the figure of 33 mills.

"The other existing taxes applicable to the unorganized territory; namely, the Forest District Tax (or equivalent Forest Fire Tax), County Tax, School Operating Tax, School Capital Tax, Road Tax, Fire Protection Tax and Public Service Tax, are replaced.

The bill provides that the municipal assessors will receive the owner's forest land schedules and determine whether the land is forest land under this Act.

Forest lands may be withdrawn from under this Act subject to imposition of a penalty equal to the tax which would have been imposed over the 5 years preceding such change of use had the property been assessed at its highest and best use less all taxes paid over the preceding 5 years, with interest at the legal rate, as required by the Constitutional

Amendment approved by referendum last fall.

The purpose of this legislation is to put forest taxation throughout the State of Maine on a uniform economic productivity basis. This would have 2 major effects. It would tax forest lands on a basis calculated to motivate good forestry practice, to maximize forest growth and to maximize the economic productivity of our forest lands. It would also serve to maximize the revenues to the State. This legislation provides the foundation for a strong growing forest industry with maximum benefit to the citizens of Maine."

I hope you will give serious consideration to this tax, and I think it is in the best interest of the state to pass it at this time.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: To put it very briefly and very succinctly, when we deal with this problem of how we are going to tax the unorganized territory of Maine and at what level, I think that someone other than the landowners ought to write the bill. I think you get the message.

I have been down here probably more sessions than I should have been and if I seem to get skeptical at times I hope you will excuse me but I have seen the wonders wrought in the last few hours of these sessions by the powers that be around here, and this, to me, looks like one of those operations.

One provision that has been mentioned here is the maximum 10 per cent increase. Now one of the proponents who has already spoken indicated to us on the floor here not too long ago that from his own experience that the wildlands have increased in value in the past year from five to seven times. I don't think this is much of an exaggeration. I have used the figure that they have conservatively doubled.

Now what we have here before us is a bill which will guarantee these owners that you can't increase it more than 10 per cent, regardless of the fact that it has doubled or tripled or quadrupled or whatever. Now these people weren't behind the door when the

brains were passed out. They have guaranteed us \$500,000 or a half million dollar increase. Now when I am dealing with a guy who is really sharp, he has really made it in business, and he offers me more than I am asking him, I want to go off by myself and think awhile, because that indicates just one thing to myself, that I am in a pretty stupid position. These people are offering us basically more than what we are asking. Their checks don't bounce, they are in pretty good financial shape and when they go around offering us more than we are asking, oh boy, I get leery.

It has been said that there has been a lot of work done on this by the landowners. You can bet your boots there has been. Just stop and think of all the legal talent there is around here — and again with all respect to all of our committees and our members — we are busy, we are busy with dozens of bills. Just think of the tremendous stake that these people have in what type of taxation and the level of taxation there is going to be on this land and let us figure it out, who did the work on this little lovely that we are considering here now.

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

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I am, to say the least, somewhat upset and disturbed by the remarks of our honorable floorleader.

I recognize that he has every right to his opinion and every right to make his remarks, just as you or I and everybody else in this House has. It bothers me and it has bothered me many times this session, why he somehow feels, and I am sure he can answer me, why he somehow feels that he has to have a personal feud with the largest industry in the State of Maine; the one that represents more dollars and more jobs now than any other thing. We have fought about the methods of the landowners and cutting practices. We have fought about this and we

have fought about that. For a number of years we have looked forward to coming up with some kind of a reasonable, sensible method of taxing these forest lands, and the gentleman from Pittsfield knows that we do not now have it.

I do feel that this bill was a sincere and honest attempt to come up with a practical method of taxing these lands so that you won't over tax them and require people to sell them, so that we can have a continuing healthy forest industry in the State of Maine. I wonder why, if the gentleman is so upset about an honest attempt to accomplish this, why he has not attempted to hire some attorney or come up with a bill of his own which is the kind of a bill that he would want to present to this Legislature to accomplish this purpose.

I feel the landowners are honest men and that they have come up with an honest proposal. You will have to judge it in your own way. We have criticized their methods of cutting. I know a lot about forest land. I went into the woods with my father when I was probably 14 years old and used to drive the horses to yard out timber. If I could suggest to you that we go back to those days and cut our timber and get it out, then I could propose to you a practical method of what you fellows, you environmentalists, refer to as selective cutting. I know that it is desirable.

Here a few years ago I had the opportunity to visit the cuttings of the International Paper Company up at Clayton Lake. At that time they were using horses in the woods. They were yarding their timber out and they were leaving everything that wasn't — I believe they were cutting to twelve inches, which is practical. If you cut below twelve inches you might just as well clean the ground because everything else is going to blow down if it is left. It is just that practical.

We also in this thing — I will enlarge a little further on this. I don't think we are ever going back. We don't do that. If we could go back to the horse days in the woods

we would accomplish a lot of these things that we all would desire. I think that I am probably as much of an environmentalist as many of you people here. I deplore some of these practices, but it is the labor problem mainly, and we and you in this Legislature have aggravated this by some of the things that you have passed with regard to labor legislation.

The men who have this timber, the men who have to supply these mills are forced to use methods to cut this timber that they probably, in their own mind, do not really approve of, but there is no other way. You are not going back to the days when you could do selective cutting with the horse that I am talking about. It would be desirable if you could. Maybe I could look forward perhaps to the time when this war is over — and I am not sure this is practical but I am going to explore it with you.

If you could put a crew in the woods and cut your timber, your pulp, and pile it up in piles, if you could hover over it with these giant helicopters that they are now using in Vietnam, you could take that out and you could load it on the trucks and you wouldn't have to make these great wide roads in the woods that take up so much land. You wouldn't have to use these skidders that run six feet wide and they use summer and winter whether it is muddy or not and once they go through and cut with this kind of equipment you might just as well clean the land and face the fact that we are talking then about a crop that is not again going to be available for 50 or 75 years.

I have pointed out this to those who talk about the fact that the land is not properly taxed; but when you consider that if you cut a crop of trees off, a man now living is not probably going to cut it again. It is a 50 or 75 year proposition. You have got to consider that when you consider what is a logical tax for forest land. I feel that I have a much better picture of the realities of this situation perhaps than even Mr. Susi himself, and I feel that he should have much better knowledge of this

problem than he has indicated by some of his remarks and some of his attacks against the greatest industry in the State of Maine.

I just can't understand his position. I grant his right to it, but I have to defend these people because I feel that they are forced to do the things that they are doing of necessity. I don't know whether I can make or get my message any clearer than I have done it. They would much rather do a selective cutting if the kind of labor could be had to do this this way. They are not doing this from choice. So I hope that people like Mr. Susi will get better informed, and I would include some of the other environmentalists in this House. Before they attack these people and the methods they are using, that they would get better informed of what can be done and I am sure we would all like to do it.

I started out to say that I think I am probably as much of an environmentalist as anyone here. A number of years ago I had the opportunity to tour the west coast, and I went up through the coast redwoods. If there are any of you here who have seen the coast redwoods you will know what I am talking about. I was out and I saw them haul those giant trees that girth eight or ten feet. They were here before the birth of Christ, they tell us. I have as much regret when I see one of those trees fall as any of the environmentalists here.

I stood under these trees and I felt like a mosquito as I looked up to those giant things that have stood there since the beginning of the Christian era, and I certainly hate to see them cut down. Through the efforts of environmentalists for you and your children who have not seen them there are groves of them there, and I certainly recommend that it is worth a trip to the west coast to stand under them as I have done.

But I recognize the practical application of our problem here in the State of Maine. We are going to maintain these mills; we are going to cut the timber. If somebody can come up with a better method than we are using, more

power to them. I know that these companies would all like to do this the best way possible and I think they are doing it the best way possible.

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

Mr. BRAWN: Mr. Speaker and Members of the House: As I read this bill here I think there is something they have left out. The bill, the purpose of the Maine Tree Growth Tax law, to assess all forest lands in both organized and unorganized areas on a productive basis. It applies to parcels of forest land 100 acres or more and to smaller parcels upon the request of the owner. Now, if it is you and I, that is us together, it doesn't say or, so you cannot tax this if it is not requested by the owner according to this bill right here.

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

Mr. CYR: Mr. Speaker and Ladies and Gentlemen of the House: I share the views and the suspicion of the Majority Leader, Mr. Susi. I don't believe that anyone is in disagreement with the productivity formula in these two bills; in this bill as well as in 1666.

I shall compare this bill with the one that we defeated before, 1666. 1666 was the Governor's committee bill, and 1667 was the industry bill. Now both of these bills had the same productivity formula. They used the same rate, but the industry bill you had to cut the valuation down from 100% to 50%, while in the Governor's committee bill you maintain it at 100%. I raised the question at the hearing. Either the Governor's bill was over assessing these lands, or else the industry bill we were giving them a tax exemption.

Now I question very much this bill. First of all it was told to us by Mr. Bragdon, himself, that the same formula being used for the organized territory, and yet in the organized territory they suggest to use 100% valuation. Now why should you assess differently the forest land in organized terri-

tory than you do in unorganized territory.

Now something is wrong somewhere, and it is inconceivable for me to have the industry work on a legislation that they will voluntarily increase their taxes and try to sell you that program. That is why I share the same suspicions as Mr. Susi on this. I will even go further. We increased the rate last week by five mills on this unorganized territory land. And yet they tell us, providing we are willing to increase our valuation, providing that you don't increase more than ten percent. Right now they are paying 28 mills, the average on unorganized territories is 28 mills. The five mills that we put on last week brings them to 33 mills, which is more than ten percent. Ten percent of 28, if my arithmetic is correct, is 2.8. So be careful if you accept this bill that you don't find yourself in the position where we didn't raise this five mills, but we raised it 2.8 mills.

Now it was suggested at the hearing that these two bills should go to Legislative Research, and possibly be married together. And I think that that is where it should go. It should go to Legislative Research. There are too many unknowns in this. Nobody was able to tell us if the taxes for unorganized territory were going to be increased or decreased, if the State of Maine was going to lose money or make money out of this deal. There are too many unknowns. We suggested to them that they should take one or two or more townships and run a study on those to see just what effect this would have. We are changing completely the concept of taxation in the unorganized territory, and we are taking this serious step with all of these questions unanswered.

I say we are going too fast in this. It should go to Legislative Research. I think possibly the idea of productivity is good. We should base our taxation on that. It is the fairest way. But at the same time we should also scrutinize very closely the Board that is going to set the valuation on these. Right now, the Boards are stacked with people that are con-

cerned and involved, and I say that we should scrutinize that very carefully before we accept it.

In arriving at taxation, I mentioned to you just a while ago, you have to face valuation, and you have to face rate. And it is very easy to juggle one at the expense of the other. I mean, let's not fool ourselves. These people will not accept an increase of taxes voluntarily, and particularly try to lobby to try to get that bill through.

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

Mr. COTTRELL: Mr. Speaker, Members of the House: I hope I can speak unemotionally and most deliberately and most unvindictively. I would just simply like to report what happened at the Taxation Committee. We had about a three and a half hour hearing. It was most interesting. We had the head of the Forestry Department of Yale University there, and he introduced us to this new idea of basing our wildlands tax, in organized territories too, on the productivity principle. And I certainly was intrigued, and I think it has great possibilities.

But as other speakers said, we could not come out with an "ought to pass" report—nine to four "ought not to pass"—because there were no figures on what this tax might produce, whether it would be more than the present tax, or less. And we are faced with budgetary problems. We have already passed our tax on the forest land, and I think this bill, along with the suggestion, I think, of the bill originally introduced by Senator Martin, and reintroduced by Representative Martin, both have terms of good ideas.

I think that the great thing that we can praise ourselves for in this Legislature is that we have been brought up to great realization of the need of property tax reform. And I certainly hope that at this time—because we have a special session, we have another session—I hope that you will go along at this time when we are getting at the end of the race, and most of us are out of breath and our minds are not working too

clearly, and we would like to settle the regular business without introducing a whole brand new taxation program.

This tax has been tried in only one other state, Minnesota. And from the results there we couldn't get any results that were practical or workable. So at this time I hope you go along with the motion to indefinitely postpone.

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

Mr. BRAGDON: Mr. Speaker, Members of the House: I want to assure the members of this House that I am not out of breath, and I am not at all played out. I rise mainly to answer some of the remarks of the last two speakers, Mr. Cyr and the gentleman from Portland. They raised the question which I raised, and which John Salisbury raised, and we had information on it that satisfied me and satisfied John Salisbury, who represents the Municipal—I guess the association, the Tax Assessors in the organized territories of the state.

They questioned whether or not we knew what the effect was going to be regarding the setting up of this tax relative to what the towns were presently taxing this kind of property. And don't think, I wasn't born yesterday, and when I presented this bill I anticipated this very thing. I certainly didn't want to be named as the father of a bill, and then go back to my towns and find that this bill was not yielding as much revenue as the local tax assessors had been getting from that property in the past.

So we ran tests in various towns, and I think the towns in my district are very good average probably, and I think there were some other tests run for the satisfaction of Mr. Salisbury and others who raised this very question as to how this bill, as now set up, would compare with the present amount of money that the municipalities, the organized towns I am talking about, would get out of this.

As far as I am concerned, I was satisfied when I saw the results of those tests that the selectmen in my towns had no worry, that un-

der this bill they would probably get more than they have been taxing these lands presently. Now there may be instances where some towns have—we may have been reasonable—these towns may have been reasonable in the amount of taxes they were assessing. If there are towns that have been unreasonable and said because these are rich people, let's soak them, and had a really high rate, then this thing that I am saying may not apply.

But I think with the reasonable—what I would look upon and you would look upon as a reasonable tax rate in the past by the municipal officers, I think that I am satisfied personally, and I don't speak for John Salisbury, but he assured me that he was satisfied that this would yield in most instances more money than the assessors are presently getting out of this wildland.

Mr. Ross of Bath requested a roll call vote.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I don't know, it seem as though there is a virus hit the corner down here, and I hope it doesn't get over on me. I came over here last session and I pleaded with the Taxation Committee, and Mr. Susi at that time was House Chairman, to do something to make it equitable in the unorganized townships as far as the tax rate that many of the people had to pay. This fell on deaf ears. I brought it into the House and pleaded here on the Floor of the House. Again I lost. And this isn't the first time, probably not the last.

But failing here, I went to the paper companies and they agreed that was inequitable the way the tax was assessed in these unorganized townships. And this is why, on page nine of this bill, that they are trying to do away with the forest district tax, the forest fire tax, the county tax, the school operating tax, the school capital tax, the road tax, the fire protection tax, the public service tax.

Now they usually talk to you and tell you about the wildlands

tax. Well, this is only a small part of it. All these other taxes are involved. And somewhere along the line we have to equalize this thing because many of these people are paying not the 20 mills or the 25 mills that the opponents of such move tell you about; some of these people are in the 90 mill bracket.

Now think what this would mean in your towns where you are paying 35 mills or 40 mills, or something like that, to be driven up to an area of 90 mills. What would this mean to you on your property at home? And this is what is being done, because someone wants to get at the paper companies. They don't want to listen to them, they don't trust them. This is wrong. You are hurting the wrong people. You are hurting the little fellow just to get at the paper companies.

Now personally, I don't see why we have to get at the paper companies. But if this is someone's gripe, if this is someone's disease, why let them have it. But please don't let this go over and kill off—kill economically at least—many of these poor people that live in the unorganized townships.

So I would hope that you would not indefinitely postpone this bill, and see if we can't—if it needs to be amended, we can amend it. If it is too late to amend it here, we can amend it at the special session or the next session. But at least let's get a start on making these taxes in the unorganized townships equitable.

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

Mr. MORRELL: Mr. Speaker and Members of the House: I don't rise in any serious criticism of the industry, although I think there perhaps is some from time to time. But I think that when a bill, particularly a very complicated one, is presented to you for your acceptance or rejection, you have every right to expect that the committee that heard it really tore it apart and put it back together again.

I say to you that as a member of the Taxation Committee we did not have this opportunity. This is not a Taxation Committee bill in the sense that we gave it all the

homework that it should have had. We didn't have the time. As a matter of fact, this redraft has not been seen by the Taxation Committee in executive session at all.

It seems to me that although there is considerable merit to certain parts of it, that the solution in this area should come at a time and under circumstances where the committee which has the responsibility does its homework. We did not do it, did not have the opportunity to do it on this particular item.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: This will be brief. I support the gentleman from Perham, Mr. Bragdon, and also Mr. Donaghy, and for my area I think this would do some good. In the immediate towns around me, in three of them that I can think of I am sure we would gain taxation. Two of them had burned over in 1923 and there is nothing on them. This would help them. This would be a detriment maybe in those two cases. But I still think the time has come when we have — continually hear that I have been here raised the tax on wildland without doing anything to make it equitable. And I think this is the first time we have had a chance. I wish we sure had the same concern when were passing a bill here a few days ago that sold wildlands, we would have that same consideration today. Because this bill is a good bill, and I hope we are able to keep it alive. And I am sure that I will work with anyone and Mr. Bragdon and many others to make this a good bill.

So I hope at least today you will accept the Minority Report and at least keep it alive and see if we can't work out the things that need to be done if there is some.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mr. Bourgoin.

Mr. BOURGOIN: Mr. Speaker and Members of the House: I would just like to make a note here that 90 percent of nothing is still nothing.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I will attempt to be brief. I hope to give you some information that may help you make up your minds as to what we ought to do. I hope and I pray that I don't have any disease to which the gentleman from Lubec referred to. Perhaps he may think that I have and perhaps I do.

A couple of points which the gentleman from Perham, Mr. Bragdon, made ought to be commented upon. One is the question of the helicopters. Last week, or perhaps the early part of this week, there was an article — there was a TV program which showed this very thing being done in Oregon on an experimental basis. Whether or not we are going to be able to extend that to Maine is something probably that we are going to see in the future. I certainly hope that this experiment is a little bit better than the one which Scott Paper Company has used in literally destroying thousands of acres of this state. And I am talking, of course, of the operation in western Maine.

One other point that he mentioned which we ought to keep in mind, and perhaps we will never go back to the horses in terms of using them to get the pulpwood that we need to operate the mills of this state. But I had many people ask me the question — why is it, for example, the Great Northern or I.P. will pay \$21.50 or \$22.50 a cord to a purchased wood contractor to get wood to the mill, but on the same basis is willing to pay as much as \$35 — or I ought to say it costs them as much as \$35 for the same cord if they do it themselves, and a mill can't?

It often puzzled me and I have asked them that very question. And I must admit I have never gotten a satisfactory answer, except to say that they, in effect, can control the amount of wood that they are getting so much better.

I have heard in the last couple of days that we have a surplus of wood, and it is my understanding that a great deal of this wood is going to Canada. Well let me just tell you a little bit of the figures. In 1963, 6 percent of the timber that was used, excluding pulpwood, went to Canada. In 1969, the last years

for which we have figures, the percentage was up 21 percent. And you sort of realize the amount of wood that is going from western Maine, primarily from Piscataquis, Somerset, upper Franklin and Aroostook counties. There has been 38 million board feet of hardwood and 212 million board feet in soft wood that has gone to Canada, and that excludes all pulpwood. Now those are just highlights that really have nothing to do with this bill. They have been raised and they ought to have been answered.

Now the bill itself — let me very quickly say that in New Hampshire where they changed the method of taxation, the first year they changed it the communities that were affected by it lost a great deal of money. They thought and they hoped that when they had changed to a severance tax, which I realize is a little different than the type of tax we are talking here, but the average community lost money from taxes that they had previously been receiving. Now I think that that is a danger that we have to be careful that we don't succumb to. We want to make sure that the tax we pass, whatever it is, is not only fair to the paper company but it is also fair to the communities that we represent.

Most of us come from areas that do tax woodland, and I think we would be in somewhat of a fix if they were decreased in the amount of money that they receive.

I have asked the question, and I have never gotten an answer as to whether or not there would be a decrease. Everyone said that there would be a \$500,000 increase in the biennium. But the problem with this figure is that they are talking about the state revenue, that they are not talking about the effect it could possibly have upon the average communities. There is no evidence at this time.

Now what we have got to do, and I will quote none other than perhaps the best expert in this state, Al Nutting, who is the Director of Forestry at the University of Maine. He told me that about 30 years ago he had asked the legislature for money to set up a test plot, to literally run a

test of what could happen or could not happen if we change the system of taxation on wildlands. He did not get the money from either the wildland owners or from the State; for that reason it was never done. He feels, and I think I am not quoting him out of context, that before we can implement this type of a tax we have to know, and we ought to know what the effects are going to be on both the organized as well as the unorganized territory.

And so I am going to agree today to the motion of indefinite postponement because of the fear that I have. No one today has as yet given me in my hand the effects of what this bill will do.

Mr. Ross of Bath moved the previous question.

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

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

The SPEAKER: The pending question now before the House is, shall the main question be put now?

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I ask the indulgence of this House to not put the question now because I did answer partially Mr. Martin's questions that he asked. I don't know whether he was out or whether if I could get to him again I could get my message across. If I could, I would suggest that there is information available. He might have a question with regard to the source of the study; he mentioned Al Nutting.

However, such a study as he has mentioned is available and if you would give me an opportunity, if you would agree to look at this information, I would hope that

we might — if this could be accomplished — we might table this until tomorrow and that would give him an opportunity to look at the studies that have been made with regard to the organized towns. I hope you give me this opportunity.

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

Mr. DAM: Mr. Speaker and Members of the House: I oppose putting the main question now. I do not have anything to speak on this bill about, but I oppose it for one reason. I dislike the idea of after any member of the House having spoken once or twice himself to jump up and move the question. I do not feel this is fair to the other members who might have something to add to this.

I feel that this is important enough that it should be debated. It is just as important as appropriating any money, and it should have a good, fair debate right here. And I oppose moving the question at this time.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I am in favor of moving the question. Unless someone went out with an axe and cut down some wood and brought it in here, I think we have heard enough about it, and I think we should put it to a vote.

I don't believe anyone could add anything new for it, whether they are proponents or opponents.

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

A vote of the House was taken.

73 having voted in the affirmative and 25 having voted in the negative, the main question was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi, that both Reports and Bill be indefinitely postponed. The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire

of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi, that both Reports and Bill "An Act to Encourage Improvement in Forest Growth by Creating a Method of Taxation Based Upon the Productivity of Various Classes of Forest Lands," House

Paper 1192, L. D. 1667 be indefinitely postponed. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEAS — Albert, Baker, Barnes, Bartlett, Bedard, Bernier, Berry, P. P.; Binnette, Bither, Boudreau, Bourgoin, Brawn, Bustin, Call, Carey, Carrier, Carter, Clark, Clemente, Conley, Cooney, Cottrell, Cyr, Dow, Doyle, Drigotas, Dyar, Farrington, F a u c h e r, Gauthier, Gill, Goodwin, Jalbert, Jutras, Kelleher, Kelley, P. S.; Kilroy, Lebel, Lewis, Littlefield, Lizotte, Lund, Mahany, Martin, McCloskey, McCormick, Millett, Mills, Morrell, Murray, O'Brien, Orestis, Payson, Pontbriand, Santoro, Scott, Slane, Smith, D. M.; Susi, Theriault, Tynedale, Wheeler, Wood, M. E.

NAYS — Bailey, Berry, G. W.; Berube, Birt, Bragdon, Bunker, Churchill, Collins, Cote, Crosby, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Dam, Donaghy, Dudley, Emery, D. F.; Evans, Finemore, Fraser, Gagnon, Good, Hall, Hancock, Hanson, Hardy, Haskell, Hawken, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Kelley, K. F.; Kelley, R. P.; Keyte, Lee, Lewin, Lincoln, Lynch, MacLeod, Maddox, Manchester, Marstaller, M c N a l l y, Mosher, Norris, Page, Parks, Porter, Pratt, Rand, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Starbird, Stillings, Trask, White, Wight, Wood, M. W.; Woodbury.

ABSENT—Ault, Brown, Emery, E. M.; Fecteau, Genest, Lawry,

Lessard, Lucas, Marsh, McKinnon, McTeague, Rocheleau, S h e l t r a, Smith, E. H.; Tanguay, Vincent, Webber, Whitson, Williams.

Yes, 63; No, 68; Absent, 19.

The SPEAKER: Sixty-three having voted in the affirmative and sixty-eight in the negative, with nineteen being absent, the motion does not prevail.

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

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

Bill "An Act relating to a Department of Consumer Protection" (S. P. 637) (L. D. 1830) — In Senate, passed to be engrossed.

Tabled — June 15, by Mr. Finemore of Bridgewater.

Pending — Passage to be engrossed.

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

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

Bill "An Act to Create the Department of Environmental Protection" (S. P. 638) (L. D. 1831) — In Senate, passed to be engrossed.

Tabled — June 15, by Mr. Marstaller of Freeport.

Pending — Passage to be engrossed.

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

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

Bill "An Act relating to the Department of Agriculture" (S. P. 639) (L. D. 1832) — In Senate, passed to be engrossed.

Tabled — June 15, by Mr. Marstaller of Freeport.

Pending — Passage to be engrossed.

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

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

Indefinitely Postponed

From the Senate: The following Order:

WHEREAS, an audit of accounts of the Augusta State Hospital made for the fiscal year ending June 30, 1970, and completed by the State Department of Audit under the supervision of the State Auditor, dated May 28, 1971, shows serious errors and omissions in the accounts of the Augusta State Hospital; and

WHEREAS, a review of patients' accounts revealed that the detail cards were not in balance with the control card at any time from June 30, 1970 to date of audit; and

WHEREAS, the variance was \$1.10 at June 30, 1970; \$2,207.56 at November 30, 1970 and \$308.16 at April 28, 1971; and

WHEREAS, a review of the equipment records revealed that they could not be reconciled at June 30, 1970, as the hospital went on computer system on April 1, 1970 and the control run did not reflect adequate information, since subtotals were by activities within various buildings, but there were no subtotals for all equipment contained in any given building; and

WHEREAS, runs on adjustments in or out, purchases and transfers could not be tied into the control run and no detail run to support the June 30, 1970 control total was available at the date of audit; and

WHEREAS, the assistant auditor could not explain such discrepancies; and

WHEREAS, as late as September 30, 1970 the hospital had not received any equipment runs; and

WHEREAS, patients' accounts, social security accounts and volunteer gifts are a matter of concern; and

WHEREAS, this manner of handling taxpayers funds is of deep concern to the elected Members of the Legislature; and

WHEREAS, a new hospital administrator will be expected to do a satisfactory job of meeting demands of such a position; now, therefore, be it

ORDERED, the House concur-

ring, that the State Department of Audit is directed to conduct an in-depth audit to bring accounts of the Augusta State Hospital up-to-date and in balance before the present hospital superintendent leaves his post in order that a new superintendent will get off to a start with clean and clear records which will enable more efficient standards of performance in the administration of the Augusta State Hospital; and be it further

ORDERED, that said State Auditor report his findings and recommendations forthwith pursuant to the Revised Statutes, Title 5, section 244. (S. P. 653)

Came from the Senate read and passed.

In the House, the Order was read.

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

Mrs. PAYSON: Mr. Speaker and Ladies and Gentlemen of the House: According to the State Department of Audit, this order is not warranted at this time. The regular audit of the Augusta State Hospital, to which this order refers, is scheduled for June 30. To initiate an audit two weeks before the regular audit is duplication and an unnecessary expense. I therefore move the indefinite postponement of this order.

Thereupon, the Order was indefinitely postponed in non-concurrence and sent up for concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that free telephone service be provided after final adjournment of the Legislature during the remainder of the biennium, for each member of the Senate and House of Representatives, to the number of 50 calls of reasonable duration, and that each member of the Senate and House be provided with a credit card, the cost of this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates. (S. P. 655)

Came from the Senate read and passed.

In the House, the Order was read.

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

House Amendment "A" (H-478) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: If you will note, the order that has always been passed has always been relatively the same. There are a few words less in this trip around than there have been in the past.

The order as it calls for says that there shall be free telephone service provided after we adjourn, for each member of the House and Senate to a number of 50 calls, and that we will then get a credit card call. I don't have a particular hang-up with this because I think I have got other credit cards that I can use, but many members have expressed their concern to me, that if they have state business during the times that we are out, the two years that we are out, and they have to call Augusta, and after they have exceeded the 50 then obviously there is nothing they can do—they would have to take it out of their pocket.

If you happen to be a member of Legislative Research, for example, then you get another credit card that takes care of that problem; or if you are on another special committee, then you get a credit card to take care of that problem. But the other members who are not on these committees would not get this.

Now basically from my own viewpoint I have often thought that if we don't trust ourselves enough, then there is something wrong with us. Now basically what the order would do would be to do two things, and probably when I get through the best thing to do would be to table this so that everyone could take a look at it and study it.

Basically the order would do two things. One, it would say that the call would have to be made for state business. The way the order is written it says that you can make 50 calls and then we pay; and that is all there is to it. I don't think we intend that; I think we mean that those calls would be for state business, but that is not the way it is worded. That would be the first amendment.

The second amendment to the order would delete the number of calls. Now I have done that basically because I think that when legislators have exhausted that 50 and someone comes to their house and says, well what happens to me? There is nothing that they can do, they have got to call either on their own credit card or on their own phone, and you look like a fool trying to arrive at, telling the people that you are going to call the State of Maine on their own phone number.

That poses another problem. If you happen to, for example, live in a community and represent other communities that are in a different toll area, then that's one toll call, even though for example it might be only ten cents. And that poses a problem. So in view of that, this is the reason I presented the amendment to the order.

In view of all of this, I would now suggest that someone would table it for a day so that we could review it and perhaps if this is not well intended we could then work out something that would satisfy everyone.

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

Mr. CAREY: Mr. Speaker, I am going to save a little time here. I move indefinite postponement of this amendment.

The SPEAKER: The gentleman from Waterville, Mr. Carey moves indefinite postponement of House Amendment "A".

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I doubt the wisdom of taking off the numerical limit or the number of our calls. I am not aware that it has been that much of a problem. Perhaps after consideration by research or something, there might be a provision made where if a person used up his 50 calls, and it was early and he still needed the use of a card, that he might make an appeal to someone, explaining the circumstances or something. But to remove the numerical limit I believe would be an unwise thing, it might increase the cost considerably. So I would advise careful consideration.

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

Mr. BRAGDON: Mr. Speaker, and Members of the House: I support the motion of the gentleman from Waterville, Mr. Carey. I think that this thing has been handled properly in the past and I have great assurance that it will be handled properly in the future. I don't think that this order needs any amendment.

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen: Maybe some of your districts are not as far from one end to the other as mine is. Now when you have got 35 or 40 miles and someone is calling all the time, you get a note when you get home and want you to call back. If this all comes out of your pocket you don't have much left when the thing is all done, and I think 50 calls is small enough.

Some of these fellows that live right in the city here, sure, it doesn't cost them anything to call anyway. This doesn't affect them. But you take my friend, my next door neighbor here, Mr. Faucher, why he has got 70 miles to go, he has to call. This is pretty expensive.

Whereupon, Mr. Dam of Skowhegan 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 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 motion for the previous question was entertained.

The SPEAKER: The question now 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 pending question is on the motion of the gentleman from Waterville, Mr.

Carey, that House Amendment "A" to Senate Order (S. P. 655) be indefinitely postponed. Those in favor of the motion will vote yes; those opposed will vote no.

A vote of the House was taken, 60 having voted in the affirmative and 57 having voted in the negative, House Amendment "A" was indefinitely postponed.

Thereupon, the Order received passage in concurrence.

From the Senate: The following Order:

ORDERED: the House concurring, that the Secretary of the Senate and the Clerk of the House be authorized to invite the clergymen of Augusta, Hallowell and Gardiner to officiate as Chaplains of the Senate and House, respectively, or to invite clergymen from other areas of the State as requested by any member of the Senate or House, respectively; and be it further

ORDERED, that all clergymen acting as chaplains during the session shall receive \$10 for each officiation. (S. P. 656)

Came from the Senate read and passed.

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

Conference Committee Reports

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

Bill "An Act relating to Legislative Service under the State Retirement System" (H. P. 633) (L. D. 863) reporting that the Senate recede and concur with the House in accepting the Majority Report reporting "Ought to pass" as amended by Committee Amendment "A", adopt Committee Amendment "A" and pass the Bill to be engrossed as amended by Committee Amendment "A" in concurrence. (Signed)

LINCOLN of Bethel
THERIAULT of Rumford
PRATT of Parsonsfield
— Committee on part of House
BERNARD

of Androscoggin
ANDERSON of Hancock
— Committee on part of Senate

Report was read and accepted and sent up for concurrence.

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Closed Season and Minimum Size of Coho Salmon" (H. P. 1328) (L. D. 1742) reporting that the Senate recede from passage to be engrossed, recede from adoption of Senate Amendment "A" and indefinitely postpone same; and pass the Bill to be engrossed in concurrence.

(Signed)

HODGDON of Kittery
KELLEY of Machias
BUNKER of Gouldsboro

— Committee on part of House.

HOFFSES of Knox
GRAHAM of Cumberland
ANDERSON of Hancock

— Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Report of the Committee on State Government on Bill "An Act Transferring Duties of the Art Commission to the Commission on the Arts and Humanities" (S. P. 134) (L. D. 346) reporting same in a new draft (S. P. 633) (L. D. 1821) under title of "An Act Transferring Duties of the Art Commission to the Commission on the Arts and Humanities and the State Museum" and that it "Ought to pass"

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

In the House, the Report was read and accepted in concurrence and the New Draft read twice. Senate Amendment "A" (S-278) was read by the Clerk and adopted in concurrence.

Tomorrow was assigned for third reading of the New Draft.

Report of the Committee on State Government on Bill "An Act relating to Powers and Duties of the Attorney General" (S. P. 240) (L. D. 701) reporting same in a new draft (S. P. 657) (L. D. 1845) under title of "An Act to Provide for Full-time County Attorneys in Certain Counties and Four-year Terms for all County Attorneys" and that it "Ought to pass"

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

In the House, the Report was read and accepted in concurrence, the New Draft read twice and tomorrow assigned.

Non-Concurrent Matter

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act Creating the Municipal Assessment Appeals Board" (S. P. 493) (L. D. 1441) and Minority Report reporting same in a new draft (S. P. 630) (L. D. 1818) under same title and that it ought to pass" which Reports and Bill were indefinitely postponed in non-concurrence in the House on June 15.

Came from the Senate with that body voting to insist on its former action whereby the Minority Report was accepted and the New Draft passed to be engrossed.

In the House: On motion of Mr. Carey of Waterville, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act to Provide a Minimum Wage for Students Employed at Summer Camps" (H. P. 569) (L. D. 745) on which the House accepted the Majority Report of the Committee on Labor reporting "Ought to pass" as amended by Committee Amendment "A", indefinitely postponed Committee Amendment "A" and passed the Bill to be engrossed as amended by House Amendment "A" on June 15.

Came from the Senate with the Minority "Ought not to pass" Report accepted in non-concurrence.

In the House:

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

Mrs. WHITE: Mr. Speaker, I move that we recede and concur with the Senate.

The SPEAKER: The gentlewoman from Guilford, Mrs. White moves that the House recede and concur.

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

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

The SPEAKER: The Chair would advise the gentleman that the motion of priority is recede and concur.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I was about to sit here and independently say to myself that I was willing to recede and concur, and I have been doing some thinking about this and I would now have to stand here and tell you that I am opposed to receding and concurring and I would hope that we would insist, and I wouldn't insist and ask for a Committee of Conference.

We debated this at great length the other day. I promised you at that time that I would put an amendment on this that would exclude counselors and junior counselors. The amendment was put on yesterday and it was sent to the other body, and after taking a look at the vote and how it went in the other body I felt that maybe it was a useless cause; and yet I have sat here and I have talked with a few other people and I don't know as it is.

I would just like to relate two telephone calls that I received last night. One was from a gentleman who owns a small factory in my town and who also owns a summer camp and the particular factory supplies camp uniforms to these camps. And he was the strongest supporter to this bill at the hearing, and when I advised him that the amendment had been put on he said, "Fine, Larry, that is just exactly what we wanted," he says, "everything is in good shape and go with it."

Another gentleman called me from the same area, owning another series of camps, who also advised me of the same thing. In fact, this particular gentleman advised me that he was calling me quite reluctantly because he felt that if the camps really wanted to come up to the quality and the standards that they should come up to, then maybe even more stringent regulations ought to be put in, and he couldn't see that any harm was going to be done by this particular bill as amended.

I would urge that we not recede and concur and that we insist.

Mr. Finemore of Bridgewater requested a division.

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

Mr. GILL: Mr. Speaker and Members of the House: I rise in a strange position because I think I am going to support the gentleman from Standish, perhaps for the first time, Larry and I have been friends for very many years. So off hand I would say this legislation is probably in trouble if we agree.

I had a call last night from a camp owner and she identified herself as a friend of my brother — well if you think I am a fat cat you should see him. And she pointed out that she and her husband run a camp just for the good of the boys and girls, and she was very much opposed to the counselors, the junior counselors, and I agreed with her, that they should not be covered. And I was under the impression at that time that the amendment of the gentleman from Standish it was on there. And then I said, "Then you have got no objection to the \$1.20 an hour for the youngsters who are working in the kitchen," and she stated that she would not let her own children work for that much money, and she told me that she has got a couple of her own children working for her and that she pays them that much money.

However, she was opposed to \$1.20 an hour. So at that time I made up my mind, realizing that a woman who is so concerned with the children, I was a little disturbed that she did not want to pay them \$1.20 an hour and I reminded her that as she owns a home in the Shore Acres area of Cape Elizabeth that there must be a little bit of profit involved there somehow. Because my brother claims the reason he can afford it is, he doesn't get involved in coming up here to Augusta. He says he stays home and he makes money.

But I would certainly hope that we would defeat the motion to recede and concur and vote to insist.

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: After I got home last night I had three calls from camps in my area. Some of them had been here and they had heard my discussion upon the floor and they had seen the vote. They praised me for my stand. One woman asked me if I would call her back and tell her what the bill actually said in the amendments. I left my seat this morning and I did call this woman at this camp back. She said, "I am very proud of it. Many of these camps have got sweatshops out of these little children," and she said, "we pay a decent wage and everyone should." She said, "I hope that everyone will go around and find out what is going on and stand behind this bill."

The SPEAKER: The pending question is on the motion of the gentlewoman from Guilford, Mrs. White, that the House recede and concur. If you are in favor of the motion you will vote yes; if you are opposed you will vote no.

A vote of the House was taken. 26 having voted in the affirmative and 88 having voted in the negative, the motion did not prevail.

Whereupon, on motion of Mr. Finemore of Bridgewater, the House voted to insist and ask for a Committee of Conference.

Passed to Be Engrossed

Bill "An Act to Establish Step-parents Responsibility to Support Stepchildren" (S. P. 640) (L. D. 1833)

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

Third Readers Tabled and Assigned

Bill "An Act relating to a Department of Natural Resources" (S. P. 646) (L. D. 1840)

Bill "An Act to Create the Department of Military and Civil Defense" (H. P. 1422) (L. D. 1847)

Bill "An Act to Reorganize the Department of Education" (H. P. 1423) (L. D. 1848)

Bill "An Act Providing for a Full-time Attorney General" (H. P. 1424) (L. D. 1849)

Bill "An Act relating to the Secretary of State" (H. P. 1425) (L. D. 1850)

Bill "An Act to Create the Department of Public Safety" (H. P. 1426) (L. D. 1852)

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

(On motion of Mr. Donaghy of Lubec, the foregoing Bills were tabled pending passage to be engrossed and tomorrow assigned.)

Bill "An Act Proposing a Salary Adjustment for Certain Unclassified State Officials" (H. P. 1427) (L. D. 1853)

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

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

Mr. DAM: Mr. Speaker, Members of the House: I now move that this bill and all accompanying papers be indefinitely postponed, and I would like to speak to my motion.

The SPEAKER: The gentleman from Skowhegan, Mr. Dam, moves that L. D. 1853 be indefinitely postponed.

The gentleman may proceed.

Mr. DAM: Mr. Speaker and Members of the House: The reason I make this motion for indefinite postponement is because going over this bill I can see what I term to be raises that are considered by me to be exorbitant. Now when you get down to a figure of when a man is making \$13,000 and you are raising him to \$15,500, this is a \$2,500 raise. On some of these I see a \$3,000 raise. On most of them they are running \$2,500.

And to go with this price I think it is ridiculous at this time to raise this. I would not object if it was a reasonable raise, but to me this is not being reasonable. And the mere fact that these are Commissioners or heads of departments doesn't tell me that they deserve a raise in this category at all. I think this is way out of line, and that a little better thought should have been given to the amount of

the raise. And that is the reason that I move the indefinite postponement of this bill.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: Those of you who have served with me over the last three sessions prior to this one know that I have been consistently in opposition to what I considered inordinate raises in the salaries of our unclassified state officials. Those of you who were here in the 103rd session will remember that this system of bracket or step classifications of salaries was worked out by the State Government Committee as a better system for setting by law these salaries formerly contained each one in a separate statute.

Looking over the rates that we have established in this present bracket system in this L. D., I find a few, indeed more than a few, that I have some reservations over. But I did not feel that those reservations were sufficient to warrant an amendment to open this up. There are inequities. We would say, for instance, that do the duties of the Executive Director of Arts and Humanities Commission warrant him being placed in the same bracket with the Commissioner of Inland Fisheries and Game, or the Commissioner of Sea and Shore Fisheries? Or we could possibly discuss whether the duties of the State Archivist, for instance, would warrant a top pay bracket of \$17,500 as opposed to the State Librarian with \$16,000. These are apparent inequities.

Some would argue that the upper brackets are too high. I will not disagree with their reasoning. But what I do say, and with my own misgivings over some of these items in this bill, that it is a compromise measure worked out by the committee. We feel it is generally a good bill. We feel it is generally fair, despite some of these inequities, and we feel that the bill should pass. It received a unanimous vote of the committee, and I urge you strongly to go against the motion of the gentleman from Skowhegan.

The SPEAKER: The Chair

recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Members of the House: At the beginning of the session I was asked by several departmental heads in the unclassified field if I would present a measure for them concerning their pay increases. I told them that I would, but I would leave it up to the discretion of the State Government Committee to study the measure and decide after they thrash it out among themselves what they decided that they would do. This is the result of their work.

I think that the gentleman from Skowhegan, Mr. Dam, as well as every other member of the House, will have to agree with me that I can classify myself as not necessarily being an ultra liberal. But somewhere along the line, as I look this over, I can assure you one thing, that we might be in a position to lose some very valuable people if we did not accept this compromise.

This will eventually land where all money bills would land anyway, on the Senate Appropriations table. I don't think my remarks need to be any more excessive than that, in that I think that the State Government Committee did exactly what I told the departmental heads that I would do. I did not even attend the hearing. I sent, through the House Chairman, the word that I hoped they would get together on a compromise measure and somewhere along the line they would arrive at some satisfaction, and that is the result of their work. And with some thought certainly not based on personalities, I do hope that the motion of my very good friend from Skowhegan, Mr. Dam, does not prevail. I am fully aware of the price tag, but I mean, I am fully aware also that we have got states nearby that are waiting to pounce upon a lot of good men involved in the area of this measure.

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

Mr. JUTRAS: Mr. Speaker, Ladies and Gentlemen of the House: I do not know how we can

in straight face go for these salary increases at this time when we have preached economy — so well preached by Representative Ross from Bath not so long ago, denying the future membership, the 106th Legislature, a small raise in pay.

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

Mr. EMERY: Mr. Speaker, Members of the House: It seems to me that when we can't give the classified employees of the University of Maine a pay increase, I don't think we should give the Commissioner of Education a pay increase. When we can't increase our own salaries, I don't think that we should give the department heads a pay increase. And I certainly think it would be very much of a folly at this time to grant these raises. I hope you will go along with indefinite postponement.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Just because I want to clarify a situation, I rise again. We cannot give a pay increase to the University of Maine whether the people be classified or unclassified, because they are a quasi agency. They can give themselves their own raises instead of having repaired this and repaired that and built this and built that; they could have given themselves a pay increase. The reason I stood, Mr. Speaker, is more in the nature of education than informative.

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

Mr. DAM: Mr. Speaker, I would pose a question through the Chair to anyone that would care to answer as to what would be the total price tag on this for the biennium.

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

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

Mr. CURTIS: Mr. Speaker, Mem-

bers of the House: I am one of the people who worked on this bill in the committee, and we took Mr. Jalbert's ideas, considered several things — the pay increase that is going to classified workers for the State of Maine, the size of the budget of the departments administered by these unclassified employees, and also the number of personnel that they supervise. To answer the question specifically, there would be no increase granted necessarily, because all this legislation does is enable the Governor, with the advice and consent of the Council, to raise salaries when they deem it appropriate. Perhaps Mr. Stillings would care to add more to my comment.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: It looks to me like very sad when we cannot afford to pay for 50 phone calls, we don't have paper for the men here to write on, we can't pay a few dollars for a committee for a few law books, and still we can step right up here — and I have just been adding it, approximately \$150,000 raise. I would like to know how many of us are getting a \$2,500 raise a year, and this is about the approximate raise.

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

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: I think it might be appropriate to give a little bit of the rationality behind the changes that this bill recommends, based on the study made by the State Government Committee.

There was some years ago a study made of pay for classified personnel, and it also included a study for unclassified personnel. There have been two other studies made, and this is the one that was made most recently. Nowhere can we find in the record, or in the statutes for that matter, that any of these studies were ever before taken into consideration in determining into what salary group these people would fall.

We have, as Mr. Curtis said, considered two of these studies along with the responsibilities of the department head or the person involved, the number of employees that he supervises, the sensitivity of the work of the department, the technical aspects of the role of the department, the amount of money that is spent by the department and so on.

I would like to point out too that the classified people who are listed in this bill all now earn approximately \$500 more than the amount that is called for here in the statute, not in the L. D. but in the statute. This is because of the \$9 across the board increase that was granted to all state employees, both classified and unclassified, during the last session of the legislature.

I would also like to point out that this is not really a raise; it is simply authority for the Governor and Council to increase salaries if they so choose.

The state employees, as has been pointed out, received an 11½ percent average increase in their pay. So we decided that perhaps the best place to start would be to determine what the top salary should be. We took the top salary in the statute, multiplied it by 11½ and came out within a few dollars of \$23,500, started there and then adjusted each of these pay groups downwards in an equal increment of \$1,500.

I would also like to point out just one more thing that I think is important in considering this L.D. There is a clause, or there will be a clause in the wrap-up appropriations bill that will limit any raises granted to any of these people in this L. D. to 11½ percent. We have played no favorites. We haven't considered personalities or individuals, only jobs, responsibilities and so on. I think it is an objective bill. I think it deserves your support and I would hope you would vote against the motion to indefinitely postpone it.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I am sorry that levity has crept into this at this time, because this is most important. I don't want

to belabor the point, but I would point out first that this is not an actual pay raise; this is simply setting up schedules whereby the Governor and Council can get these people more in line if they see fit.

The second point is that we did more than what the original bill asked for because we went out and got outside help to help us bring these various job classifications into line from what they were. Some people — we put them in different classifications.

The third thing that I would point out to you, that the basic figure that is shown there — I would repeat, because it is very important — the last time around these people got a \$9 a week raise. Now that \$9 a week to the Chief Justice of the Supreme Court isn't very much, but we went along with it last time. As a matter of fact, I was one of the ones that insisted on it. But this does not show in the figures there, so actually, probably there is \$500 that doesn't show here that should be shown to — there is \$9 a week not shown on the lower figure there, making roughly \$500 a year. So please bear these things in mind when you vote on this. And I hope you will not indefinitely postpone it.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I will not go along with postponement. I realize that the committee has put in a tremendous amount of work, but there are a few questions on it that I feel perhaps can be ironed out and perhaps can be answered at a later time.

It seems to me that every time we get one of these composite bills every session, that even in addition to the increase, every little while some of these jobs are upgraded into the next bracket which gives them a double amount of increase.

I notice one situation here, the Commissioner of Agriculture, for instance, on page two, is taken out of one bracket and put into the other one. So he is taken from a \$15,000 bracket and he goes into a \$19,000 bracket. One can see where the responsibility of a lot of these jobs — and I suppose I am naive for questioning the committee in

all of its deliberations on this, but the Chairman of the Employment Security Commission has a tremendous responsibility, the Commissioner of Inland Fisheries and Game, the Commissioner of Sea and Shore Fisheries and so on, but I fail to see where the Director of the Museum Commission should be in the same bracket.

I would like to have some of those brackets explained a little bit better, but possibly that can be done after this report is accepted.

Mr. Brawn of Oakland requested a roll call.

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

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

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

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

The SPEAKER: The gentleman from Ellsworth, Mr. McNally, now moves this matter be tabled until tomorrow.

Thereupon, Mr. Starbird of Kingman Township requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Ellsworth, Mr. McNally, that this Bill be tabled until tomorrow, pending the motion of Mr. Dam of Skowhegan that it be indefinitely postponed. A vote has been requested on the tabling motion. All in favor of the motion will vote yes; those opposed will vote no.

A vote of the House was taken 31 having voted in the affirmative and 69 having voted in the negative, the motion did not prevail.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I have not studied this sufficiently. And

since I can't understand in my own mind why the Commissioner of Agriculture or the Chairman of Public Utilities should be jumped up \$4,000, I shall certainly vote along with Mr. Dam, which I don't think would probably be what I would do if I could have a chance to inquire around and see just why these things are so different with different people.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I would hope that we would not indefinitely postpone, and if there are any questions perhaps further debate at another time would explain some of these things. This was done on the basis of sound salary administration planning. Such factors were taken into consideration as the amount of money that these people are responsible for, the number of people they are responsible for, whether or not they had to have special knowledge in their job. In other words, for example, whether they were an attorney or an accountant, various things like this. And if you would be good enough to pass this on, we will debate it at a regular time, rather than at the acceptance of the report.

The SPEAKER: The pending question is on the motion of the gentleman from Skowhegan, Mr. Dam, that this Bill "An Act Proposing a Salary Adjustment for Certain Unclassified State Officials," House Paper 1427, L. D. 1853, be indefinitely postponed. A roll call has been ordered. If you are in favor of the motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEAS — Albert, Bailey, Barnes, Bartlett, Bernier, Berry, G. W.; Berry, P. P.; Berube, Boudreau, Brawn, Bunker, Call, Carey, Carrier, Carter, Cote, Crosby, Curtis, A. P.; Cyr, Dam, Dyar, Emery, D. F.; Evans, Faucher, Finemore, Gagnon, Good, Hall, Henley, Jutras, Keyte, Label, Lee, Lincoln, Littlefield, Lizotte, Marsh, McCormick, McNally, Mills, Mosher, Page, Parks, Pratt, Rollins, Shute, Silverman, Simpson,

L. E.; Trask, Webber, Wheeler, Wight, Wood, M. W.; Wood, M. E.

NAYS — Birt, Bither, Bourgoin, Brown, Bustin, Clark, Clemente, Collins, Conley, Cooney, Cottrell, Cummings, Curran, Curtis, T. S., Jr.; Donaghy Dow, Drigotas, Farrington, Fraser, Gill, Goodwin, Hancock, Hardy, Haskell, Hawkens, Hayes, Hewes, Hodgdon, Immonen, Jalbert, Kelleher, Kelley, P. S.; Kilroy, Lewin, Lewis, Lund, Lynch, MacLeod, Maddox, Mahany, Marstaller, Martin, Morrell, Murray, Norris, Pontbriand, Porter, Scott, Shaw, Simpson, T. R.; Slane, Starbird, Stillings, Susi, Theriault, Tyndale, Woodbury.

ABSENT — Ault, Baker, Bedard, Binnette, Bragdon, Churchill, Doyle, Dudley, Emery, E. M.; Fecteau, Gauthier, Genest, Hanson, Herrick, Kelley, K. F.; Kelley, R. P.; Lawry, Lessard, Lucas, Manchester, McCloskey, McKinnon, McTeague, Millett, O'Brien, Orestis, Payson, Rand, Rocheleau, Ross, Santoro, Sheltra, Smith, D. M.; Smith, E. H.; Tanguay, Vincent, White, Whitson, Williams.

Yes, 54; No, 57; Absent, 39.

The SPEAKER: Fifty-four having voted in the affirmative and fifty-seven in the negative, with thirty-nine being absent, the motion does not prevail.

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

The Chair laid before the House the following matter, which was tabled earlier in the day and later today assigned:

ORDERED, the House concurring, that the Speaker of the House and not exceeding 4 members of the House, or 5 members if the Speaker is unable to attend, designated by him, and that the President of the Senate and not exceeding 4 members of the Senate, or 5 members if the President is unable to attend, designated by him, be and hereby are authorized to attend the conferences of the National Legislative Conference held during the 1971 calendar year; and be it further

ORDERED, that the Law and Legislative Reference Librarian, Edith L. Hary, be and hereby is authorized to attend the conferences of the National Legislative Conference held during the 1971 calendar year; and be it further

ORDERED, that the necessary expenses of the persons attending such conferences be paid from the Legislative Appropriation. (S. P. 648)

Came from the Senate read and passed.

In the House:

Mr. Gill of South Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-470) was read by the Clerk and adopted.

The Order was passed as amended in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. MacLeod of Bar Harbor,

Adjourned until nine o'clock tomorrow.