

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

Thursday, June 17, 1971

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

Prayer by the Rev. Mr. Russell Chase of Strong.

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.

Order Out of Order

Mr. Kelleher of Bangor presented the following 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.

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 Open Season for Fishing in Lakes, Ponds, Rivers, Brooks and Streams" (H. P. 672) (L. D. 909) reporting that they are unable to agree.

(Signed)

PORTER of Lincoln
KELLEY of Southport
HANCOCK of Casco

—Committee on Part of House.

HOFFSES of Knox
BERNARD

of Androscoggin

MOORE of Cumberland

—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 Black Bass Fishing in Lakes, Ponds and Rivers" (H. P. 673) (L. D. 910) reporting that they are unable to agree.

(Signed)

PORTER of Lincoln
KELLEY of Southport
HANCOCK of Casco

—Committee on part of House.

HOFFSES of Knox
BERNARD

of Androscoggin

MOORE of Cumberland

—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 Vacation and Sick Leave of Certain Employees of Highway Department" (H. P. 1063) (L. D. 1454) 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 in acceptance of 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)

BARNES of Alton
LEE of Albion

McNALLY of Ellsworth

— Committee on part of House.

MARTIN of Piscataquis
JOHNSON of Somerset

ANDERSON of Hancock

— 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-482) 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

From the Senate: The following Communication: (S. P. 652)

June 15, 1971

To the Honorable Members of the Senate and House of Representatives of the 105th Legislature

Transmitted herewith is the third biennial report of the Maine State Commission on the Arts and the Humanities. This report is submitted pursuant to Chapter 15, Title 27 of the Revised Statutes. It covers fiscal years 1970 and 1971 with projection through June 30, 1971.

The document is more than a report to the government of the state. In effect, it is a summary of the status of the arts and humanities in Maine. We hope it will indicate by its content and its appearance that the arts and humanities are an integral part of life in the state of Maine.

Respectfully submitted:

(Signed)

L. M. NELSON

Leonard M. Nelson, Chairman
(Signed)

R. D. COLLINS

Richard D. Collins, Executive Director

Maine State Commission on the Arts and the Humanities

Came from the Senate read and with accompanying Report ordered placed on file.

In the House, the Communication was read and with accompanying Report ordered placed on file in concurrence.

Tabled and Assigned

From the Senate: The following Order:

ORDERED, the House concurring, that the Secretary of the Senate shall, when the Senate is not in session, be the Executive Officer of the Senate and have custody of all Senate property and materials, purchase necessary supplies and equipment, not to exceed \$500 for any one item, arrange for necessary service and make all arrangements for incoming sessions of the Senate, have general oversight of chambers and rooms occupied by the Senate, permit State Departments to use Senate property, dispose of surplus or obsolete material through the continuing property record section of

the Bureau of Public Improvements with the approval of the President of the Senate, and approve accounts for payment. The Secretary shall maintain a perpetual inventory of all Senate property of items costing over \$50.00 and make an accounting to the Senate upon request. (S. P. 654)

Came from the Senate read and passed.

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

From the Senate: The following Order:

WHEREAS, the affairs of the Legislature require the unrelenting services of many talented and dedicated persons; and

WHEREAS, foremost among these are the officers, employees and committee clerks of the Senate and House of Representatives; and

WHEREAS, the force of their labor has been discharged competently reflecting that sense of personal pride of having served and accomplished; and

WHEREAS, such service and devotion to duty despite long hours and frequent stress is appreciated by this Legislature and worthy of our recognition; now, therefore, be it

ORDERED, the House concurring, that we the Members of the Senate and House of Representatives of the One Hundred and Fifth Legislature take this moment, individually and collectively, to spread upon the pages of our respective journals merited recognition sealed with earned applause for the outstanding service of our supporting staffs; and be it further

ORDERED, that suitable copies of this Order signed by the President of the Senate and the Speaker of the House of Representatives, with the great seal of the State of Maine attached, be presented with appropriate ceremony to said officers and employees in full audience of the respective chambers as a tangible token of our appreciation and thanks. (S. P. 658)

Came from the Senate read and passed.

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

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 Fees for Inspection of Motor Vehicles" (H. P. 1256) (L. D. 1576) reporting that the Senate recede from its action whereby it passed the Bill to be engrossed; recede from its action whereby it adopted Senate Amendment "A", and indefinitely postpone same; recede from its action whereby it accepted the "Ought to pass" in new draft report of the Committee; substitute the Bill (H. P. 281 - L. D. 370) for the Report; adopt Conference Committee Amendment "A" submitted herewith; and pass the Bill to be engrossed as amended by Conference Committee Amendment "A"; that the House recede and concur with the Senate.

(Signed)

JOHNSON of Somerset
BERNARD

of Androscoggin
— Committee on part of Senate.

STILLINGS of Berwick
CROSBY of Kennebunk
NORRIS of Brewer

— Committee on part of House.

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

In the House, the Report was read

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

Mr. KELLEHER: Mr. Speaker: Would any one of the members of the Conference Committee mind telling me what Committee Amendment "A" is and what it does, please?

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

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

Mr. NORRIS: Mr. Speaker and

Members of the House: In answer to the gentleman from Bangor's question, the Conference Committee Amendment is under filing S-281, and it says that "This section shall not apply to farm tractors which are manufactured as such, industrial tractors manufactured as such and used in highway construction, with or without attachments, caterpillar tractors and highway construction equipment registered as special mobile equipment which require a permit in accordance with section 1703 for movement over the highway."

It also says, "Further amend said Bill in the 7th line in that part designated '\$2125,' of section 6 (5th line in L. D.) by striking out the underlined figure '\$2.50' and inserting in place thereof the underlined figure '\$2.'"

Further amend said Bill by renumbering sections 3 to 6 to be sections 4 to 7."

Mr. Speaker, I would move that we accept the Committee Report in concurrence.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: If I am correct, Mr. Norris, that increase; the license fee on inspection stickers from \$1 to \$2?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, poses a further question through the Chair to the gentleman from Brewer, Mr. Norris, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen: Yes it does, Mr. Kelleher.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: We went over this quite extensively a number of weeks ago on this \$2 increase, and it was voted down in here, and I am quite surprised that the Committee of Conference came back in here and put this \$2 fee back in. And I oppose the acceptance of the Conference Committee Report — reject it.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen: When this bill left here it was dead; it had been indefinitely postponed. Now it went into the other branch and they wanted to keep it alive, and so we arrived at a Committee of Conference, which in my opinion is a committee of compromise. And the conferees, after deliberation and due study, figured that all in all there would be a majority of members of both branches — apparently there is in the other branch and would be in this branch to accept this compromise, because there are some equipment operators and so forth and so on that are very much interested in this.

We can debate it again this morning for three or four hours or we can accept the Committee Report or reject it. But this is the compromise, and in other words, to lay it on the line, the bill either lives or dies apparently on this Conference Report.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I believe that this is a realistic and practical solution to the problem that is now before us. I believe the \$2 inspection fee is completely realistic. And the other matters, I concur in the findings of the Conference Committee, and if a motion is in order to accept the report I would make that motion; if it is not, I would oppose the motion to not accept the report.

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

Mr. FINEMORE: Mr. Speaker, could I ask the Chair what is before the House now, reject or accept?

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that we reject the Committee of Conference Report.

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

Mr. FRASER: Mr. Speaker and Members of the House: When we

had this before us I didn't believe that a \$2 fee was too much, and I don't now. I would rather drive into a station and pay \$2 and get a good inspection than pay \$1 and get just a half a one, especially now since my car is getting pretty old.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I dislike the insinuation of my good friend from Mexico, Mr. Fraser, by implying that if we increase the inspection fees by \$2 we will get better service. I think we are getting excellent service right now. Maybe the gentleman from Mexico doesn't think so, but I certainly do. And I dislike seeing the conference report coming in like this, after this House voted it down two or three times in here. I don't think it is fair to the House.

I am not going to stand here and argue this for two or three hours, but I think the House voted to kill this before, and maybe the truck owners and the tractor owners and the farmers are all happy with it, but I am quite sure where I come from my people don't want to be going in and paying an additional dollar. I think they are getting good service now. If that is what you want to use as a guideline, for more money you get better service; and unfortunately, I am not one of the members in this House who feels this way about issues like this. I think we are getting excellent service.

The State Police inspect these filling stations. These people wouldn't be able to issue these certificate to put on your windows if they weren't capable and comparable people, and I am not one that is going to favor supporting this report.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I have all three bills before me now. The original bill suggested \$5, the redraft suggested \$4; now this is \$2. And it certainly seems like a fair compromise.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: We soundly beat this bill two or three times here. Now I feel that this committee has pulled a Benedict Arnold on this House, and I don't like it. They are trying to come through the back door where they couldn't do it through the front door, and I resent that very much. I don't know if they think we are a group of fools in this House, but that is what the committee report indicates.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen: I would remind the House that this increase isn't going to happen only once a year, it is twice a year; as you know, we have to have cars inspected twice a year under the present law. Although it may speak for safety, I don't believe you are going to get a better inspection, as somebody else stated on the floor here, and I think we ought to indefinitely postpone the whole thing.

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

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

Mr. Norris of Brewer requested a division.

The SPEAKER: The gentleman from Enfield, Mr. Dudley, moves that the Conference Committee Report be tabled until tomorrow, pending the motion of the gentleman from Bangor, Mr. Kelleher, that the House reject the Conference Committee Report. A vote has been requested. If you are in favor of tabling for one legislative day you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

12 having voted in the affirmative and 101 having voted in the negative, the motion did not prevail.

Mr. Tyndale of Kennebunkport requested a roll call on the motion to reject the Conference Committee Report.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: I was just trying to be reasonable this morning. The Conference Committee Report is in order, with the exception of the last line where it says, "Further amend said bill by renumbering sections 3 to 6," and going on to \$2.00. Because I feel very strongly that this is not—will not improve inspection.

As a matter of fact it could even make it worse, because you are going to make people just lapping stickers for \$2.00. Now they have to fix your car to get some money. And as far as I am concerned they shouldn't charge anything for the sticker, they should fix your car and then only put the sticker on to identify that the job has been done.

But if you charge \$2.00 you are going to have some cars on the road that in my opinion won't be fit to be there, because they will make money then—not everybody don't get me wrong. A good percentage of the people in any walk of life are out to get a buck, and they can make money by just sticking stickers on for \$2.00. And I could go on and on about this car inspection, because I have been doing it a long time. And this would actually put money in my pocket, I suppose, but I don't think it is right for the motoring public. We are trying to clip them on the gas tax, and we are bound to sit here and try to figure ways to clip somebody.

I think this is a terrible thing, and this has been defeated in this House at least on three occasions, and I hope you will go along not to accept the Conference Committee Report, seeing you don't want to amend it. And thank you very much, and I hope you will vote with me the same as you have in the past so many times.

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 Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Members of the House: As Mr. Dudley says, I had hoped that we wouldn't have to fight this all over again. I opposed it before. I have had 15 years of experience with that sort of thing, and I still insist that you pay three times as much and you still will not get any more for your money.

It is laid down in the laws as to just what they are going to do to earn that dollar, or that five dollars, or whatever it is. The worthwhile dealer, or the worthwhile station, it only improves their business when they have that sign on there. And as Mr. Dudley says, and I have heard it many times in worthwhile automotive circles, it is almost worth it if they didn't get a cent for it.

Now I don't know where this idea came from to boost that way up. Sure they would like to have it. But the bill came through originally with a very unheard of price on it. And I don't know who got the idea. I talked to station people in garages, and they didn't start it. Bill Hood didn't start it. Anyway, it was very unrealistic. If they had asked for \$1.50, probably it would have gone through without any problem.

We killed the bill and the other body objected; there was a Committee of Conference. Usually we expect a Committee of Conference, the conferees in this branch, to sort of uphold what this House did. Apparently they did not. They came back with it just as strong as it was before. And it just seems to me that we have got to do it all over again.

I maintain that you will get just as good an inspection on a car where there is no money made from other things, only it takes about ten minutes. They can make their dollar in ten minutes. Now that isn't too bad. I know, I have done it. And if you need something done on your car, why they make money on the things that they do,

because they charge for labor and they charge for parts. Now again, without prolonging it, I hope that you will go along and reject this report.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen: It seems to me we ought to pay attention to what Representative Emery has said here, that this inspection comes twice a year. Also the fact that that is a 100% jump in cost on your inspection.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I would simply just address myself quickly to the remarks of Representative Henley, and say that I have no question that he has done this. But I just wonder how long it has been, if he thinks he can do it in ten minutes, because I was associated in this business for a few years, and that is just exactly what we are talking about here. You do ten minutes worth of work and you get nothing for nothing. If you do the job as it is supposed to be done and expect to pay for it, then you will get the quality of work that you expect. I am not going to argue this any more. Let's just vote on it; and whether you accept it or not is purely up to the House.

The SPEAKER: The yeas and nays have been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, to reject the Conference Committee Report on Bill "An Act relating to Fees for Inspection of Motor Vehicles," House Paper 1256, L. D. 1576 in non-concurrence. All in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Albert, Ault, Bailey, Baker, Bartlett, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Berube, Binnette, Bither, Brawn, Bunker, Call, Carey, Carrier, Carter, Churchill, Clark, Conley, Cooney, Cote, Curran, Curtis, A. P.; Dam, Dow, Doyle, Drigotas, Dudley, Dyar, Emery, E. M.; Evans, Farrington, Finemore, Gauthier, Good, Goodwin, Hall, Hanson, Hayes, Henley,

Hewes, Hodgdon, Jalbert, Kelleher, Kilroy, Lawry, Lebel, Lessard, Lewin, Lewis, Lincoln, Littlefield, Lizotte, Lund, Lynch, Maddox, Martin, McCormick, Mills, Murray, Page, Parks, Payson, Rand, Rollins, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Smith, E. H.; Starbird, Theriault, Trask, Tynedale, Webber, Wheeler, Williams, Wood, M. W.; Woodbury.

NAY — Barnes, Birt, Bourgoin, Bragdon, Brown, Bustin, Clemente, Collins, Crosby, Cummings, Curtis, T. S., Jr.; Cyr, Donaghy, Faucher, Fecteau, Fraser, Gagnon, Hancock, Haskell, Hawkens, Herrick, Immonen, Kelley, K. F.; Keyte, Lee, Lucas, MacLeod, Mahany, Marsh, Marsteller, McKinnon, Millett, Morrell, Mosher, Norris, Porter, Pratt, Ross, Santoro, Scott, Shaw, Slane, Smith, D. M.; Stillings, Susi, White, Whitson, Wight, Wood, M. E.

ABSENT — Boudreau, Cottrell, Emery, D. F.; Genest, Gill, Hardy, Jutras, Kelley, P. S.; Kelley, R. P.; Manchester, McCloskey, McNally, McTeague, O'Brien, Orestis, Pontbriand, Rocheleau, Sheltra, Tanguay, Vincent.

Yes, 81; No, 49; Absent, 20.

The **SPEAKER**: Eighty-one having voted in the affirmative, forty-nine in the negative, with twenty being absent, the motion to reject does prevail.

Thereupon, the House voted to adhere.

Non-Concurrent Matter

An Act to Authorize Bond Issue in the Amount of \$2,985,000 for the Construction and Improvement of Facilities for the Treatment and Care of the Mentally Ill, Mentally Retarded and the Youthful and Adult Offender at our Mental Health and Corrections Institutions (H. P. 177) (L. D. 235) which was passed to be enacted in the House on June 8 and passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto on June 3.

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

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

Non-Concurrent Matter

Bill "An Act Regulating Roadside Clear Cutting Practices" (H. P. 1354) (L. D. 1770) which was passed to be engrossed as amended by House Amendments "A" and "D" in the House on June 4.

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

In the House: On motion of Mr. Webber of Belfast, the House voted to recede and concur.

Final Report of Committees

Final Report of the following Joint Standing Committees:

Education

Taxation

Came from the Senate read and accepted.

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

Messages and Documents

The following Communication:

The Senate of Maine
Augusta, Maine
June 16, 1971

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

Dear Madam Clerk:

The Senate today voted to Insist and Join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolution, Proposing an Amendment to the Constitution Classifying Certain Bailable Offenses (H. P. 852) (L. D. 1165).

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

Senators:

HICHENS of York
PEABODY of Aroostook
CLIFFORD

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

The Communication was read and ordered placed on file.

Orders

On motion of Mr. Birt of East Millinocket, under suspension of the rules, the House reconsidered

its action of June 9 whereby An Act Restricting Use of Certain Campsites, House Paper 996, L. D. 1358, was passed to be enacted.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. BIRT: Mr. Speaker and Members of the House: I now move, as has had to be done in many cases in similar situations, finding questions of constitutionality on the bill, that this bill be indefinitely postponed.

Thereupon, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

On motion of Mr. Carey of Waterville, it was

ORDERED, that Lisa Foster of Winthrop be appointed to serve as Honorary Page for today.

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

Mr. MARTIN: Mr. Speaker, I would ask if the House is in possession of Senate Paper 655, an Order dealing with telephone service.

The SPEAKER: The answer is in the affirmative.

Mr. MARTIN: Mr. Speaker. I would now move that we reconsider our action of yesterday whereby this was passed in concurrence, and I would now move that this be tabled for one legislative day.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, now moves that the House reconsider its action whereby this Joint Order was passed yesterday. Is this the pleasure of the House?

(Cries of "Yes" and "No")

Thereupon, on motion of Mr. Martin of Eagle Lake, tabled pending his motion to reconsider and tomorrow assigned.

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

Mr. Carey from the Committee on Appropriations and Financial Affairs on Bill "An Act Establishing a State - Municipal Revenue Sharing Program" (H. P. 448) (L. D. 603) reported same in a new draft (H. P. 1428) (L. D. 1859) under same title and that it "Ought to pass"

Report was read.

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

Mr. HEWES: Mr. Speaker, Members of the House: I have just had a chance to glance at L. D. 1859 for the first time, and I see this four per cent amount mentioned here, and other things. I am wondering if we could have a brief explanation as to what L. D. 1859 does.

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

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

Mr. CAREY: Mr. Speaker and Members of the House: I would tell the gentleman from Cape Elizabeth, Mr. Hewes and the rest of the members of the House that they will have ample time to ask their questions at the third reading.

The SPEAKER: The Chair would advise the members that this is not debatable, it is a unanimous "Ought to pass" Report.

Thereupon, the Report was accepted, the New Draft read twice and later today assigned.

Third Reader Tabled and Assigned

Bill "An Act to Provide for Full-time County Attorneys in Certain Counties and Four-year Terms for all County Attorneys" (S. P. 657) (L. D. 1845)

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

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

Third Reader Tabled and Assigned

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. 1419) (L. D. 1837)

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

— that is in July of 1973 the new Federal Highway Program goes into effect, and this is what it means to Maine. It means that our tax dollars from the federal government are going to be 30-70 rather than 50-50. This also means we are going to get approximately \$10 million extra in the year 1973. It also means that the federal government will probably, in all probability, raise the gas tax two cents. So the Department realizes if they are going to raise it, now is the time. Raise it a cent now, because a little later, when the federal raises it two cents, it is going to be pretty bad.

But I must point out to you in all sincerity, the gas tax now in this State is 12 cents. We raise it a cent and that makes it 13, and the federal raises it two more, this is a little bit absurd, and I hope this morning you will so soundly defeat this that we won't see it again this session.

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

Mr. TYNDALE: Mr. Speaker and Members of the House: As you know, we started off this session by enacting one of the largest Current Services budgets, if not the largest, in the history of this state. Then we came back with another budget for \$14 million which we enacted. Then we, the other day, enacted a \$4 million bond issue, or thereabouts, for the schools.

Now we are coming back and asking for a major tax — and in my estimation this is a major tax — a one cent increase in the gas tax. I ask you, where are we going to stop? And you are headed straight for the repeal of the income tax the way we are going. I hope that you will support the gentleman. If he did not make the motion, I make the motion that this be not enacted. And that we do it by the yeas and nays.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: As far as I am concerned this is a regressive tax that is

as deplorable to my local constituents as an increase in the sales tax. I realize citizens detest any taxes. But I sincerely believe certain Old Orchard Beach residents when they indicate a possible reconsideration of their position on repealing the income tax if we enact this law. If this House wants to make another grab at the poor man's pocketbook, then we can pass this tax. I maintain the workingman has had it as far as additional taxes are concerned. I hope we turn this down.

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

Mr. FRASER: Mr. Speaker and Members of the House: Contrary to what has been said here this morning regarding the need, I personally attended every single one of the Transportation Committee meetings and that budget was gone over with a fine tooth comb. And the answer is still the same as it was a week ago when I was on this floor speaking. We are either going to curtail construction or reconstruction or maintenance, or else we are going to have to have more bonds.

Last week when I tried to get the floor after the previous question had been requested, I merely wanted to make answer to a quotation made on the floor by the gentleman from Old Orchard Beach, where he read an editorial. And I am afraid he is the same as with many of us, we read an editorial and if we agree with it it is gospel; and if we don't agree, it is one man's opinion. In my case, this is one man's opinion.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I am particularly chagrined this morning to take issue with my good friend from Enfield, Mr. Dudley, because I consider him an expert in Highway matters, and I mean this sincerely. I have voted with him consistently on all matters concerning the Highway Department, as I listened very attentively to his last comments concerning the inspection measure that he and others roundly defeated.

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

Mr. MORRELL: Mr. Speaker, Ladies and Gentlemen of the House: We are trying to find out somewhat belatedly just what the formula in the bill actually is going to do, and I would be grateful if somebody would table this for one day.

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

Amended Bill

Passed to Be Engrossed

Bill "An Act Transferring Duties of the Art Commission to the Commission on the Arts and Humanities and the State Museum" (S. P. 633) (L. D. 1821)

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

Passed to Be Enacted Emergency Measure

An Act to Correct Errors and Inconsistencies in the Education Laws (S. P. 277) (L. D. 860)

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. 121 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.

Emergency Measure Failed of Enactment Tabled and Assigned

An Act Increasing the Gasoline Tax (H. P. 403) (L. L. 516)

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

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

Mr. DUDLEY: Mr. Speaker, Members of the House: This is another one of those pocket-picking deals where they want to

raise the gasoline tax again. I am one of those here in the House who could support it if I could see a need for it. But this money-hungry department known as the Highway Department, in my opinion, doesn't need to increase the gas tax a cent at this time. I will try to be very brief in my reasons why.

I think this got by in the third reading by a narrow squeaker here because there were a couple statements made here that I can find no foundation for. One was that the Highway Department, we didn't want to cut the Highway Fund. Now by not raising this, by no stretch of the imagination cuts the Highway Fund. It may cut what they propose to do, but it doesn't cut their fund, because they are going to have about \$3 million more this year than they had in the previous two years. So if \$3 million is a cut, there is no way I can anticipate it.

Now the other statement that was made in the House that the Committee on Highways was considering if this didn't pass a \$16 million bond issue; and this is absolutely a falsehood. Because in my committee, to my knowledge — and I have talked to many other members — we have never discussed more than a \$12.4 million bond issue if the gas tax doesn't pass; and we are going to have a \$10.4 million one probably even if it does. And that is for an expanded program, that is not the present program, that is to expand the highway program.

Now we are retiring nearly \$10 million, so we will be staying status quo probably if we should float a \$10 million bond issue. We will be staying about status quo.

There is one thing about highways, if you are satisfied we are doing a pretty good job as it is, we'll go the same as we did in the last two years. I think this would be good, because the people in this state at this time, I don't think, are ready for new major programs. They are not ready to finance it.

Now the last thing that I want to say, that was never pointed out last time, to all the members of this House — some of us know this

I would like to state my reasons why I am supporting this measure. First from a local level. In my county, for instance, this means for the fiscal year '71-'72 and '72-'73 a Union Street bypass in Auburn, \$850,000; in the area of Livermore, \$400,000; the Auburn-Mechanic Falls Primary work, \$15,000; Livermore Falls, \$115,000; Lisbon, \$100,000; Urban and East Avenue in Lewiston, \$800,000; Lewiston on the topics program, \$80,000; the Auburn state beginning on Route 4, \$600,000; Auburn beginning northeasterly at the New Gloucester town line, \$30,000; beginning 3.23 miles south of Main Street in Lewiston and extending southerly resurfacing, \$75,000; beginning at College Avenue and extending westerly funds to complete the approaches to the bridge, \$1,400,000; the Mechanic Falls to Poland state road into New Gloucester, \$100,000.

I would consider myself an ingrate if I didn't recognize the amount of money that is being spent in my area and that it must be paid.

I listened to the remarks of the gentleman from Enfield, Mr. Dudley, in which he made the comment to the effect that we are about ready to possibly go on the 30-70 basis on the federal government. The federal government, if we are to believe these remarks, is going to have to hurry to go through with those chores, because they owe us now millions of dollars of funds they were supposed to have given us for the construction of our airport programs. They owe us millions and millions of dollars now on the construction of our sewerage programs, and somewhere along the line they are going to have to steamup to pay us on these programs before they start repaying us on other programs.

Now another reason why I would support this measure is this. The figures of \$12 million, \$16 million and \$10 million have been batted about as far as bonding is concerned. Now way back in the days that this was started I objected to over-bonding versus paying as you go. Let us assume for instance that this program that we have before us this morning does not pass. We

could be scheduled for a \$10 million cut in highway construction programming. And I just read from the green book the construction program concerning my county. I assure you that it involves millions of dollars in other counties and I think that it is all very well to make remarks, "There is waste in this department, there is waste in that department." If there is, these things ought to be investigated, and these things ought to be stopped, and I am the first to agree.

But let us assume that we cannot go into a programming of a cutback of \$10 million. Then in order to finance this program we would have to redouble our bonding program which in my opinion would be catastrophic.

Let us assume that we would have an \$8 million or \$10 million bonding program with this tax of one cent. Here is what it would mean financially. If we have a \$20 million bond issue it means that before we repay the bond issue we have to repay also \$20 million in interest, because our payments on the principle and our payment on the interest now have arrived at the same amount.

If, however, we take the more moderate way and we take a moderate programming of bonding, we then go to the penny; here is what happens. We then wind up with \$10 million which would be interest free because they would be paid for out of the gas tax. It would add to the bonus, in effect, one half of that \$10 million would be paid for by people from other states. Because certainly they could not long leave this State and go back to Connecticut and fill their tank and come back here to spend part of their time. And there is where the real saving starts. And there is where I am one of those who are jumping aboard the one cent increase in the gasoline tax; and certainly everybody knows that as far as the current operations program that I have not been known at this session nor at any other session to be one of its greatest spenders. Certainly for the reasons of economy we need to have this program. For the reasons of continuing to maintain, repair

and construct our roads we need to have this program, and I feel not guilty at all in voting yes.

And frankly I haven't had one, compared to the hundreds and hundreds who have talked to me not to raise the income, the personal, the corporate, or the trade-in tax. I haven't had one single individual in my community, tell me, "Don't vote for that gas tax." Naturally if I go to an individual and say, "Do you want me to vote for this gas tax, or do you want me to vote for that tax?" Certainly the answer is going to be no. And if I have turned around, as I have, and I have explained to my people at home, "Here is what is in the package for the gas tax," and I have showed them what we have for programs, believe me I have not had anybody who has objected to it. And if they had, I would represent them and not me.

I am not a bit ashamed of it. If the motion has been made just not to enact this bill, if the motion has not been made that it be done by roll call, I want to go on record as paying for what I buy. I will go for the roll call.

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

Mr. ROSS: Mr. Speaker and Members of the House: As has been mentioned several times before, this is a user tax. It is one of the fairest taxes we have. As a member of the Taxation Committee I was happy to sign the "Ought to pass" Report. Gas prices vary from town to town right now. And sometimes they vary a great deal within the same city. They are never based on the tax. The average citizen doesn't know what the tax is. Of course he hates to pay more money, naturally. But he demands good roads.

I harken back to the early 1930's when you could buy high-grade, high-test gasoline, six gallons for a dollar. But I wouldn't want to go back to the same old roads that I rode on then even if we could get our six gallons for a dollar. We have an excellent highway system. We must keep it going. I surely favor this tax and I am willing to face my voters with an affirmative vote on this tax today.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise to oppose again this gas tax. Now if I were in the same position as my good friend from Lewiston, Mr. Jalbert, I might be able to get up and read a long list of stuff that they were going to do for Skowhegan and say that I could go along with this. But even at this time were the Highway Department to give a lot of roads to Skowhegan, or do a lot of work, I still think I would oppose the tax.

Now as I said the other day I have got some bills on the special Highway Appropriation table, and I know that they are not going to be funded. But if I have got to sell the people in my community down the river to get a couple of bills funded this is not the way I want to operate.

I have nothing against building roads. I think the State of Maine needs the roads. But when I see the waste that is going on in the Highway Department and nothing being done, and then to come back and ask for a cent a gallon increase in the tax, and if we vote for this tax we are condoning this waste.

Now it has been said — it was said yesterday on the Health and Welfare, "Why don't the people go over and make a complaint and have these conditions corrected?" Well in the case of the Health and Welfare I have been over and made complaints that wasn't corrected. In the case of the Highway Department I have made complaints and they weren't corrected.

I think I have told you people a couple or three examples of gross waste and bad management and still these conditions still exist. Now to give these people more money to waste is not using common sense in my judgement. I think that there would be no need to curtail any highway construction programs in the state were the Highway Department to do the housecleaning and put their house in order and cut out some of this waste. Now this is not — I am not speaking about the common worker, or the average workman, or the man that is just on a weekly

salary or the payroll from the Highway Department. I am talking about the one that is in control, the one that sets the policy, and the overseer. They know what is going on, but some of them are not content to go out in the field and see what is going on. They are sitting in their offices and they are enjoying themselves while we raise the price of gas to the people. And this is not right and I hope you people today will not pass this bill to be enacted. I will be very happy to go on roll call as opposed to this gas tax.

The SPEAKER: The Chair recognizes the gentleman from Webster, Mr. Cooney.

Mr. COONEY: Mr. Speaker and Ladies and Gentlemen of the House: I rise in opposition to this tax. I think there are always programs that are worthwhile and certainly the road programs are worthwhile. It is a carrot that we can always dangle before our nose and say we need these things. I suppose being a Democrat I have got a natural twitch to always want to spend something on a new program.

But I think the people are saying right now that we should hold the line; that they know that when we turn down a cent gas tax that we are going to have to bounce over certain sections of roads for a few more years. But I call it a kind of wisdom of theirs, a frugality that goes along with the times. In talking to my constituents I have found no one who is interested in raising this tax. This falls heaviest on the fellow who has a family automobile, perhaps a gravel truck or something like that. And in a year's time he is not just going to pay \$6 or \$7 in gasoline tax. He might end up paying a day's wages in gasoline tax. I don't think this is the time to take that money out of that man's pocket.

It would also, as people have pointed out, raise our gasoline tax to be one of the highest in the nation and I am not sure that is a distinction that we want to have here in the State of Maine.

And finally I think of the income tax and I think that we have done a pretty good job of keeping taxes low this time, not loading Mr.

Lamb's guns for the upcoming referendum, and I can just think of the billboards in this state when that referendum comes up, and these stop the taxes billboards. It is going to be easy to put them up and it is going to be hard to defend it on our part when the people ask us how we can keep putting taxes on them. So I certainly hope that you turn this tax down this morning.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: As you know I have told you back along that I was going to oppose this. When I said in my resolution that I was against any major tax I considered this a major tax, although I realize that some of the Members of the House feel that they are relieved of that responsibility relative to gas tax because it is dedicated funds. Be that as it may, I still oppose this gas tax as I have stated I was going to.

I oppose it not just because it is an increase in the tax, but I feel that by refusing this tax it is one of our ways in the Legislature to serve notice on practically one of our biggest bureaucracies that we and our constituency are somewhat disappointed in some of the ways in which they handle their responsibilities. We hear all sorts of stories, as we did relative to welfare, and where there is smoke there is usually some fire. You hear it so many places that it is felt that there should be some way of putting their house in a little better order.

I stated just two years ago, relative to this same subject, that I never again would vote for an increase in the gas tax if I didn't feel that there was a substantial change in the policy of the Highway Department. Two years have elapsed. I feel that there is a slight change beginning, but it is only beginning. I feel that there still should be an urging for them to continue that change, and really make it productive before I can vote them more money.

Now we have three ways of controlling the actions of our various state departments, the High-

way Department included. First there is the budget, of course, which is submitted in most cases to the Governor. The Governor pares it down, submits his request to us, then the committees take these requests and pare them down some more. But just because the report finally comes out of committee and the committee says, "Well in hearing we didn't see where we could pare anything else off," it still leaves this body here. It still leaves us, 151 people in this House to decide and make the final decision, and that is what we are doing this morning.

Apparently some time ago there was some doubt as to the efficiency of the activities of the Highway Department; otherwise there would not have been this report which Senator Greeley has challenged. And the report comes out in this manner. You have all seen it. Number one, the department should improve the efficiency of its labor. Number two, the department has an excessive amount of supervision. Number three, the department uses its equipment improperly. Number four, the department has a tendency to be autocratic. Number five, the department overemphasizes interstate expenditures — and I will emphasize that myself — I think they do.

And then in almost the same breath, in fact almost the same page as the complaints, the statement is brilliantly made, that if additional revenues are needed they should come from gasoline taxation and from increase in license fees and registrations. What could be more contradictory?

After listing these complaints, which I am sure most of you have also had yourselves, the study committee turned back most of the money granted to it for the investigation and declared, "A review of expenditures in the Highway Department to the committee disclosed in no areas in which any major savings could be realized without curtailment of construction projects or reducing further services." That may be true, but it seems to me after a report like that, with closing up some of those deficiencies there

certainly could be money saved.

I have saved on my desk here for quite some time a little brief item which was clipped out of a paper probably about three or four months ago. It is a little short letter in the paper. It says, "Why voters react. Several merchants and twice as many voters witnessed one of the several reasons why referendums are being defeated in this day in necessary government spending. December 29, 1970, in Valle's Square, Westbrook, Maine, it took eight State Highway workmen, one pickup truck and one state body truck to erect one Route 25 directional sign." And it is signed here. That is just one of the many of the things that we read about.

Now again I say that this is our only weapon, ladies and gentlemen. We cannot go as individuals, and I don't know if we can even go as a body, to the Highway Department or to the Department of Health and Welfare, or any of these huge bureaus and say, well, you have got to do so and so. They are managing their own department. We do hold the purse strings. And I feel that even if they do have to curtail some of their spending, it is time somebody curtailed part of their spending in the state government. And that is what my constituency wanted me to do.

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

Mr. COLLINS: Mr. Speaker and Ladies and Gentlemen: I know that we have debated this matter thoroughly, and I am sure that most of all the arguments in both directions have been presented. I should like to remind you of only two or three things.

One, during the last fifteen years construction costs have risen about 75 per cent, and it seems to me that delaying a program that has this type of built-in inflation is just going to add to our costs in the future.

Secondly, it is, I feel, an equitable method of taxation, in that the people that use the road most pay the most. And thirdly, I would remind you that we passed this the other day, and I suggest to

you that we pass it today as an emergency measure so that we may have the benefit of the added revenue that can come in this summer and the contributions that our tourist friends make. I urge you very sincerely to enact this legislation today as an emergency measure.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Keyte.

Mr. KEYTE: Mr. Speaker and Ladies and Gentlemen of the House: I support this method of taxation to support the highway program. The significant increases in costs and increased demands for additional services has created serious problems in the highway construction program.

This is no more of a major tax increase than a two cents per pack increase on cigarettes. This increase in the motor fuel tax is an equitable approach to financing the highway program since the highway user is the only individual involved in the payment of these taxes, and the summer tourist contributes his share.

I request that each of the members of the House give favorable consideration to this legislation.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I must go on record in favor of this increase in the gas tax. Beyond that I wish to comment on the remarks of that senior member of the Appropriations Committee, the gentleman from Lewiston, Mr. Jalbert. I am beginning to think I have rubbed elbows with him long enough so some of my philosophy has brushed off on him.

He spoke as I would have spoke this morning. He spoke about the lack of wisdom in increasing our bond issues. He spoke about tax so that the tourists would pay their share just as we have to do in other states. He said everything that I would like to say, and I am very much gratified that after all these years, probably 20 or 22 or something like that, at least he has observed some of my philosophy, and I am greatly encouraged.

I hope you will go along and pass this bond issue. I think it is one of the musts of this session. Anyone living as far away in the state as I do, who travels the length and breadth of the state, certainly does not hesitate to pay an extra cent so that you don't have to pay to get your bumpers fixed every time you come down over the state. This money, in my opinion, has been well spent. We drive now over good roads, good, smooth roads. I can't help look back to the days when I used to drive down through the Haynesville woods and every trip I made down I had to go to the garage and spend twenty or twenty-five dollars to get my car back in shape.

I have got a car now that I have got 20,000 miles on, and I have never paid out a nickel on repairs on it. I think this is a testimony to the value of good roads. And I am very gratified to find that the gentleman from Lewiston has at last seen the light and that we are going along the same wise path together. I hope you will pass this bond issue with a good and resounding vote today.

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

Mr. DYAR: Mr. Speaker and Members of the House: This morning I feel I should vote for the constituency that I represent, who are paying 40 to 42 cents a gallon for gas at the present time for high-test. They are paying 37 to 39 cents for the regular gas.

The gentleman from Bath this morning has already mentioned that he drove on our highways back in the thirties and he didn't want to have to drive on that type of road again. If he would come into my district he can drive over those roads and reminisce what happened back in the thirties.

I would state that Routes 4, 27, 16 and 17, the major arteries in my district, are antique roads. This year \$750,000 has been appropriated to build three quarters of a mile for the Phillips bypass. The last month I received a letter from the department stating that they were starting this proj-

ect, but they didn't know whether they would have the funds to finish it up.

Now I wonder, in my mind, these funds should have been in the appropriation in the last session. There should be no doubt about the money available for highways being built in '71. I wonder where the money went to, what county got it.

I am sure that we would be quite happy to receive some of the money that the gentleman from Lewiston, Mr. Jalbert, is receiving for his county. But when I can sit here in the House and can see only one highway project in my district of any consequence, when the road was built back — probably way before my time, because I am visualizing it being built way back in the forties — a road where you can't pass for eleven miles in places, I think it is time possibly the Highway Department sat back and studied some of their priorities.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I make comment, as far as the good gentleman from Strong, Mr. Dyar, that Route 4 is in for \$600,000. In any event, I have driven through Franklin County at great length, and I can tell you that I would like to take him over, along with the other gentleman from Franklin County that I am looking at now, and check back the records as to how much money has been spent in Franklin County since my tenure of office here, and it will make the amount of money that has been spent in Androscoggin County look like a peanut. And I can guarantee him that I can prove those facts. And I don't blame the gentleman from Wilton, Mr. Scott for laughing, because I can remember the long long tenure of office of many many members of the State Highway Commission from Franklin County. Believe me, they did their work and they did their work very well.

Secondly, it is not my habit to dignify anybody's position that probably doesn't need the dignity

that I want to give it. However, I would like to be consistent somewhere along the line.

Now my remarks were made out of pure honesty, because of what we are getting in my area, my remarks were made because of the fact that in this method we save millions of dollars.

One of the gentlemen who spoke from my county, from the now Town of Sabbathus, comments the income tax and comments about a major taxation. I have before me a roll call of an order that was presented by my good friend from Norway, Mr. Henley, concerning itself with joint resolution proposing no increase in major taxes — motion to adopt — Cooney, "no."

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

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: As we all remember, we began this session in a conservative fiscal move, and we did say that there would be no major tax enacted by the 105th Legislature. Today the people who are talking for this increase in the gasoline tax are really deceiving the people of Maine because this is definitely a major tax that generates over \$10 million a year. For that reason I cannot vote; I will not lie to the people of Maine.

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

Mr. DYAR: Mr. Speaker and Members of the House: At this time I would like to invite Mr. Jalbert to come up into my legislative district. I think he will find that the money spent in Franklin County has been south of Farmington, and I am sure the gentleman from Wilton, Mr. Scott, is smiling because that went into Route 2.

The SPEAKER: The Chair recognizes the gentleman from Webster, Mr. Cooney.

Mr. COONEY: Mr. Speaker and Members of the House: In answer to my friend from Lewiston, I would ask him if there is not a greater discrepancy in somebody voting for a resolution not to raise any taxes and then for a gas tax?

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen: I was going to change my vote from the previous time, when this bill came up originally, and support it. I looked through the L. D's this morning. Under 1857 they had a bond issue for \$10 million for state highways. Looking at this proposal to increase the gas tax by one cent, I would remind the House this may not be a major tax, but when you propose to increase a tax by 12½ per cent, I think it is a major tax.

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: I too signed the Majority "Ought to pass" Report and absolutely without any guilt about it. Because to me there is nothing more tangible and visible than the roads that I travel on. And I travel in the course of a year's time pretty close to 25,000 miles. True, there may be some inefficiencies in the Department, but they are everywhere; I don't care, even in our homes perhaps we don't operate as efficiently as we possibly can.

Looking through, as Mr. Jalbert pointed out, this Construction Program that we have outlined here, these things are spread throughout the state — not in just one single community. Mr. Jalbert commented on how important this was to Androscoggin County. Not only is it important to us, but it is to Portland, as I witness here, and as it is to Kittery, as it is to Fort Kent. I most wholeheartedly hope that you support this tax.

And one further thing. I travel enough so that I find there is a difference in gas prices, from 32.9 to 34.9 within an area of perhaps ten miles. So absolutely it isn't the gasoline tax that is imposing a burden on the people. And I am not blaming the filling station operators or what. I don't know how this one cent is going to mean a heck of a lot to anybody.

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

Mr. TYNDALE: Mr. Speaker and Ladies and Gentlemen of the House: No one has supported the Highway Department over the years more than I have. However, I think at this time certainly this tax is needed to that extent and I assure you that if they submit a \$10 million bond issue to the people of Maine you know where that will go. I urge you gentlemen not to support this measure today.

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

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: We have heard a lot of discussion here this morning and I won't bore you very long because my speeches are usually short. We have heard from several members of the Highway Committee and we have been through this thoroughly.

I want to take away a few misconceptions perhaps. This gasoline tax and the bond issue will have nothing to do with the maintenance and one thing and another. I would agree with Mr. Dam, there are inequities in the Highway program. They are in every business, private individual or anybody else's. I don't think it is any worse. And I will say that the Highway recognizes this. They have made mention of it in our committee hearings.

I suppose if anybody should talk against the tax it would be me. I don't think there is anybody in this House who goes to work at six o'clock in the morning and sends out as many trucks as I do, and runs as many gallons of gas as I do.

But I look at it this way. We pay a gas tax and it pays for the maintenance and construction of our programs. The gentleman from Lewiston spoke about losing \$10 million in federal funds. This is way understated. If we don't get the \$10 million, we will lose somewhere over \$30 million in federal funds. At this time in our economy if we can afford to shut down construction to the point of \$30 million in the State of Maine, I just don't believe it.

I hope that you will pass this tax.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: When we voted on the resolution relative to additional taxation I stated that we would not go back on our word, and we will not go back on our word. But that specifically mentioned the income tax and the sales tax; it did not mention the gasoline tax. We are not going back on our word, those of us who vote for this tax today.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I am quite surprised at my very good friend Mr. Tyndale and the way he voted today, or wants us to vote, compared to the way he voted yesterday on the unclassified raises there of anywhere from twenty-five hundred to four thousand dollars a year increase.

The other remark I would like to offer to the House is the fact that the economy of a state moves on wheels and without the roads for the wheels to move on we certainly won't get the lucrative tourist trade that they all harp about.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I will be brief as anybody could possibly be. I hope that all the new legislators, and the old ones too, will listen to some of the older heads for once. You want to remember that back here a couple of years ago we lost a goodly sum of money when we didn't pass the sales tax, that we let all of our tourists come in for the summer and go out and they didn't pay anything.

Now you want to remember when they had the Expo up to Montreal, what did they do? They raised their sales tax to 8 percent and they made money on it while the people came in there. And then they took it off again. And I hope

right now that you will vote for this gasoline tax and vote two-thirds so that we can start right away collecting from the people that are coming in. I just came down from Old Town and we have noticed the cars on the road as I came over the interstate and over half of them are out-of-staters right now that are running up and down that road.

Now when you talk about the cost of gasoline, I filled my car up with Blue Sunoco 200 this morning at Ellsworth for 33.9 cents, and surely to goodness we are not very close to a shipping point. Right out here the other night I filled up with Blue Sunoco 200, 36.9 right here in this city, and they are at least 83 miles down this way nearer a shipping point.

So there is no rhyme nor reason to the gasoline prices that are on the pumps and I have never found a gasoline outfit that would explain why there is such a variation. I hope that you will just think, just try to picture in your mind the millions that we lost by not passing a half cent on the sales tax a couple of years ago, and just see what you will lose if you don't pass this gas tax with a majority today.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I have not spoken on this issue at all since it has been before us. I have reluctantly voted for it and I am going to try to give you reasons why I have done so. Perhaps Aroostook County pays the highest rate per gallon for gasoline than any area of the state. I pay 44.9 for high-test alone, which is a marked difference from what the gentleman from Ellsworth just indicated to you. Regular is not much better, it is 41.9, and in some places 42.3.

You might then ask why am I supporting it. I support it because I am fully aware that Aroostook County, even though it has one tenth the population of this state, has more than one eighth of the roads of this state. Which means that we have more roads per individual per capita than some of the other areas of the State of Maine.

Now I think that many people have approached me and they said, "We don't want an increase in the taxes," but in the same breath they tell me that they want better roads. They certainly can't have both. And when you ask them which one they prefer, they always have told me that they prefer better roads. In my own area, if you take a look at it, you will find that under 50 percent red rating that is given to an area, to a road if it does not meet specifications, I have about 18 miles of that within my legislative district and there is none of it within any other area of Aroostook County.

If there is any area of the state that needs roads, it is Aroostook County, excluding perhaps U. S. 1 where the gentleman from Bridgewater would reside. But other than that, that's about it. So the people of my own area, and I think the people of the state, have to get money, build roads, and the only way we are going to do it is either in the form of bond issues or increasing taxes. And if I am going to choose between one of those two methods I am going to take the tax increase, because eventually we are going to reach a point when we can't take any more bonds, and then of course the road program is going to fall behind.

So I would ask you therefore to vote yes for final enactment.

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 passage to be enacted of An Act Increasing the Gasoline Tax, House Paper 403, L. D. 516. This being an emergency measure a two-thirds vote of all the members elected to the House is necessary. If you are in favor of enactment of this measure you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Baker, Barnes, Bedard, Binnette, Birt, Bither, Boudreau, Bourgoin, Bragdon, Brown, Bunker, Bustin, Call, Carter, Collins, Conley, Cote, Crosby, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Donaghy, Dow, Drigotas, Fecteau, Finemore, Fraser, Gill, Good, Hall, Hardy, Haskell, Hawkins, Hayes, Hewes, Immonen, Jalbert, Kelley, K. F.; Keyte, Lebel, Lee, Lincoln, Lucas, Lynch, MacLeod, Maddox, Mahany, Marsh, Marstaller, Martin, McNally, Millett, Mills, Murray, Norris, O'Brien, Page, Payson, Pontbriand, Porter, Pratt, Rollins, Ross, Santoro, Scott, Shaw, Shute, Silverman, Simpson, T. R.; Slane, Smith, D. M.; Starbird, Tangway, Theriault, Webber, Wheeler, White, Wight, Williams, Wood, M. W.; Wood, M. E.; The Speaker.

NAY — Bailey, Bartlett, Bernier, Berry, G. W.; Berry, P. P.; Bérubé, Brawn, Carey, Carrier, Churchill, Clark, Clemente, Cooney, Cottrell, Cummings, Dam, Doyle, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Evans, Farrington, Faucher, Gagnon, Genest, Goodwin, Hancock, Hanson, Henley, Herrick, Hodgdon, Jutras, Kelleher, Kilroy, Lawry, Lessard, Lewin, Lewis, Littlefield, Lizotte, Lund, Manchester, McCloskey, McCormick, McKinnon, Morrell, Mosher, Orestis, Parks, Raad, Rocheleau, Simpson, L. E.; Smith, E. H.; Stillings, Susi, Trask, Tyndale, Whitson, Woodbury.

ABSENT — Ault, Gauthier, Kelley, P. S.; Kelley, R. P.; McTeague, Sheltra, Vincent.

Yes, 84; No, 60; Absent, 7.

The SPEAKER: Eighty-four having voted in the affirmative, sixty in the negative, with seven being absent, the Bill fails of enactment.

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

Mr. ROSS: Mr. Speaker, I move that we reconsider our action whereby this bill failed of enactment and I hope somebody will table this motion until tomorrow.

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

Mr. SUSI: Mr. Speaker, I move that this be tabled one day please.

The SPEAKER: The Chair understands that the gentleman from Pittsfield, Mr. Susi, moves reconsideration and that the reconsideration motion be tabled for one legislative day.

Whereupon, Mr. Dam of Skowhegan requested a division.

The SPEAKER: A division has been requested on the tabling motion. All in favor of tabling the motion to reconsider will vote yes; those opposed will vote no.

A vote of the House was taken, 91 having voted in the affirmative and 48 having voted in the negative, the motion to table did prevail.

Passed to Be Enacted

An Act to Create the Maine Historic Preservation Commission (S. P. 159) (L. D. 428)

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

An Act to Authorize Surplus Appropriation for the University of Maine for Renovations, Expansion and Land Acquisition (S. P. 617) (L. D. 1802)

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

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

An Act relating to Public Utility Transmission Lines (H. P. 918) (L. D. 1264)

Finally Passed

Resolve to Apportion Representatives to Congress (S. P. 634) (L. D. 1822)

Resolve Dividing the State of Maine into Councillor Districts (S. P. 635) (L. D. 1823)

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

On motion of Mr. Susi of Pittsfield,

Recessed until one o'clock in the afternoon.

After Recess

1:00 P. M.

The House was called to order by the Speaker.

Orders of the Day

The Chair laid before the House the first 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 16, by Mr. Hewes of Cape Elizabeth.

Pending — Passage to be engrossed.

On motion of Mr. Orestis of Lewiston, retabled pending passage to be engrossed and tomorrow assigned.

The Chair laid before the House the second 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 16, by Mr. Morrill of Brunswick.

Pending — Passage to be engrossed.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I believe that today we are ready to roll on this tax relief bill. I believe that we have given the opponents plenty of time to prepare their amendments. We will give careful consideration to all of them. We will not be stubborn on any of them. I only want to remind you that the redrafted bill gives the same amount of money as the original Goodwin bill, and it should have the same effect as long as the amendments are satisfactory to the House.

Mr. Collins of Caribou offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-450) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. COLLINS: Mr. Speaker and Ladies and Gentlemen of the House: This amendment provides

two things. It provides that a claimant may not have net assets consisting of real estate, bank accounts, cash and securities, in the net value of more than \$30,000. And secondly it provides that no grant shall exceed the total property tax levied upon the claimant's property, or twenty percent of the rental paid.

I think that this will satisfy many of the objections that existed with respect to payments beyond the amount of property tax or beyond the amount of rental relief. And I should like to also say that there are other amendments that will be necessary to complete the overall package.

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

Mrs. GOODWIN: Mrs. Speaker and Ladies and Gentlemen of the House: First I would like to say to Mr. Ross that I am no longer an opponent of his bill, since my bill has gone to its rest. But I am a little concerned about the second part of this amendment because of the benefit limitation section.

We are instituting now an income supplement program in which the sliding formula has no relation to actual property taxes. But now at the same time we are going to be saying to senior citizens, "Your grant will not exceed your property taxes." So what we are in effect saying now is to those on the lowest income scale, "You are not going to receive the full 7%. Therefore, now the person with \$1,000 in income and property taxes of \$150, who would have received \$210 under the original version here, is now only entitled to \$150 with the amendment. On the other hand, the person with \$2,000 in income and property taxes of \$200 will still be entitled to his full 7%, or \$140.

By trying to solve a problem brought about by not using property taxes in the formula, we will be creating situations where payments will be grossly inequitable if we pass this amendment. This new draft now is hardly a week old, and already we are trying to reduce the size of benefits to be paid under it.

I am not going to move for the indefinite postponement of the amendment. I have no great objection to the asset limitation in it, but I do want to point out that I don't believe that this is the proper way to put a ceiling on the payments.

Thereupon, House Amendment "B" was adopted.

Mr. Cyr of Madawaska offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-473) was read by the Clerk.

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

Mr. ROSS: Mr. Speaker and Members of the House: I question whether House Amendment "D" is really germane to the problem because it puts it strictly in the hands of the Health and Welfare Department. It would give this money to the Health and Welfare Department, and I would never be convinced that they would then disburse the funds in the manner that we really wish them to be disbursed.

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

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: Some people have been told that the only way the Department of Health and Welfare can see that people on Aid to the Aged do not get a reduction is to transfer this \$600,000 from this appropriation to the Department, which would then be matched by federal funds. Now the Department is saying that it can do it in no other way.

I have another amendment on your desks which instructs them on how they will do it another way. I spent three-quarters of an hour yesterday afternoon on the phone talking to an attorney in the Assistance Payments Division of the Health, Education and Welfare Department in Boston, and he says that the Department may internally raise its standards for Aid to the Aged, Blind and Disabled by utilizing the money which will be saved as a result of this reduction. If, for instance, we paid out \$800,000 in income supple-

ments to people on Aid to the Aged, the Department of Health and Welfare will save \$800,000 which they may then use to raise the standards.

I simply believe that this is just a ruse of the Department of Health and Welfare to get a little bit more money out of us. I don't think they have done such a hot job administering the money they already have. And at this time I would prefer to see the \$3.4 million stay in this program.

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

Mr. ROSS: Mr. Speaker, I move indefinite postponement of this amendment.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves the indefinite postponement of House Amendment "D".

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

Mr. CYR: Mr. Speaker and Members of the House: I have gone as far as I can in this regard. I have spent a lot of time on this. I have discussed this with several lawyers, the Health and Welfare Department. The lawyers from the Taxation had the same suspicion as Representative Goodwin in regards to Health and Welfare, so they went direct to the Regional Office in Boston. And they were told that she was right.

Now if you want to make a \$1.7 million boo-boo, just go right ahead and defeat this amendment. And I will tell you how this is going to work. We earmark \$600,000 to be distributed among the 8,000 cases of Aid to the Aged, Blind and Disabled that would fall under L. D. 1817. Now this \$600,000 of state money would generate \$1.2 million of federal money, making a total package of \$1.8 million. This \$1.8 million would add to the monthly standards about \$23 a month, and it would also leave approximately half a million dollars of the amount to the fund to be added to the rest of the cases.

Now we are told that the amendment which is to follow is going to do the same thing, and yet you won't have to go through the Health and Welfare. Well I think

that we should debate that amendment along with this one so that you will understand what is coming.

If you take this amendment which was presented on your desks this morning, and I will read you the last paragraph of it. It says, "To carry out this legislative directive, the Department shall utilize all the state funds expected to be saved by a reduction in benefits of recipients." If I understand this properly, they are going to start by reducing the benefits of these recipients, resulting from this chapter and this will be used to raise the standards of Aid to the Aged, Blind and Disabled, at a total cost in state funds equivalent to the savings in state funds which would be expected as a result of this chapter.

Now if I read this correctly, this is what is going to happen. Assuming that one of these 8,000 cases gets \$12 a month, they will reduce, according to this, they will reduce the benefits by that amount — \$12. Then the savings to the State of this reduction, they are going to pay it back to him. Does that make sense to you? They are going to take it away from you and the savings they are going to get by taking it away from you, they are going to use it to pay it back to you. Does that make sense?

It means that 8,000 cases — 8,000 cases in the State of Maine — the most deserving ones are going to end up with the same money. Not only that, but by doing it that way we are going to lose \$1.2 million of federal money. My amendment would cost this program approximately \$600,000. If you subsidize or supplement the income of these 8,000 cases, according to that bill that you have before you now, it is going to cost the State of Maine approximately \$1,152,000, and you will use \$800,000 out of it of federal money.

Now as I say, I have gone as far as I can with this. All kinds of objections have been put before me. They tell me that to make this legal we have to amend the Part II budget. The Part II budget is now on the Governor's desk. We are told that it will go into law without his signature, which

means Monday, and it has to go into law before they are assigned a chapter number. If we would have the chapter number they tell me that it would be an easy matter to put in this amendment, amend the Part II budget, earmark \$600,000 to go for this program, save the State of Maine \$1.1 million, but we have to wait until Monday to get a chapter number to do it.

Right now they can do what they want. They can kill this, they can refuse it, but I say to you, that history will show that this is a \$1.7 million boo-boo on the part of the State of Maine.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: If the Health and Welfare Department gets any kind of control over property tax relief, I don't feel they are going to do any better job than they have done in the past few years with ADC or Help to the Blind. Just yesterday they sent out letters taking away part of the checks that go to the blind because of the increase in the Social Security tax on the federal level. They did the same thing last year, and I hope everybody in this House keeps this in mind.

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

Mr. FARRINGTON: Mr. Speaker, I would like to direct a question to the gentleman from Madawaska, Mr. Cyr.

The SPEAKER: The gentleman may pose his question.

Mr. FARRINGTON: The total on the Ross bill is approximately \$3,341,000. If the \$600,000 is taken away from that amount, how do you know there will be sufficient left to take care of the cases of Aid to the Elderly based on the 7 percent between what they earn and \$4,000?

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Farrington poses a question through the Chair to the gentleman from Madawaska, Mr. Cyr, who may answer if he chooses; and the Chair recognizes that gentleman.

Mr. CYR: If we use the formula of L. D. 1817, the income supplement that we have before us now, these 8,000 cases would come under the formula. Now to be a recipient of this program of Old Age Assistance you cannot be a recipient if your income of whatever sources is more than \$2400. The paper that I passed out before you last week I used their basic income, what they allow for taxes, insurance, or else rent coverage, which amounted to \$160 a month. Now \$160 a month is \$1920 a year, or less than \$2,000.

So this group that we are talking about, I think it is fair to assume that they will fall in the classification of \$2,000. If they fall in that classification of \$2,000, according to the formula of this bill which we have before us, you have to subtract \$2,000 from \$4,000, which is the maximum income limit that you can have, times 7 percent, or \$140. Now I used a figure of \$144, because it divides by 12 a lot easier than the other one — I don't have cents. If you divide 144 it gives you \$12.00 a month. If you use 144 multiplied by 8,000, that gives you a figure of \$1,152,000. Now this \$1,152,000 as existing now, the bill passed as is now, this is what it would cost from this \$3.5 million.

Instead of that, my program I suggested that we earmark \$600,000 of this \$3.5 million, send it to Health and Welfare to pass on to these cases; that \$600,000 if it is applied to your monthly standards would generate \$1.2 million of federal money, or a total package of \$1.8 million. So you are, instead of helping those people to the tune of \$12 a month, you would be helping them to the tune of \$23 a month; and all it would cost from state money would be \$600,000.

Now the other \$500,000, which is the difference between \$600,000 and \$1,152,000, is a little over half a million dollars, and I suggested that we use this \$500,000 to help out the balance of the cases that would come in under this program. Does that explain?

While I am on my feet, Representative Emery made reference to the fact that some of these cases are losing money from the increase of social security. This is

exactly what I am talking about. The cases, the recipients of old age that are under Social Security, the federal Social Security has been increased by 10 percent. As a result of that, this 10 percent has had to be deducted from the grant of these recipients; and the same thing is going to happen here on the state level, if we pass this bill of 1817 as it is.

It is not the fault of Health and Welfare. They are not in cahoots with this. I am the one that found this program. I am the one that went down to Health and Welfare and discussed it with them. They are not the ones that found me and then try to ask me to be the spokesman for them. We have got to have a little trust in these people.

They have got the rule by regulations, by federal regulations, and this is exactly what is going to happen to Mrs. Goodwin's amendment. It is only an intent, that is all it is, a directive. They can take it or leave it. Mine is worked right into the law. They have to abide by it and they cannot use that \$600,000 for any other purposes but to raise the standards of these recipients.

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

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: All along I have been claiming that this was still my bill. I think I am about to disown it. But I will try to answer some of the questions that Mr. Cyr has raised. First of all, if we are going to start transferring any money to Health and Welfare, under the carrot of getting federal funds, then I say let's transfer the whole \$3.4 million over to the Aid to the Aged and get \$7 million in federal funds and forget about an income supplement program.

Number two, if it is going to take \$1.8 million to cover people under Aid to the Aged, who are only 11 percent of our elderly population, then the price tag of \$3.4 million is so far off that we will never be able to pay for this program.

Number three, he wants to know how we can use the same money that they will lose to pay them back. The Bureau of Taxation will

compute how many people under Aid to the Aged will receive income supplements. They will then tell Health and Welfare how much money these people will be paid. If it is \$800,000, then \$800,000 is then freed. That money may then be used to raise standards.

Now the standards are going to have to be raised for the Aid to the Blind and Aid to the Disabled as well. So this will not entirely cover it, but there is almost always a surplus under this program which could be used. If we decide we want to raise standards under Aid to the Aged and give them an appropriation to bring it way up, there is no reason why we cannot come in special session and do so.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: In my opinion, the gentleman from Madawaska, Mr. Cyr, has confused the issue by talking to another amendment. It is not the amendment before us now. And also he did not mention an amendment following it. He only mentioned House 483; 484 follows it; and those two amendments will be brought up later. I would suggest that we speak to the amendment we are talking about right now.

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

Mr. HODGDON: Mr. Speaker, I would pose a parliamentary question.

The SPEAKER: The gentleman may pose his inquiry.

Mr. HODGDON: My inquiry, Mr. Speaker, is House Amendment "D" germane to L. D. 1817?

The SPEAKER: The question has been raised as to whether House Amendment "D" is germane to An Act to Relieve Certain Elderly Householders from the Extraordinary Impact of Property Taxes; and the Chair must rule that this is not germane and not in order, subject to appeal by the House.

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

Mr. BRAUN: Mr. Speaker, I would like to ask a question of whoever would like to answer it.

The SPEAKER: The gentleman may pose his question.

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen: I have listened here, and if this money goes to the Health and Welfare, the exemptions shall be on property in the municipalities. Is the State going to return this money to the municipalities or have the municipalities got to stand this exemption themselves and the State keep the money?

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

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

Mr. GILL: Mr. Speaker, I rise for a point of information. Whereby an amendment has been ruled not to be germane, is this still before us?

The SPEAKER: The Chair would advise the gentleman it is no longer before us, but it is subject to appeal by the House.

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

Mr. FINEMORE: Mr. Speaker, in answer to the question that Mr. Braun asked, this is going to be returned to the municipalities. That is what we raised the \$3.5 million for.

There is a question I might add. It is a question in regard to whether these checks would be sent directly to the recipient or to the town where the tax is given. There is no question about the rent; that will be returned to the renter.

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

Mr. FARRINGTON: Mr. Speaker and Members of the House: Yesterday morning I left the House for about an hour and spent some time in Taxation. I tried to talk to Mr. Ernest Johnson, but he was out and he assigned Raymond Halperin, the Director of the Income Tax Service. And he informs me that this money in both cases, both

for those who own their own homes and renters will go directly to the person, and it won't be going to the municipalities. And one of his reasons was that it would be almost impossible—or rather he said it would be against our philosophy in directing this money to the towns because we feel that individuals have sense enough in our society to get this money and dispense it themselves without being directed at every turn.

Mrs. Goodwin of Bath offered House Amendment "E" and moved its adoption.

House Amendment "E" (H-483) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: This is the amendment to which I have been referring. It is just not an intent, the first sentence expresses the intent to the Legislature. The second sentence says, "To carry out this legislative directive, the Department shall," and that means that the Department must use this money which is freed to raise the standards.

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

Mr. ROSS: Mr. Speaker and Members of the House: As House Chairman of Taxation and as only one member of that Committee, I am in full accord with this amendment.

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

Mr. CYR: Mr. Speaker, could I ask for an explanation on the part of the sponsor, just what this amendment will do. Assuming, for instance, that a recipient on Old Age is entitled to \$12 a month from L. D. 1817. Will you kindly tell us just how this will occur?

The SPEAKER: The gentleman from Madawaska, Mr. Cyr poses a question through the Chair to the gentlewoman from Bath, Mrs. Goodwin, who may answer if she chooses.

The Chair recognizes that gentlewoman.

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I thought I had explained

it twice, but I will try again. If \$12 is paid under this program, \$12 is then freed under the Department of Health and Welfare and \$12 may be used to raise standards.

Thereupon, House Amendment "E" was adopted.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure if there are any more amendments to be added at this time. If there are I am going to defer until the other amendments, then I am going to speak on the bill.

Mrs. Goodwin of Bath offered House Amendment "F" and moved its adoption.

House Amendment "F" (H-484) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: My single strongest objection to the new draft is that since it is not tied to property taxes, there is no built-in increase in relief as taxes rise. Therefore, I am offering this cost-of-living amendment based on Title 5 of the U. S. Codes dealing with the Civil Service Retirement System.

If the cost of living goes up 3% or more in any one fiscal year, then benefits are adjusted accordingly. If the price index were to rise only 2%, however, that 2% would be carried over to the next year. If the cost of living were then to rise another 3%, benefits would be raised 5%.

This amendment would not have any effect until 1973 and will not result in any additional appropriation by this legislature.

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

Mr. ROSS: Mr. Speaker and Members of the House: As House Chairman of Taxation, and speaking for myself only, this amendment has my wholehearted support.

Thereupon, House Amendment "F" was adopted.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Unfortunately when we talk about Aid to the Elderly, and as we go through these amendments this afternoon I suspect that half of us are totally lost. We have debated a number of them, and unfortunately debate has really taken place between a couple members because basically most of us perhaps don't really know what the amendments per se will do.

The criticism I am about to make is not one that ought to be intended to be one that ought to be aimed at any member of the Taxation Committee per se, but one really that reflects the problem that the Legislature will have to face and deal with in the future. This is one of those bills that came out of the Taxation Committee without an executive session. It is one of those bills that is a very complicated area; it is one of those bills that ought to have the most important scrutiny, and unfortunately this did not occur within the committee. I know the reasons, and I know that the members as well of this House do too.

I think the problems of this bill have been resolved and they have had to be done in a manner which perhaps none of us enjoy. And I hope that what we have done by adding these amendments have corrected the problems. But I say these remarks so that perhaps somewhere in the future we won't have to go through anything like this again.

Secondly, the question that the gentleman from Auburn, Mr. Emery, raised is perhaps a question that ought to be answered. It is very true that the Department of Health and Welfare has sent out to any recipient that is presently receiving Aid to the Aged, Blind and Disabled, a letter which says, or will say if they have not already received it, that whatever increases that they haven't received on June 4 in their checks from the federal government, their Social Security increases, that same amount — the same amount that they received in the increase will be deducted from Aid to the Aged, Blind and Disabled. There

is a reason for that, and the Department of Health and Welfare, perhaps fortunately or unfortunately, is not responsible for that decision.

Congress, in its rush to get the increase through and to get it on the President's desk, as you know, tacked on the amendment to increasing the debt limit of the United States. And when they did that they did not include a provision that the states carry forward any increase whatsoever. They simply included an increase of Social Security benefits. And so because of federal regulations of the Department of Health, Education and Welfare in Washington, the Department of Health and Welfare in Augusta is forced to decrease the recipients of Aid to the Aged, Blind and Disabled in the same amount that they received an increase on June 4 from the federal government. That of course is not the way it ought to be done.

There was an order that was introduced in this body by the gentleman from Lewiston, Mr. Jalbert, that is now in the Appropriations Committee to report out a bill which would or could, if the Appropriations Committee would choose to do so, or will choose to do so, to take care of this problem and to provide that a certain amount of what those old people receive in increased benefits in June from the Federal government could be passed forward. And the amount that we want passed forward is a decision that we can make. In other words, we could say that it be \$7 per recipient, whatever we think is fair or perhaps is the cost of living increase.

If we determine that it is going to be \$7, it is my understanding that the cost for the biennium for Aid to the Aged and Blind would be somewhere in the vicinity of \$120,000. If we decide we are going to pass on \$10 to these people receiving Aid to the Aged and the Blind, then the figure could be, roughly, \$10 a person or perhaps roughly, \$200,000. I think that this is a decision that we will make later, and depending upon what the Appropriations Committee comes out with, but I for one can assure

you that I am going to support the bill that comes out of committee because I think these people who are receiving Aid to the Blind and Disabled ought not to be decreased the same amount that they just one month before received a very small increase in their checks from the federal government.

Now I have taken this long method of explanation really to answer the gentleman from Auburn because I thought it was important; and secondly, to acquaint the House perhaps what may come later. And finally, let me just say — back to this bill — that I am supporting this bill because I believe that at this point this is the vehicle we have before us to afford the elderly a vehicle to implement aid to the elderly.

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

Mr. ROSS: Mr. Speaker and Members of the House: I would like to just make a few brief comments to the gentleman from Eagle Lake, Mr. Martin. A bill was redrafted with the assistance of the Taxation Department because it was complicated and we wanted to get the most workable bill we could.

It was termed here today on the floor of the House as the Ross bill. This is a misnomer. I still will give the credit to this to Mrs. Goodwin for her impetus, but it was a committee redrafted bill. It may not be perfect. Mrs. Goodwin's amendments as she suggested here this afternoon were an attempt to solve Mr. Martin's objections. And if we find out that these do not work this way, I promise you that the Republican Party in special session will do all we can to solve those problems.

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

Mrs. PAYSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise to speak at this time because I think there are a number of questions which should be brought out. I know that most of you know what they are, but I do think they should be on the

record. Therefore, I speak up at this time.

I agree with Mr. Ross, the gentleman from Bath, that this bill is not perfect for a number of different reasons. Number one, this bill is a gorgeous give-away program. As the newspapers have so truly stated, L. D. 1817 is a negative income tax for the elderly. Everyone in this group will receive a share of the money provided in the L. D. I therefore have come to the conclusion that this bill is in truth a welfare subsidy. Let us not fool ourselves that it is property tax relief for the elderly, for those who rent houses will be gifted from this proposed fund.

Number 2, the bill is expensive and will become far more expensive over the years. The funding for this L. D. is \$3.5 million, but that is only for one year of the coming biennium. In reality you must consider that in two years this price tag will be \$7 million at a minimum. It does not sound like very much, I suppose, but as Miss Mary Worthley so delicately explained at a public hearing, to get what you want, start with a very small request at one session and then each succeeding session you ask for a little more until you have all you want.

I believe this bill is a tempting, juicy tidbit which will grow with each session. The present \$4,000 limitation on income will rise just as the 7 percent provision will. What is there to stop an increase? Absolutely nothing.

Number three, the majority of the older people reject this bill. On June 15 the Board of Directors of the State Council of Older People, which represents 5,000 older people in Maine, unanimously agreed that the older people consider this bill as nothing but a dole, and they resent a dole. The majority of the elderly do not want this bill, and I am sure that the taxpayers do not want it either. For this is a gift from the taxpayer not only to the elderly but to the heirs of these people.

I therefore move the indefinite postponement of this bill and all of its accompanying papers and re-

quest a roll call if it has not already been requested.

The SPEAKER: The gentleman from Falmouth, Mrs. Payson, now moves the indefinite postponement of this Bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Needless to say, I would oppose this motion. My reason for getting up is that I received a phone call last night. You know we hear about all these cheaters on ADC and these programs that should not be given so that youngsters could eat.

I concern myself now with the remarks as made concerning the bill that is nestled somewhere in the other chamber that would take care of some of the Old Age Assistance, Aid to the Blind and Aid to Disabled recipients. And just in case anybody would think that the person that was calling me was a cheater, it is my pleasure to talk with her on several occasions. She borrows the use of the telephone, she is blind, she has one arm, she has one leg, and she still persists on waiting to get on to participate in some program of rehabilitation.

The new program, as it affects us now without the passage of the proposal that I asked the Appropriations Committee to come out with, now sets her off 70 cents less in her monthly check of Aid to the Disabled, thereby causing her to lose all her benefits of medical care, aid of any type. And that is why, as far as I am concerned, I think that this last amendment was made frankly because the lady who made it once called me publicly so m e w h a t stupid. I am not going to call her stupid. I am just going to think of what I think.

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would suggest to Mrs. Payson that if she is worried about this bill being a welfare dole, that she should have supported the original legislation which was indeed property tax relief for the elderly. That bill is now dead and

gone. We have promised the senior citizens that we would give them relief and that we would give them meaningful relief. After 45 years probably of paying taxes, the median income of people over age 65 in the State of Maine is \$1,400 a year, or \$27.00 a week.

I would like to, before I sit down, quote a little prayer that was overheard in a nursing home and it goes like this.

Now I lay me down to sleep,
I pray the Lord my soul to keep.
If I should die before I wake,
Who the hell would care?

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

Mr. MORRELL: Mr. Speaker and Ladies and Gentlemen of the House: I rise in disappointment. One for John Martin for his grudging support of this, second for Mrs. Payson's outright opposition, third to the comments of Mrs. Goodwin just now.

I think this is a good bill. It is not perfect. It is recognition of a problem that exists in the State of Maine and will go a long way to meet it. If it is imperfect it is so like much of the legislation here, but like so much of it it can be improved. I think that we ought to be for it, be for it enthusiastically and get about our business.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I think that for the very first time I rise for the sake of just getting some of my remarks on the record. I support the gentleman from Falmouth in her courage and her convictions and also in her sincerity.

I happen to be one that is very much in favor of some type of property tax relief to the elderly. I think that one of the things that I have learned in my years of life is that compromise is an art that many times we have to go along with. I really believe that if the elderly want a program then they should be willing to compromise also and that compromise should come from some type of a

recovery clause within this program.

Before us today I see a Social Security program on a state-wide level that is completely unfunded. If we are going to have such a program maybe it is time we start paying Social Security from the time we start working so that when we start to draw it we have paid into it.

I see here a program which has maybe a \$3.5 million price tag right now. But in the Part I budget in the next session of the legislature I see a budget of 10, possibly \$12 million and I see this go up as time goes along.

I look upon a program such as this from a point of an individual that I feel I represent other property taxpayers, the people who are going to have to pick up the burden either through an income tax, a sales tax or an increased property tax, and I see this from the point of view of maybe the younger people in the state who are trying to hold down a business, raise their family, buy a home, and they also are having problems.

Now I have a father and mother that is on a fixed income and I have a mother-in-law that is on a fixed income. I think I probably feel sorriest for my mother-in-law who is in a very serious situation and could easily fall within this category.

But I as an heir don't particularly want to have to look upon this as a program that I am going to reap their assets when they pass on. And I as an individual have children, three of them, and I don't know as when I go through life if I will ever pay my debt to society through the amount of taxes that I pay and for what I get for those particular taxes. And when I reach the age of 65, Lord willing, and I have the opportunity at that time to participate and receive a program such as this, I can look back and say to myself, should I now have somebody else pay my way or should I as I go along in life continue to pay my way and when I pass on that what I have pays my way and that I don't leave it to somebody else?

I support the motion to indefinitely postpone and I honestly

say this that I wish now I had supported the gentlewoman from Bath in her proposal and I probably would have if I had known that maybe she and the people that she represented would have been willing to accept a recovery clause to the point that it would not have been a lien which would have put a stigma on their credit and so forth, but would have been some type of recovery factor such as this wasn't a social program as I look at it at the present time.

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

Mr. GILL: Mr. Speaker and Ladies and Gentlemen of the House: I feel that today is a bleak day for both political parties in the State Legislature. I feel this way because the actions of one or two of us, or even more, reflect upon the way that the people of the State of Maine that they feel about our government. There is not an awful lot of trust between the people and the Legislature, and why should there be when two political parties have placed in their platforms planks for a meaningful tax program for relief for the elderly?

Certainly some people say that we need a lien; this is the worst part of anything is to request a lien. You can get the same thing as a lien if you want to go to the bank and borrow money to pay your taxes, that is what it amounts to. So I am in favor of this bill as it is written. It is not perfect, but I think you realize that the Maine Legislature is not perfect, especially after the motion that was made by the gentlewoman from Falmouth, Mrs. Payson. I would remind you that both political parties were terribly concerned with tax relief for the elderly. None of them mentioned we will put a lien on their property, because that was because you were looking for votes. I would certainly go out and join the people in throwing the entire group of us out if we should move to indefinitely postpone this.

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

Mr. McCLOSKEY: Mr. Speaker,

Ladies and Gentlemen of the House: I have been sitting over here for the last half hour in kind of a slow burn. My Minority Floor Leader and very good friend has kept saying to please restrain yourself because I have been wanting to jump up and say a few things, and I hope I can say some of these things with a little bit of poise and not too much anger.

I am a member of the Taxation Committee, and I have watched the progress of this bill, the income supplement bill and the Goodwin bill for a long time. I have taken the time to research both of them as much as I could, and I would like to say a few things about it.

First of all, I would like to say that I am definitely against the postponement of this bill. But you know, some of the people have said that they are disappointed in certain people for certain actions, and I certainly concur in that. I think though — or I wonder how many of you in this House exactly know what is going on now.

How many of you exactly know what the amendments that Mrs. Goodwin offered do to this bill? How many of you know or question what the possibilities of what might have happened if the Cyr amendment would have been adopted? That amendment was ruled not germane to the issue. Maybe technically that was the case. But generally speaking on an issue like this it seemed that the tenor of the amendment anyway at least posed some questions that I would suspect, and most of you would like to have answered in your own minds before you voted on this bill or any bill concerning the elderly.

I am really disappointed also in some of the things that have been done. I think that many of you now see that perhaps if we had accepted the Goodwin bill that we probably would have been a lot better off. I think that probably is the case and quite true. I think also that when we say that both parties are trying to reap political benefits, that might be true, but we also must take into account that Mrs. Goodwin has been working on this bill for a very long time. She offered this bill — the bill that

she offered had been offered in the special session last year.

I think if we are really going to be honest about this, I think that the Republican bill — and it is a Republican bill, and it was drafted as a response to the Democratic bill because of the political advantages — I think that is politically sound. I am not criticizing that because of the nature of the political game, but I think also in the long run we have to think of the people we are trying to benefit. And I hope we pass this bill.

I am somewhat sorry that perhaps many of you do not really understand what is going on and you do have some worries about the cost to this bill, and you might have some worries about the Cyr amendment. But I think in the end, now that we have gone through all these things, we have committed ourselves to tax relief for the elderly, that we have to pass this bill because the Goodwin bill is dead, unfortunately.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen: No one has asked the question, why is this necessary? It has been said that it is a dole. This is not a dole; this is simply honoring an obligation which the people of this state owe to these people. You owe it because you have made the conditions under which they are trying to live.

This legislature and previous legislatures have increased the cost of state government. You have increased the cost of services. In your communities you have built up the cost of living. In your businesses, in your labor unions you have built up the cost of living. How can the aged, who are beyond the working life, or the blind or disabled, carry on with what resources they have? You have priced them almost out of existence, and I think what you are offering now is just a small token in an effort to recognize the difficulties under which they are trying to survive.

The SPEAKER: The Chair

recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Needless to say, I am flabbergasted at the remarks of the gentlewoman from Falmouth, Mrs. Payson. I have great respect for her. I had hoped that this would be truly bipartisan. I certainly oppose her motion most vigorously.

I wonder if she didn't get it from a letter that I also received from the Senior Citizens Council of Greater Bangor, 611 Hingham Street, Bangor, Maine, and a Mr. Floyd G. Scammons speaks in behalf of the senior citizens. And he said that "instead of conceding to the wishes of the people, the legislative leadership has seen fit to allow the low income older people a dole which bears no relation to tax relief." This is not what we are doing. We are doing exactly what they wanted.

Those 300 people at the public hearing had never seen this redraft. We hadn't seen the redraft. And I am sure that none of them could have figured out how much money they were going to get in tax relief from the Goodwin bill because she had a formula in there that was so complicated that she couldn't explain it herself.

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

Mrs. PAYSON: Mr. Speaker and Ladies and Gentlemen of the House: In answer to Mr. Ross, the gentleman from Bath, I have not seen Mr. Scammons' letter nor have I ever met him. As I stated, it was the Board of Directors of the State Council of Older People whose decision I quoted on a unanimous agreement that they did not want this bill and called it a dole.

Secondly, I apologize for not saying that I believe that there should be a recovery factor in a bill of this type, and beyond that, of all the people with whom I have talked about this legislation, I have heard from only one person of the people in my town who is in favor of this bill. I have had any number of other people say that they are opposed to it, to the general principles of it, and they

favor what is on the statutes at this time.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Again addressing myself to the gentle lady from Falmouth, Mrs. Payson, it would be fair to assume that the average earning per capita in her town as compared to mine would be in the area of about \$150 a week, and if we were to compare the per capita area of the City of Portland over my City of Lewiston, which is \$30 a week.

I have heard from the Board of Directors of my community, that is the electorate of the City of Lewiston, and I can assure you of one thing. After both parties have placed this in their platform, after all political candidates of both parties have spoken to this thing, you either pass this one or you will be back looking for 61 million come next October.

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

Mrs. GOODWIN: Mr. Speaker and Ladies of the House: In reference to the letter which Representative Ross has, I spoke to over 600 Senior Citizens at a rally sponsored by the Senior Citizens Council of Greater Bangor about a week and a half ago, at which Mr. Floyd Scammon was present; and I think I can speak for him that he did support my bill as it was written, and they did prefer it. But I am sure that they and Mr. Scammon and all the other Senior Citizens will accept this legislation.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Falmouth, Mrs. Payson, that Bill "An Act to

Relieve Certain Elderly Householders from the Extraordinary Impact of Property Taxes," House Paper 1400, L. D. 1817, 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 — Cyr, Dudley, Immonen, Lincoln, Payson, Pratt, Simpson, L. E.

NAY — Albert, Ault, Bailey, Baker, Barnes, Bartlett, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bourgoin, Bragdon, Brawn, Brown, Bunker, Bustin, Call, Carey, Carrier, Carter, Churchill, Clark, Clemente, Collins, Conley, Cooney, Cote, Cottrell, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Dam, Donaghy, Dow, Doyle, Drigotas, Dyar, Emery, D. F.; Emery, E. M.; Evans, Farrington, Faucher, Fecteau, Finemore, Fraser, Gagnon, Gauthier, Genest, Gill, Good, Goodwin, Hall, Hancock, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Jalbert, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lee, Lessard, Lewin, Lewis, Littlefield, Lizotte, Lucas, Lynch, MacLeod, Maddox, Mahany, Manchester, Marsh, Marstaller, Martin, McCloskey, McCormick, McNally, Millett, Mills, Morrell, Mosher, Murray, O'Brien, Orestis, Page, Parks, Pontbriand, Porter, Rocheleau, Rollins, Ross, Scott, Shaw, Shute, Silverman, Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Starbird, Stillings, Tanguay, Theriault, Trask, Tyndale, Webber, Wheeler, White, Whitson, Williams, Wood, M. W.; Wood, M. E.; Woodbury, The Speaker.

ABSENT — Crosby, Hanson, Kelley, P. S.; Lund, McKinnon, McTeague, Norris, Rand, Santoro, Sheltra, Susi, Vincent, Wight.

Yes, 7; No, 131; Absent, 13.

The SPEAKER: Seven having voted in the affirmative, one hundred thirty-one in the negative, with thirteen being absent, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed as amended by

House Amendments "B", "E", and "F" and sent to the Senate.

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

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

Tabled — June 16, by Mr. Lund of Augusta.

Pending — Acceptance of either Report.

On motion of Mr. Hewes of Cape Elizabeth, retabled pending acceptance of either Report and tomorrow assigned.

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

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

Tabled—June 16, by Mr. Donaghy of Lubec.

Pending — Passage to be engrossed.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I have got some objections to this Bill to be passed, there is just one little item that bothers me on these reorganization bills. That some of them that they have, some of these reorganization bills they have stipulated what the qualifications of the department heads should be, and that may be all right. But I feel that if the Committee on State Government in some of these documents can draw up qualifications for certain department heads, they should do it for them all. It seems to me that they more or less may be picking out one or two individuals in various departments and perhaps they could or could not be drawing up qualifications to fit these people.

Now if we are going to do it in some of these L.D.'s I think

we should do it in all of them. This is the only objection I have to them right at the present time. I feel that if the Committee could take their time and wisdom to pick out one or two of these departments, then perhaps they should table them all and put an amendment in and coming from that Committee to draw up what the qualifications should be for the department heads in question.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen: There is a very definite reason that this was done. It has been thought of in all instances, but in one instance in particular we felt that an administrator was needed — not a doctor or a psychologist, a psychiatrist or something like this, to run such a large department. And therefore we did set up some definite specifications for the job. This is not necessary in some of the other instances.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: I disagree with my good friend from Lubec, Mr. Donaghy. If we are going to pick out — and I know the department he is talking about, Human Services, and perhaps we should draw up the qualifications for the Department of Finance, Transportation, and each one. We don't want a doctor running the Transportation Department; we want someone that is very capable of running it. And I am quite sure his Committee is smart enough and capable enough if they can draw up qualifications for certain of these departments that they can draw them up for all. I disagree with the way that they put the bills out by not doing this for all of them.

The SPEAKER: The Chair will order a vote. All in favor of passage to be engrossed will vote yes; those opposed will vote no.

A vote of the House was taken.

111 having voted in the affirmative and 7 having voted in the negative, the Bill was passed to

be engrossed and sent to the Senate.

The Chair laid before the House the fifth 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 16, by Mr. Donaghy of Lubec.

Pending — Passage to be engrossed.

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

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

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

Tabled — June 16, by Mr. Donaghy of Lubec.

Pending — Passage to be engrossed.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

The Chair laid before the House the seventh 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 16, by Mr. Marsteller of Freeport.

Pending — Passage to be engrossed.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

The Chair laid before the House the eighth 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 16, by Mr. Marsteller of Freeport.

Pending — Passage to be engrossed.

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

Mrs. BERRY: Mr. Speaker and Members of the House: I notice the Board of Pesticides Control is under Environmental Protection here and I would like to see this under the Board of Agriculture. I don't know how other people feel about it.

(Off Record Remark)

The SPEAKER: The Chair recognizes the gentleman from Webster, Mr. Cooney.

Mr. COONEY: Mr. Speaker and Members of the House: To answer the question, briefly. The Department of Pesticides Control was taken out of the Department of Agriculture, but some extra weight on any boards or commissions that would be advising the Department of Environmental Protection would be weighted with more people from the agricultural field. So in taking this out we also gave the Department of — will give the Department of Environmental Protection more representation from the agricultural field.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

The Chair laid before the House the ninth 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 16, by Mr. Marsteller of Freeport.

Pending — Passage to be engrossed.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

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

Bill "An Act relating to a Department of Natural Resources" (S. P. 646) (L. D. 1840) — In Senate, passed to be engrossed.

Tabled — June 16, by Mr. Donaghy of Lubec.

Pending — Passage to be engrossed.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

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

Bill "An Act to Create the Department of Military and Civil Defense" (H. P. 1422) (L. D. 1847)

Tabled — June 16, by Mr. Donaghy of Lubec.

Pending — Passage to be engrossed.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

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

Bill "An Act to Reorganize the Department of Education." (H. P. 1423) (L. D. 1848)

Tabled — June 16, by Mr. Donaghy of Lubec.

Pending — Passage to be engrossed.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

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

Bill "An Act Providing for a Full-time Attorney General" (H. P. 1424) (L. D. 1849)

Tabled — June 16 by Mr. Donaghy of Lubec.

Pending — Passage to be engrossed.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

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

Bill "An Act relating to the Secretary of State" (H. P. 1425) (L. D. 1850)

Tabled — June 16, by Mr. Donaghy of Lubec.

Pending — Passage to be engrossed.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

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

Bill "An Act to Create the Department of Public Safety" (H. P. 1426) (L. D. 1852)

Tabled — June 16, by Mr. Donahy of Lubec.

Pending — Passage to be engrossed.

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

Mr. BIRT: Mr. Speaker and Members of the House: I introduced the original bill. This is a long ways from what I introduced. I would like to have the privilege of voting against it and I would ask for a division.

The SPEAKER: A division has been requested. All in favor of this Bill being passed to be engrossed will vote yes; those opposed will vote no.

A vote of the House was taken.

72 having voted in the affirmative and 14 having voted in the negative, the Bill was passed to be engrossed and sent to the Senate.

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

From the Senate: The following Order:

ORDERED, the House concurring, that the Joint Standing Committee on Agriculture is directed to report out a bill relating to broadening the scope of the Uniform Agricultural Cooperative Association Act (S. P. 664)

Came from the Senate read and passed.

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

Ought to Pass in New Draft

Report of the Committee on Labor on Bill "An Act to Amend the Employment Security Law to Conform to Federal Requirements" (S. P. 480) (L. D. 1595) reporting same in a new draft (S. P. 663) (L. D. 1858) 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, the Report was read.

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

Mr. GOOD: Mr. Speaker, Ladies and Gentlemen of the House: This L. D. 1858 is the last of the bills that the Committee on Labor had on its roster. It is in many ways one of the most important. The Maine Bar Association thought that this condition was important enough to call a meeting in Portland last winter, before the 105th convened, where expert industry and labor and government attorneys lectured on the government changes in the Employment Security setup. I attended this meeting without compensation or expenses, I might add.

This bill brings changes in the Employment Security Commission, that puts it in conformation with the federal laws already passed, and we must conform with these or we will lose our federal funding of the Employment Security Commission program. And the federal government funds the Employment Security Commission a hundred percent as far as personnel, supplies, equipment and rent is concerned.

Ninety-eight percent of this bill is mandatory to conform. There are two or three sections in the bill that are not mandatory, but they do make local administration more feasible. We have conferred with both industry, labor and the Employment Security Commission on these points, and I am glad to say that now, after many meetings and conferences, they are all in virtual agreement.

This is a unanimous report of the committee, and that in itself is an accomplishment because we have extreme pro labor and pro industry members on our committee. We think that on this bill we have taken the practical, fair, and comprehensive solution to the problem we were handed. I hope we accept the unanimous "Ought to pass" Report.

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

Report of the Committee on Transportation on Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1972 and June 30,

1973" (S. P. 92) (L. D. 256) reporting same in a new draft (S. P. 661) (L. D. 1856)) under same title and that it "Ought to pass"

Report of same Committee on Bill "An Act to Authorize the Issuance of Bonds in the Amount of Sixteen Million Dollars on Behalf of the State of Maine to Build State Highways" (S. P. 137) (L. D. 349) reporting same in a new draft (S. P. 662) (L. D. 1857) under title of "An Act to Authorize the Issuance of Bonds in the Amount of Ten Million Three Hundred Thousand Dollars on Behalf of the State of Maine to Build State Highways" and that it "Ought to pass"

Came from the Senate with the Reports read and accepted and the New Drafts passed to be engrossed.

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

Non-Concurrent Matter Tabled and Assigned

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act to Provide One Property Tax Rate for the Unorganized Territory" (H. P. 1317) (L. D. 1732) and Minority Report reporting "Ought to pass" which Reports and Bill were indefinitely postponed in the House on June 16.

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

In the House:

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

Mr. ROSS: Mr. Speaker, I move we adhere.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves the House adhere to its former action.

Whereupon, on motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mr. Ross of Bath that the House adhere and tomorrow assigned.

Final Report

Final Report of the following Joint Standing Committees:

**Judiciary
Labor**

Came from the Senate read and accepted.

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

Mr. Hewes of Cape Elizabeth was granted unanimous consent to address the House.

Mr. HEWES: Mr. Speaker and Members of the House: I meant to have this be included before the Judiciary Committee Report was accepted. This was the first year in recent years anyway that lay people have been on Judiciary Committee. As you probably know, there were six laymen and laywomen, and I think it worked most satisfactorily. They certainly lent a balance of common sense and lay experience, and I think it helped produce beneficial results for all concerned.

I personally want to thank the other members of the committee. It was my pleasure to serve with them. We handled — perhaps manhandled — 201 bills, and I hope that in the future, future Joint Standing Committees on Judiciary will include lay people.

Non-Concurrent Matter

Majority Report of the Committee on Natural Resources on Bill "An Act to Regulate Surficial Mining under the Maine Mining Commission" (S. P. 133) (L. D. 345) reporting same in a new draft (S. P. 631) (L. D. 1819) under same title and that it "Ought to pass" on which the House accepted the Minority Report in non-concurrence on June 16.

Came from the Senate with the new draft (S. P. 631) (L. D. 1819) passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House:

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

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

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

The Chair recognizes the gentleman from Orrington, Mrs. Baker.

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

The SPEAKER: The gentleman from Orrington, Mrs. Baker, moves that we recede and concur.

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: I have objected to certain phases of this bill for a long time. However, the amendments that have come back from the Senate have taken my objections out of it, and I would strongly endorse Mrs. Baker's motion at this point.

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

Mr. BITHER: Mr. Speaker and Ladies and Gentlemen of the House: This amendment that just came back and was put on our desks a few moments ago doesn't change my opinion one least bit. The only thing it does, it changes the 1,000 cubic yards of material to 5,000, and changes one acre of material affected to three acres. You still have the same bill. You have exactly the same bill except the two figures that have been changed.

Now we still have to have — all the little fellows still have to have a plan, a mining plan. They have to have a reclamation plan to reclaim this afterwards, at the end of the year. They have to have a \$10 fee, they have to have a thousand dollar bond. And remember their reclamation plan must be carried out after every 12 months, the way I read the bill, by shaping up the sides of the pit, by planting trees or by planting grass or some method like that.

This bill I think was devised for no other reason than to give the mining commission — of how many members, I have forgotten — but to give them more work to do. And you notice the bill has a figure of \$56,500 for the first year and \$59,000 for the second year, and personally I don't think that will do the paper work. The paper work is going to be tremendous. It is bound to be tremendous on this bill.

Now remember — please remember — as I tried to tell you

the other day, that we are drawing near the time when we are drawing near the close of our resources so far as sands and gravel are concerned. Many of you people are going to live to see the time when we will have to make with crushed rock all of our sand and gravel, and it is going to be very costly. Many of our areas right now, many of our towns, are completely out of the sand and gravel business because this sand and gravel was given to us by the glacier that came down here a few thousand years ago, and this is a once in a lifetime affair.

Now when I say once in a lifetime affair, I mean once in a good many thousand years. The next glacier is coming along, to the best of our knowledge — and of course my figures can be changed a few thousand years here and there, but between eighty and a hundred thousand years from now we will have another glacier and we will have some more sand and gravel. We don't want to go fooling away our resources like we would in this bill.

Now I believe in beautification. I believe in beautifying our landscape. I see one of our gentlemen over here, if I may remark, holding up his coat as if the glacier was about to come. I would like to remind that gentleman that to the best of our knowledge the geologists tell us that this glacier could come in as short a period as one hundred years. So don't you folks fool yourselves.

I believe in beautification, but I don't believe in destroying our resources. I think this bill would do more to destroy these resources than any other.

One of the proponents the other day made a remark in refuting one of the statements I made about filling in old sand pits, and I certainly agree with that. I think we should — even if we had to put a tax on sand and gravel and raise the money — I think we should go around through the countryside and at least fill in these old pits that are near the roads.

Here is just a suggestion to this lady and to the other people who proposed this bill. I read in today's paper a State House bureau from

the State House here about the Youth Task Force Report, and this report came out some time ago, I believe. And if it is the report I think it is, it — well I won't say what it is. It is very juvenile, to say the least. But at any rate, this is the report and we apparently have a State Youth Coordinator, and it names him, George Ezzy. Now I would suggest to George Ezzy and to the members of this Majority Report, that if we want to fill in these gravel pits, and one thing and another, let's get the college students of Maine, get them organized, and I am telling you they would fill in these gravel pits. And they not only would fill them in with beer cans either. They would fill in these, because they are just dying to get something to do, and instead of doing some of the devilry that they are now doing, I think they would beautify the State of Maine.

I am very very much opposed to this last motion that was made, whatever the motion was, I am very very much opposed to it.

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

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: I signed the Minority "Ought not to pass" Report on this bill because I objected to the restrictions on the small pit owner. I hope that Mr. Bither has read this amendment. As far as I am concerned it takes care of any objections I had to the bill, and I will support Mrs. Baker's motion to recede and concur.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I'm supporting the good lady from Orrington, Mrs. Baker, I might say that possibly Mr. Bither has been too preoccupied to have read the amendments which now affects only individuals who have pits that are of three acres or more, or take out more than 5,000 cubic yards each year. This means certainly that all the small operators are taken out of the bill.

Also the thousand dollar bond as required in the original draft

has been taken out by the amendment. So that this bill now affects merely the real big operators. And I thought possibly it might be an oversight on Mr. Bither's part that he didn't have an opportunity to read the amendment carefully.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I would tell you that the municipalities who operate pits are covered by this, and we are not just simply talking about the small operator. We are talking about the municipalities that take the sand out of their pits, their gravel to build their roads. And this is certainly not a good bill as far as any municipality that has a gravel pit, and I am against the motion to recede and concur.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Again this argument disturbs me a little bit, because if we amend the little guy out, well that is all right to go after the big fellow. I am one of these fellows that likes to protect everybody's interest, not just the little guy or the big guy. I think we all breathe the same air, we eat the same food, and we sleep at the same time. And if we are going to go after one we might just go after them all. I can't support this because I want to protect everybody, Mr. Jalbert, and not just a certain group.

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

Mr. BITHER: Mr. Speaker and Members of the House: I would like to correct a statement by Mr. Jalbert. I certainly have read the amendment, and I want to say again that 5,000 cubic yards is only five times 1,000 cubic yards, and it is not going to build much of a road. I am talking about building roads and things like that. I am not talking about building drive-ways.

Now 5,000 yards is still not a very large amount of gravel, and I still think that this is still the small operator. We are not dealing

with the large operator, we are still dealing with the small operator.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I was very pleased with the suggestion made by Mr. Bither that college students be enlisted to fill in the pits. As a matter of fact I would suggest that he put in an order as soon as possible suggesting that the University of Maine set up a new course called Pit Filling I and II; for those deeper pits perhaps we should make more credit hours available. And maybe for the I and II, the beginning course, it could be three credit hours, and for the advanced courses maybe we could have six credit hours on them.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I might suggest that the gentleman from Houlton, Mr. Bither, did not answer my points at all, and he very deliberately avoided the strong point that he had made in his argument, that this required a thousand dollar bond. As far as the gentleman from Waterville, Mr. Carey is concerned, and the gentleman from Bangor, Mr. Kelleher, is concerned, it shows you what close association can do.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: About all that I want to comment on is the apparent inconsistency of different days perhaps, or the same people on different days of the legislature. We had a tremendous debate the other day on 1788, regarding the Maine Land Use Regulation Commission Law. And because that seemed to be aimed almost entirely, people said, to big lumber industries, why we couldn't even amend it. No matter what damage it did; no matter what it costs; no matter how much administration it involved; no matter how much problem it caused the small land owner who happened to own

land in the unorganized territories; the bill went through overwhelmingly, the conservation bill.

Now this mining bill is conservation. Somebody said that the only place where we should worry much about the gravel and sand pits is along our roadsides. Then why should we worry about the use of our forests and brooks and hinterlands 100 miles from any place up in the big woods? Still we did.

I still cannot understand why they will buy 1788 and repudiate this mining law that involves not individuals specifically, but businesses. And in a great many cases, unless a few legislators happen to own a small gravel pit of their own, these people can afford to pay to have this work done, to buy their permit, to take care of their administration, to charge a few cents extra for their gravel.

I know I have to pay plenty when I buy a little blacktop. I don't suppose it would matter much if I paid another 50 cents a cubic yard for blacktop. That would pay for it. I don't know why all of a sudden such a tremendous consideration for a specific group of miners across the state. And I happen to know that a good many gravel pit conductors are making plenty. They have got good sized operations. So I am certainly willing that this bill should go through.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: Unlike some others, I liked this bill before it was amended, and I like it better now. It was amended to exclude almost anyone who objected, and in my view it regulates only those who would blatantly scar the land and leave it open. Five thousand yards may not be large in Mr. Bither's view, but I suggest it would leave a sizeable hole for the rest of us to look at, and could result in considerable erosion.

I hope that you will recede and concur, and I would suggest that if we do not act soon we will still be in session when Mr. Bither's glacier does come.

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

Mr. FARRINGTON: Mr. Speaker and Members of the House: My seatmate here, Dr. Bither, is a little bit confused, I guess. But he does want the people in this House to know that the vote yesterday was 84 to 49 "ought not to pass".

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: None of us of course ought to criticize another colleague from another's county, and all of us, I think, resent when anyone attacks any member from someone's own delegation. However, I do have to remind the gentleman from Houlton, Mr. Bither, that this bill would not really hurt him as much as he thinks it would.

I perhaps ought not to speak on this bill, because I happen to own a gravel pit. And maybe, you know, it is not a good approach, but I am going to support the bill, even though it is going to regulate me. I don't think it is going to kill me, and I don't think it is going to kill any of the gravel pit owners either.

My understanding is that the gravel pit would have to be reclaimed only once, and not every year. And if I can't read that, maybe I can't read. But my impression from looking at the bill is that the pit would be reclaimed once, and if Mr. Bither, who teaches geology at Ricker College, or used to, could tell me any different, I will back off and sit down and vote his way.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: The point that Mr. Martin brought out I think is the most important point of all. I would have no objection, we will say, to gravel pits being cleaned up once. But that has got to be after we have gotten all the gravel out of them. Is he sure that this means once, after there is no gravel left in them? I will go along with him.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I see the chairman of the Natural Resources Committee agreeing with what I said, so I assume what I said was right. I see a couple lawyers saying that that is the way it reads. I am not going to question, or perhaps even interpret the decision of the lawyers, because sometimes that gets us in trouble on the Floor of the House. But I think the gentleman from Hope can answer that question better than I can.

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

Mr. HARDY: Mr. Speaker and Members of the House: At this time I read that this way, and I also wanted to say, while I am on my feet, that the committee felt that because the State Highway Commission was doing this, had agreed to clean up their pits, and were at the present moment doing it, that they should not exempt the cities and municipalities that had gravel pits. We felt that if the State could see fit to do it, then the municipalities could do it too.

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

Mr. LEE: Mr. Speaker, Ladies and Gentlemen of the House: I thought this was a poor bill yesterday; I think so today. I want you folks to remember, as well as I can remember on the hearing, there was nobody except the sponsor that spoke for it. Everybody spoke against it. And if that doesn't mean something to you. I have missed the point. I think this is just a departmental bill to bring everybody under some kind of a restriction, and I am against that wholeheartedly.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: The towns nearly all of them that I represent have a gravel pit, and when they are done taking gravel out of one end, at least three of the towns that I represent are now using it for their town dump, and it will

eventually be filled. And I am afraid that this would make a lot of interference and flak from down here. And we do — I am sure these towns do mind being regulated from someone down here that knows little about the problem. If Mr. Martin is having trouble being regulated, I suggest a laxative, maybe that would regulate him. (Laughter)

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

Mr. EVANS: Mr. Speaker and Ladies and Gentlemen of the House: This amendment helps this bill some, but I am still against it. I believe it is just a beautification bill. And if we keep on we will have everybody so beautification-minded it will be terrible. I am awfully glad that I was born in another era, and not right now. Because if I had been, probably without a doubt they would have put me in a bag same as they do excess kittens and drowned me.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen: On the Kennebec River in the Town of Sidney there are gravel pits which are 50 and 100 feet deep. These pits are owned by Mr. Gurney and Mr. Pelotte. You can go there and examine these pits. They have to go right down the side and to the bottom. Now these will be used for years. Now if these college students can go there and fill these pits they will take enough out of one place, by the time they get it out and fill this they have got to carry something to fill that one, they would make me think of the old tomcat I used to own. (Laughter)

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I am reluctant to speak on this bill again because I spoke on it when it was before us the other day, but there have been some things said about this bill that I think are grave misconceptions and they really ought to be straightened out.

I was reminded by the comment regarding the gravel pits in Sidney, and I am familiar with these gravel pits, because I have been there. I am reminded from having seen what happens when a rain-storm comes that we are not just talking about a beautification measure. Let me tell you what happens. They ran a rock crushing operation in conjunction with the gravel pit and every time there is a heavy rain the silt washes down the sides of the gravel pits, it goes through the area where the stone dust is and there is a stream of stone dust now flowing into the river. I would just suggest to you, in the first place, that this is not simply a beautification measure, but a serious question of protecting our natural resources.

Rather jocularly the other day, reference was made to a peat bog and how you reclaim a peat bog. Well if the gentleman would care to read the existing law, he would see that the existing law does not require that every hole be filled. There are many uses to which an old peat bog can be put. For instance, you can construct a pond out of it and flood it. There are many things which can be done and there is nothing in the administration or the language of the existing law which makes it silly or ridiculous.

Now perhaps this House wants to kill this bill today; and if it is the considered judgment of the members here that we kill this bill let's do so, but for heaven's sake let's not do so in a joke.

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

Mrs. BROWN: Mr. Speaker and Members of the House: Obviously none of us have time to read all of these bills, but I would call the attention of this House that "all surficial or borrow mining operators previously excluded under this chapter shall not be required to provide, in a mining plan, for reclamation of land affected by such mining operations prior to the effective date of this Act, but shall be required to provide for reclamation of land affected by mining operations subsequent to the effective date of this Act."

Therefore we are not trying to take care of the things that have happened before. Unfortunately many of us feel that we should. We are only affecting those operations that will go on after this Act.

Mr. Whitson of Portland then requested the yeas and nays.

Whereupon, Mr. Dam of Skowhegan moved the previous question.

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

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

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. Is it the pleasure of the House that the main question be put now, all answer aye; those opposed, no.

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

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Orrington, Mrs. Baker, that the House recede from its former action and concur with the Senate on Bill "An Act to Regulate Surficial Mining under the Maine Mining Commission," Senate Paper 631, L. D. 1819. If you are in favor of the motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Baker, Barnes, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Boudreau, Brown, Bustin, Call, Carter, Clemente, Conley, Cooney, Cote, Cottrell, Cummings, Curran, Curtis, T. S., Jr.; Cyr, Dam, Doyle, Drigotas, Dy ar, Emery, D. F.; F a r r i n g t o n, Fecteau, Gagnon, Goodwin, Hardy, Hayes, Henley, Herrick, Jalbert, Jutras, Keyte, Kilroy, L a w r y, Lessard, Lewin, Lizotte, Lucas, Lund, Maddox, Mahany, Martin, McCloskey, Millett, M o r r e l l, Murray, O'Brien, Orestis, Payson, Pontbriand, Porter, Scott, Shute, Silverman, Simpson, L. E.; Slane, Smith, D. M.; Smith, E. H.; Starbird, Stillings, Tanguay, Theriault, Webber, Wheeler, White, Whitson, Wood, M. W.; Woodbury.

NAY — Albert, Bailey, Bartlett, Bither, Bourgoin, Bragdon, Brawn, Bunker, Carey, Carrier, Churchill, Clark, Collins, Crosby, Curtis, A. P.; Donaghy, Dow, Dudley, Evans, Finemore, Fraser, Gauthier, Genest, Good, Hall, Hancock, Hanson, Haskell, Hawkens, Hewes, Hodgdon, Immonen, K e l l e h e r, Kelley, K. F.; Lebel, Lee, Lewis, Lincoln, Littlefield, Lynch, MacLeod, Manchester, M a r s h, Marstaller, McCormick, McNally, Mills, Mosher, Page, Parks, Pratt, Rollins, Shaw, Simpson, T. R.; Trask, Wight, Williams, Wood, M. E.

ABSENT — Emery, E. M.; Faucher, Gill, Kelley, P. S.; Kelley, R. P., McKinnon, M c T e a g u e, Norris, Rand, Rocheleau, Ross, Santoro, Sheltra, Susi, Tyndale, Vincent.

Yes, 76; No, 58; Absent, 16.

The **S P E A K E R**: Seventy-six having voted in the affirmative, fifty-eight in the negative, with sixteen being absent, the motion to recede and concur does prevail.

Thereupon, the Majority "Ought to pass" Report was accepted in concurrence and the New Draft read twice.

Senate Amendment "A" (S-288) was read by the Clerk and adopted and the New Draft assigned for third reading tomorrow.

Non-Concurrent Matter

Majority Report of the Commit-

tee on Judiciary reporting "Ought not to pass" on Bill "An Act to Establish Stepparents Responsibility to Support Stepchildren" (S. P. 429) (L. D. 1243) and Minority Report reporting same in a new draft (S. P. 640) (L. D. 1833) under same title and that it "Ought to pass" on which the House accepted the Minority Report and passed the Bill to be engrossed in non-concurrence on June 16.

Came from the Senate with that body voting to insist on its former action whereby the Majority Report was accepted, and asking for a Committee of Conference with the following **C o n f e r e e s** appointed on its part:

Messrs. **TANOUS** of Penobscot

WYMAN of Washington

CLIFFORD

of Androscoggin

In the House:

The **S P E A K E R**: The **C h a i r** recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. **HEWES**: Mr. Speaker, I move that we insist.

The **S P E A K E R**: The gentleman from Cape Elizabeth, Mr. Hewes moves that the House insist.

The **C h a i r** recognizes the gentleman from South Portland, Mr. Gill.

Mr. **GILL**: Mr. Speaker, I move that we insist and join in a Committee of Conference.

The **S P E A K E R**: The **C h a i r** would advise the gentleman that the motion to insist has priority. The **C h a i r** would advise the gentleman that if the motion to insist does not prevail, then he may move to insist and join in a Committee of Conference.

The **C h a i r** will order a vote. All in favor of the motion to insist will vote yes; those opposed will vote no.

A vote of the House was taken.

95 having voted in the affirmative and 25 having voted in the negative, the motion did prevail.

The **S P E A K E R**: The **C h a i r** recognizes the gentleman from South Portland, Mr. Gill.

Mr. **GILL**: Mr. Speaker, I believe it has prevailed that we insist.

The **S P E A K E R**: Now the gentlemen may move to join in a Committee of Conference.

Mr. GILL: I so do.

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

Mr. MILLETT: Mr. Speaker and Ladies and Gentlemen: Very briefly, I would hope that you do not join in a Committee of Conference this afternoon. My reason for feeling this way is predicated on the vote in this body yesterday whereby we achieved 110 votes in support of this bill. In view of the present situation in the other body with the prevailing mood the other way and the Conferees already reported, I would hope that we might test them once more on the mood that we issued here yesterday, and I would hope that you would defeat the motion to request a Committee of Conference.

The SPEAKER: All in favor of the motion of the gentleman from South Portland, Mr. Gill, that the House join in a Committee of Conference will vote yes; those opposed will vote no.

A vote of the House was taken.

28 having voted in the affirmative and 91 having voted in the negative, the motion did not prevail.

Non-Concurrent Matter

An Act relating to the Possession and Sale of Certain Hallucinogenic Drugs (H. P. 1391) (L. D. 1813) which was passed to be enacted in the House on June 15 and passed to be engrossed on June 9.

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

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

The following Communication:

THE SENATE OF MAINE
AUGUSTA, MAINE

June 17, 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 Provide a Minimum

Wage for Students Employed at Summer Camps" (H. P. 569) (L. D. 745).

The Senate voted to Insist and Join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Creating the Municipal Assessment Appeals Board" (S. P. 493) (L. D. 1441). The President appointed the following members of the Senate to the Committee of Conference:

Senators:

MOORE of Cumberland

HICHENS of York

FORTIER of Oxford

Respectfully,

Signed:

HARRY N. STARBRANCH

Harry N. Starbranch

Secretary of the Senate

The Communication was read and ordered placed on file.

House Report of Committee Ought to Pass with Committee Amendment

Mr. Williams from the Committee on Public Utilities on Bill "An Act to Create the Winterport Sewerage District" (H. P. 1409) (L. D. 1851) reported "Ought to pass" as amended by Committee Amendment "B" (H-489) submitted therewith.

Report was read and accepted and the Bill read twice. Committee Amendment "B" was read by the Clerk and adopted, and tomorrow assigned for third reading of the Bill.

Passed to Be Enacted

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

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

Enactor Reconsidered

An Act relating to the Parks and Recreation Department (H. P. 1415) (L. D. 1838)

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

On motion of Mr. Donaghy of Lubec, under suspension of the

rules, the House reconsidered its action of June 15 whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-475) was read by the Clerk.

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

Mr. SMITH: Mr. Speaker, would the gentleman explain this amendment, please?

The SPEAKER: The gentleman from Waterville, Mr. Smith, poses a question through the Chair to the gentleman from Lubec, Mr. Donaghy, who may answer if he chooses; and the Chair recognizes that gentleman.

Mr. DONAGHY: Mr. Speaker and Members of the House: In the haste of drafting these reorganization bills — this bill is not, strictly speaking, one of them — but in drafting it a term was used in there, this bit about the director which should not have been included. And this is simply taking out that provision about the director.

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

An Act relating to a Department of Commerce and Industry (H. P. 1416) (L. D. 1839)

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

Enactor

Tabled and Assigned

An Act Providing for the Taxation and Preservation of Farm, Forest and Open Space Land (H. P. 1418) (L. D. 1834)

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

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: As you well know, this is the bill which would implement the

constitutional amendment which the people of the State adopted in a referendum two years ago. There appears to be probably a problem that will have to be resolved; since we have already enacted L. D. 1788, An Act Revising the Maine Land Use Regulation Commission Law, it is now possible that amendments will have to be put into 1834 to make it workable. So I would suggest that someone would table this until we find out what the story is.

Whereupon, on motion of Mr. Ross of Bath, tabled pending passage to be enacted and tomorrow assigned.

Passed to Be Engrossed Amended

Bill "An Act Establishing a State-Municipal Revenue Sharing Program" (H. P. 1428) (L. D. 1859)

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

Mr. Carey of Waterville offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-490) was read by the Clerk.

The SPEAKER: The same gentleman may proceed.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: All this does is correct a typographical error on the third page of the bill, and replaces the figure \$1,539,000 with \$2,539,000 so it will agree with the rest of the bill.

Thereupon, House Amendment "A" was adopted.

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

Mr. MILLETT: Mr. Speaker, Members of the House: This bill has been before us for a long time this session, going way back to L.D. 603. It appears to me that it is rather late in the session to expect such a bill of major proportions to be acceptable to a majority of the members of this body and the other body, without some sort of explanation.

I am really searching for somebody to get up here and explain this to me, and try to convince me that this method of distributing money is in fact an equitable method. And I want to lay the

groundwork for some sort of an explanation if it could be forthcoming by telling you that I have taken a rather conservative point of view this session relative to additional money going back to the communities. However, I have felt right from the very beginning that probably this is one of the most important things we could do to relieve the burden of the property tax. And I feel that the property tax burden is not only shared by the elderly, but it is shared by many citizens in communities of all ages and all sizes.

But I had been under the impression that little money was to be forthcoming in this session to do such a job. We had in the Education Committee an alternative to this which we held onto for a long time waiting to see if there would be an expression of the amount of money that might be available to put out a proposal which might be in competition with the bill before you today. And I reiterate, I got very little assurance that there was any money available, so I kind of gave up on the idea.

I do have some strong feelings in this area, and I would like to debate the issue if somebody would, on behalf of the proponents, explain exactly what this does. I have had a lot of difficulty following through the appropriations in the initial stage. I think I can follow the four percent from the point of view of 1973 on, but if somebody would be kind enough I would like to know if you might explain this in a little bit of detail.

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

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: I thank the gentleman from Dixmont, Mr. Millett, for his concern. And I want to tell him, as an educator and as a member of the Education Committee, that this bill has been before our committee, as he said, from the beginning. This is one bill that has had extensive hearings and extensive work in our committee.

I want to assure him that first, foremost, and most important, this bill does not affect the school subsidy. We are talking about new money going back to the com-

munity. And if in fact they want to put this money back into education at the local level, that will be their prerogative.

Except for 40 communities, this bill will return to the communities of the State of Maine more money than they would receive from the telephone tax alone. I will admit that this is because we are pumping more money than the telephone tax into it. But population and tax burden are used to compute the amount of aid which will be returned to the communities. And the only strings that are attached to this new money is that the anticipated revenue will have to be reflected in the Treasurer's report to the Assessor saying that this is anticipated revenue to the communities; and in this way this will be in effect lowering the local tax rate, because he will be declaring it as anticipated revenue. This, of course, is help for all of the taxpayers of the communities, regardless of age and other relief.

You are all aware that both President Nixon and Senator Muskie have proposed revenue sharing at the federal level. In both plans they speak of a bonus for those states that have put into effect revenue sharing proposals. President Nixon's proposal is a ten percent bonus. And I would tell you that of those 40 communities, if and when this goes into effect at the state level, and before the national revenue sharing bill goes into effect that, say, 10 percent bonus would pick up six of those 40 communities and give them more money than the telephone tax would.

I think one of the nice features of this bill that we have before us is the fact that the money will be distributed semiannually to the towns. And this would be a big help to those communities that rely so heavily on tax anticipation money, and would save them money on the interest payments.

Now the distribution of the telephone tax last year was \$1.70 per capita. This year it is anticipated it will be \$2.30 per capita. But in that \$2.30 of that telephone tax, there are absolutely no provisions for the tax effort made by communities. And this is where the loss of revenue would affect

those 40 communities that I spoke of earlier.

The formula that is proposed would make tax effort a factor in computing the sum a community would receive. The funding is spelled out in the bill as being a sum which is equal to four percent of the sales, use, and income tax. For '71-'72 and '72-'73 the funds are made up of the telephone tax money over the \$3.3 million which goes into the General Fund and is not distributed to the communities, and surplus monies. '73-'74 and thereafter the sum of money that we are speaking of would be in fact four percent of the sales, use, and income tax.

Now simply stated, this local government fund is an effort by the legislature to recognize that school budgets and school needs are not the only needs of the communities. We have public works, public safety, and public services such as water and sewer that are getting more costly every day. And they all need help. And for that matter, there is every possibility, as I said before, that the new money could be pumped back into education by the local communities.

Now this is the reason for the only restriction being that the income be reflected anticipated revenue. The towns will be able to decide where they want to spend that money. This bill is an attempt, and the committee feels a very good, equitable and very sound attempt, to help the communities continue these worthy projects.

Now this is not the block grant proposal that was proposed two years ago. We rely very heavily on the tax effort. If we were to go without tax effort as a consideration, then there would be more than 40 communities that would be wiped out, so to speak. But the return to the communities then would be on a straight per capita basis, would be \$5.20 with the monies that we have the first year; \$5.40 per capita in the second year. But the committee felt this was not equitable.

If there are any questions I will be glad to try to answer them. And if I can't answer them, and nobody else can here, we will certainly get the answers for you.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, I would pose a question through the Chair. Would you clarify on what you base tax effort in this formula?

The SPEAKER: The gentleman from Calais, Mr. Silverman, poses a question through the Chair to the gentleman from Waterville, Mr. Carey, who may answer if he chooses; and the Chair recognizes that gentleman.

Mr. CAREY: Mr. Speaker and Members of the House: The tax effort is going to be based in this formula. The tax rate in a community and its population, divided by the total tax in the state, divided by the total state population. And this is where these 40 particular communities which fall well above the average lose money.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think that the gentleman from Waterville, Mr. Carey, has given us as fine an explanation of this measure as could be given. It might be mentioned that this was the efforts of the Maine Municipal Association, in the main several experts in the field of government in the area of the states like the people in my own area, and certainly through the efforts of the city manager in Portland and other officials of the Maine Municipal Association and the entire Appropriations Committee.

There are many who have asked what the present tax rate — what the present kickback to the towns and cities are insofar as the telephone and telegraph tax is concerned. I have a set of those amounts here. But to make the way as to how you would get your money more simpler, I am sure that you know that by taking your revenue sharing fact sheet, all one merely has to do is to multiply the estimated 1972 per capita or 1973 per capita individually by the population and you would arrive at the amount of money that your community would receive under this tax.

Also it might be noted that the federal revenue sharing programs all indicate that those cities or states that have revenue sharing might benefit by the 10 percent bonus by the fact that they have already adopted such a program. I think all who started originally in this program, Maine Municipal Association, their officials, also the efforts of the Associated Industries in Maine who worked out with a compromise and all the officials throughout the state who contributed can well be thanked by the Appropriations Committee, and as well as this legislature, for coming up with this landmark legislation.

I think it is sound; I think it is solid as far as our wealthier areas. It will reimburse us for the loss that we have suffered over the years wherein it concerns the adoption of the Sinclair Act, particularly in my area, areas like Waterville, Biddeford, Portland, Bangor and most of your larger areas, in most of your areas up in the upper regions of the state; namely, the valley.

I would make comment that naturally nothing is perfect and nothing at all would stop this thing from being touched up when we come back in special session. In the meantime it is a start with a very fine measure, and I certainly hope that the bill receives final approval from this body.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: As a member of the Appropriations Committee, I want to make it perfectly clear that I am in full accord with the passage and the provisions of this bill; and of course you do recognize that this is a unanimous report out of that committee.

In looking this matter over we arrived at the conclusion that the time had arrived for more than one method of subsidizing the towns and cities of our state. This obviously is only an experimental bill. There is a small amount of money in it. Every town is set up under this bill as to the amount that they will receive. And after, we will say — we did not touch

the school subsidy; we kept carefully away from that.

However, for those who would be arguing for and increasing the school subsidy, we felt that the time had arrived when this alternative proposal of subsidizing the towns and cities of the state should be implemented. I believe that it is going to prove out to be very satisfactory, that if this experimental bill does not prove satisfactory to the citizens they can then, in the next session of the legislature, they can expand the school subsidy instead of this. If they approve it, obviously they will expand in this field.

So I think if we look at it in this way, I feel that we would be very wise to put it into effect at this time so that we will see how it does work and how the people of the state respond to it. It is pointed out possibly by some that maybe the cities share a little larger than some of the other towns. However, it is a fact that the small towns with a high tax effort do fare very well under this. The higher the tax effort the better they fare. And I think in this respect it does compare very favorably with the school subsidy system.

I believe if you go along with it you are going to be very happy with it. It is one way of relieving the problems of the municipalities that we have talked about for a long time. I will repeat — I guess it has been mentioned, that once we have this on our books and then any time that the federal does go ahead with the revenue sharing program and money is available to the State of Maine, the formula is all set up to distribute any money that might come from the federal program.

And it has been mentioned that by having this program set up previous to that, there are probably strong indications that the bill that Congress would pass would probably contain a 10 percent bonus to the states that have already set up a program like this.

I hope you will give it very serious consideration. I believe it is a good bill. I believe it is the right approach to our revenue sharing program, and I hope you will go along with it.

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

Mr. DONAGHY: Mr. Speaker, I would ask through the Chair of Mr. Carey or anyone else that cares to answer, it speaks down here in item five, "Will the revenue sharing proposal reduce in any way the amount of the school subsidies that municipalities will receive in 1971 and 1972?" I would ask him what happens in '73 and '74? Do we forget about the school subsidy then and just get revenue sharing?

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon, who may answer the question.

Mr. BRAGDON: Mr. Speaker and Members of the House: I am confident that the answer is that it wouldn't affect it in any way. If anybody disagrees with me I hope they will say so.

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

Mr. MILLETT: Mr. Speaker and Ladies and Gentlemen: I would first thank the gentleman from Waterville, Mr. Carey, for explaining the bill, and think the proponents have done a reasonably good job. I think I would like to lay my objections right on the table in front of you here so that I will not be accused of holding out for school subsidy in opposition to that. This is completely not my position.

Before I finish, and I think I can give you some information that some of you who come from similar sections from Maine that I do will have reservations which you presently haven't come to realize. My concern is "small-town" Maine. And I come from one of these pockets of rural Maine where there aren't more than a thousand people in any town I represent, except for one.

Now population alone is not the only factor built into this proposal, I realize that. But I think it is safe to say that when population is used alone to distribute any kind of money, you do get away from the need that those citizens might have by completely ignoring the property they might own, their ability to pay their property taxes, the services they might demand,

and a variety of factors which must be concerned when you go beyond a mere measure of the population of that community.

I look at this bill as an urban bill, and I can't say it any more bluntly than that. This bill is definitely a bill which will reward the urban area, and what I would call the inefficient or high tax effort areas by and large.

Now this is the second measure that has been built into this in the redraft, that of property tax effort. The gentleman from Calais raised this question, and I am not sure the answer was completely clear, so I would call your attention to page two, section 1, definitions 4-B, Property tax burden. I think this is the guts of the whole issue, I really do. Because this is bringing in a second factor, and let me read it to you. It is called property tax burden, but it really is the definition in the bill of property tax effort. "It shall mean the local real and personal property taxes assessed in the most recently completed municipal fiscal year divided by the latest state valuation certified to the Secretary of State." Now that is a weighted factor in this distribution equally as important as population.

Now I would like to explore it because I see it happen in my small towns, and I am sure some of you in various other classes of towns, and also be aware of what I am trying to say to you. This variable has two features — the taxes raised and the valuation of the community. I think that the taxes raised are properly set by the voters of that community, and this is the foundation of our democracy which I would never want to change. I think the voters by and large are the best people to make this determination, and I don't care whether it is school or municipal bond issues or actual operating budgets that they are voting on. I have confidence that the people really will make the best decision most of the time.

But I would point out that a high tax appropriation does not necessarily mean that high evidence of need. For example, in some of the urban and suburban areas expenditures are being authorized right now during the grow-

ing pains years of a municipality which those of us in small towns resist because we just can't afford to see any profit out of it.

I am talking about extensions of sewer lines; I am talking about the provision of municipal garbage disposal, and I am talking about a multitude of programs which are certainly not required. But those of us in the small towns are so dirt poor we can't provide them. Some towns are providing them, and rightly so, and I think the voters do know when the time is right, because they can see a potential gain from that.

Okay, so first of all you are basing this on the amount of services that the voters approve, and that decision may be based on temporary or long-term conditions which are different from the small community to the large.

The second thing is the one I have been thinking about all session here, ever since I became familiar with it, is the use of state valuation to divide into that assessment to come up with some measure of effort at the local level. And I, to be honest with you, have absolutely no confidence in state valuation. In this period of time there is being an accurate measure of the ability of those citizens to pay for their property taxes.

And I would again say — I don't care whether they are elderly or just struggling beginners, the state valuation of any town, be it in Penobscot County, Washington County or Cumberland County, in my opinion it is not necessarily a good measure of the actual ability of the citizens residing in that town to pay the taxes that come to them in mid summer. The bills that come to them are not going to be any easier to pay just because their state valuation has gone up than they would have been two years ago or four years ago under a lower state valuation.

I am trying to be constructive in my criticism because I really think that there is a concept here which I can buy, and I am not trying to shoot it down. In fact I certainly am not going to make any motion. But I just want to caution you that there are things that are included in this bill which are so

urban oriented, they are so much to the detriment of those of us from the small communities, that I can't in my own conscience sit here and accept an entirely new proposal in the last week of the session with \$10 million involved.

And I might point out, and I think the point has been brought out in a question to Mr. Bragdon, that this is a permanent dedicated source of revenue. Now to say that it won't compete with other state appropriations that might go back to the communities in any form in the future, is to ignore the fact that it is much more difficult to remove a program from the books than it is to institute it.

So I would propose to you that 4 percent right now of the state corporate and personal income tax and the sales tax may only be in the vicinity of \$10 million, but it is going to grow. It is going to become a competing source of needed appropriation that will always be in competition with any other program. There is no way you can dispute that.

Now I am just trying to raise some questions that I think that, and I really still feel — and I probably shouldn't say this — but until reapportionment I think us country boys still maintain a majority in the House. It is fast going, I realize this, and I know it. And if reapportionment is directed in a certain way, we are going to lose out.

I am not accusing people whose interests are municipal as mine are, and I am honest to admit that I think, but I see a direction here which I don't like to buy at this stage of the game. And I would hope some of you who have small towns where you know as well as I do the reason you don't appropriate taxes is because nobody would pay their bills, and you would find that every piece of property that was borderline would be under tax lien the following year.

So consider these things that do affect. This whole problem is a monumental problem. It is not something that one bill is going to solve, but I think the concept is good and I would like to see it considered for changes or modification, but I wanted to present to

you my concern which I am, in my mind, convinced are really valid.

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

Mr. HODGDON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak, not as a member of the Appropriations Committee and not representing a large city. I have figured out the reimbursement that the Town of Kittery will get and I can assure you we will not get any windfall. However, I would also like to bring out that as the state has priorities, and we have heard many of them in this session, the growth of our towns at the present time, we must also create priorities.

The council and manager of the Town of Kittery has been in contact with me and asked me to support this measure which I do most heartily. This concept of no strings attached is something that we in my town have been looking for for the past two or three years.

We have no idea that schools will be excluded, but we do say that we have priorities at the present time, such as some streets that need to be rebuilt, that we think that have greater priority than needs of the school system which we have funded very well in the past, and think we have a good organization there.

I am sure that most towns, especially those who have membership in MMA, have received a great deal of information with regard to this bill long before it appeared upon the Floor of this House. And I am sure that the town fathers in every small town are well aware of the effects this bill would have on their community.

I would hope that each one of us here representing our towns would have made themselves familiar up to this point of how it would affect their communities. I ask you to support this bill heartily and give us, who are trying to run the towns to the best of our ability, some money with no strings attached.

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

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

As most of you probably remember, I am very concerned about the course the property taxes have been taking recently. As a matter of fact I introduced a piece of legislation earlier this year in the session that raised some eyebrows concerning this very item. But I do have some questions about this particular piece of legislation, and I am not opposed to it really either, by any means.

But first of all, Mr. Silverman posed the question earlier concerning exactly how, I think as he phrased it, tax effort was to be defined. And as I took down the definition that was given by the gentleman from Waterville, Mr. Carey, it went something like this: Tax rate over population divided by total taxes in the state, again divided by population, which is a double fraction, and a little bit difficult to understand the implications of. And then in the bill itself, property tax burden is defined as total taxes divided by state valuation.

And my question is, I am not sure as I see exactly how those two items mesh together because they certainly are two different fractions. And second of all, I would just like to voice some concern about the possibility that within the state, I could see the prospect of a high tax effort town, which is a very wealthy town at the same time, getting a very large portion of the revenue sharing. And I am not sure that a very wealthy town, even though its tax rate is high, is deserving of a large chunk of this pie.

So first of all I would like to have a member of the Appropriations Committee clear up the question that I posed first about just exactly what is tax effort, and what is tax burden, and what is this double fraction that you spoke of earlier. And second of all, how can we be assured that just because a town is making a larger tax effort it might be a very wealthy town in terms of income, that it is not going to get a disproportionately large share of this particular piece of pie?

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Smith, poses a question through the Chair

to any member who may answer if they choose.

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

Mr. CAREY: Mr. Speaker and Members of the House: The gentleman from Dover-Foxcroft, Mr. Smith, is correct. The formula is the first paragraph on the second page. It is a refinement of the one that I quoted to you. If I might continue, I would point out that I would like to have him tell me which town is supposedly wealthy and also making a high tax effort. I don't think you will find that this is true in Wiscasset, which is wealthy. They are making an absolute small effort. This is also true up in the Town of Moscow. You name the town with the big project that is wealthy, and I will tell you they have got a low tax rate.

If I can continue and answer some of the comments made by Representative Millett, I would say that you don't get away from the need, because the need is demonstrated in the tax rate. He mentioned inefficient towns. I would like to have him get off the Floor of this House and go to Weld and Springfield and Phillips and mention to them that they are running their towns inefficiently.

Mentioning Phillips brings up a very good point. Phillips, of course, had a disastrous fire. Now who is going to give them more help, the school subsidy formula or this particular formula? I tell you that this formula will end up giving them more help because of the tax effort that they are going to have to make today.

You mention growing pains of communities, and I would tell you that certainly maybe while their town is going through some of its growing pains it will get a little more aid. But once those growing pains are over with, they revert and go back down to their normal rate. Mr. Millett mentioned that we were putting this in permanently. This is not a constitutional amendment. This is not dedicated revenue like the Highway Fund. This can be killed at the next session of the legislature if you don't like it; or the following session of the legislature. This is a legislative act; it is going to re-

main that way. We are not asking for a constitutional amendment.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I cannot help going back a decade when I voted and spoke for the so-called Sinclair Act. Those were the years when education was at a very very low ebb. And I might address myself to both the gentleman from Dixmont, Mr. Millett, and the gentleman from Dover-Foxcroft, Mr. Smith.

Let alone Biddeford and Portland and Bangor and certain other regions of the state; my community lost twice as much money by the adoption of the Sinclair Act than any other wealthy community so-called in the State of Maine. We have lost since then a fantastic amount of money, and this will give us back just a fraction of what we then gave up for the sake of better education, which was in that decade at a very very low ebb.

We did so in the interest of good government; we did so with disregard to the fact that it was going to cost our community a great deal of money, exactly \$3.00 per pupil at that time; three quarters of our entire staff were parochial school students. We lost that money. We lost it as a so-called wealthy community.

We are no longer in that category. 4,718 people filed through the unemployment ranks in Lewiston, from Lewiston, last week, the week before, and this week; let alone the 1,500 or 2,000 others who cannot file through, but who are not working. We are no longer a wealthy community. We have the highest unemployment rate in the state. We can no longer give away; we must take a little of the money we gave away in the hundreds of thousands in the last decade.

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

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: I don't know as I exactly understand this formula; a formula to me is something like the recipe. And the recipe for this particular

cake doesn't impress me too much. I come from a small town, 473 inhabitants when I am home. They are going to give us a whole dollar and sixty-four cents apiece. And this is really going to be quite a help to us down there, I assure you.

We are raising over \$1,000 for each child that we have in school. Most of the people are self-employed; they are lobstermen, clam diggers, worm diggers, do a little painting, carpentering, and this sort of thing. And I am not sure that this is really the type of legislation that we should pass.

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

Mr. PORTER: Mr. Speaker, Ladies and Gentlemen of the House: It is a pleasure and honor to sponsor a noncontroversial bill such as this. I presented 603 to the Appropriations Committee, and I certainly want to thank that committee for the work that they have put into this bill.

The Maine Municipal Association has made numberless printoffs, we have explored all kinds of possibilities, and finally the Appropriations Committee has come up with a formula that I think we can buy.

The original bill was to have money distributed on the per capita basis. That soon went down the drain because the Maine Teachers Association appeared there and tried to compare the amount of money that Wiscasset would receive compared with the Town of Richmond; same size, same number of dollars, but entirely different evaluations. Then the thought was to work in some tax effort. And believe me, we explored all possible tax effort formulas. We started from the lowest to the highest in groups of ten, in groups of quarters, all sorts of different distributions. Eventually, they came up with this one which I think is eminently fair.

I heard the remark that this was going to be for the larger cities. If you will open up your fact sheet, the first six or eight towns — Abbot, Acton, Addison, Albion, Alexander, Alfred and Allagash — I wouldn't call those exactly large towns.

Under the telephone tax which is distributed on the per capita basis, those towns would receive \$2.30 per inhabitant. Under this formula, you read the second line and it gives the per capita under this formula. I enjoy looking at Allagash. Allagash under the old formula, the tax rate — the per capita basis would receive \$1,048.80; under this, \$5,640.72. I don't consider Allagash the largest place in the state.

I think you can find in here the 40 towns that do not receive as much as they had been getting under the telephone tax. But by far the greatest majority, all of the rest of the towns are receiving more.

To find out what happens to your town, all you need to do is take your population, multiply it by \$2.30, which will give you the amount of money that you will receive this year; multiply that by \$5.20, and you would find the amount that you would receive with this added money brought in. Any amount over \$2.30 will be an increase to that town. Any amount over \$5.20 would be even a greater amount, because of the tax effort.

I think this is fair. I think we have an opportunity to make a real progressive step to relieve some of the property tax. And I certainly urge that you support it.

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

Mr. GILL: Mr. Speaker and Members of the House: I think that this legislation has been covered quite well. I would only like to comment, at the public hearing there I believe was as much if not greater support from your so-called small towns. And it has kind of concerned me here that they brought up the question of the small town against the large community. I certainly had hoped that this day it had passed in the Maine Legislature, because certainly if it is not passed we are in trouble.

But I feel the majority of the legislators, they still want to do what they think is best for the greatest number of people in Maine. Just as Mr. Jalbert had said, a lot of our communities did not gain a lot out of the passage of the Sin-

clair Act. And I understand that the gentleman from Dixmont was concerned where this is based on state valuation. I believe the gentleman that drew up the formula for the school subsidy formula, that also is based on state valuation.

I would like to remark that it is unfortunate for the gentleman from Southport, Mr. Kelley, that they would only receive \$1.64 one year, \$1.73 the next. But I would point out that their tax effort is 14 mills. And for a community that is showing that amount of tax effort I can't see how they would expect to share in tax revenue sharing to the extent of some communities that are expending much more effort.

I will mention this again. Someone called this a lackluster legislature, and I certainly feel that if we can pass this, this would be one of the most important pieces of legislation that has been passed here.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: For Mr. Gill's information, we are in trouble. This is just another round in the many rounds that have been fought in this legislature over the years. I have not had the personal experience of being here on all of them, but I have had to follow it because I have been interested in town affairs and close to politics.

Something that has not been recognized here, except in Mr. Mill-ett's very fine dissertation on this sort of bill—I asked Mr. Carey and Mr. Bragdon, and they evidently didn't hear the question, at least he didn't answer it, because here is the problem as far as your rural towns are concerned, and coastal towns, and towns that are around a lake and towns that are on rivers. The Tax Department has decided that beauty is wonderful. I agree with them, but it isn't — unless you happen to sell the land, and the Environmental Improvement Commission isn't going to let you do that, or the Land Use Commission. The Parks Department is buying it all up. These towns are being assessed way in the air as their industry and employment drops off.

I am not sure where Mr. Jalbert got his figures on Lewiston, but I have figures from the unemployment office down here that one of the towns that I represent, or as a matter of fact I think it is four of them averaged out, have an unemployment rate of 21.8. Now everyone around the state is screaming and all over the country when it is a six point rate. Our last town report had over three printed pages of close type of unpaid taxes. Just listings of unpaid taxes.

Now this is fine if you want to take the bodies in Portland and match them up with the bodies in Lubec, or Whiting or Cutler and give them some money. But it certainly throws out of kilter any effort that we have made in the past to equalize for educational purposes the efforts in the various communities. It throws out the educational formulas altogether. I am not too sure they shouldn't be thrown out, but at least the concept of equalizing the monies given to the towns to help them with their educational programs certainly will be gone in the next biennium. They lull you to sleep here in this one. And this is the reason I raised the question to Mr. Carey, what happens next time?

It is fine to say nothing happens now, but it will happen next time, and we will take one heck of a big cut, and every rural town will take a big cut. The increases will go to Portland and Lewiston and Waterville and Bangor, and that's fine. But where are we going to get off in these small towns when we are already spending 70 or 80 percent of our tax dollar on education, and these kids have to move out because our Department of Economic Development and some of our other agencies are trying to build up thousand acre industrial parks in another part of the state, and ignoring the needs of the people in these rural areas so that our children have to go to the city, to Bangor or Portland, or somewhere else to get a job after we have educated them for them in the small towns.

Now we don't like it this way, but this is the way it is. We have to face reality. And for instance I can be quite specific about —

Lubec has lost in the last few years, gone from 12 sardine factories down to four. There have been other losses beyond this, as far as value is concerned, and yet our valuation is creeping up each year, simply because we have a beautiful view down there. Come down and see it sometime, but leave some of the money with us, will you?

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

Mr. GILL: Mr. Speaker and Members of the House: I see where the gentleman from Lubec has told us that we are in trouble. It is the small towns against the larger communities. I certainly hope that this is not true, and over my four terms in the legislature I have supported legislation for a great number of small communities, a great number. And I certainly think that they need it.

He asked the question — he says, where do we get off? At this point, he can get off anywhere he wants. I would go on to make the statement too that he asked the question which evidently Mr. Bragdon did not reply to, or Mr. Carey, and he says what happens in two years? As far as I am concerned, what happens in the next legislature will be just what the people in this body want to happen. And I assure you, I don't believe they are going to want a cut in the area of school subsidies.

As I have said before, I don't think I have said it on the Floor of the House. I may have said it in a caucus trying to straighten some people out, that I have got a great deal of respect for all of the people that are members of this Legislature, and I am not afraid of what the actions are going to be. I know we may consider we are that much smarter than what the next group are. I have been here four terms. We are no brighter than we were when we came. In fact, I think some of us are less bright to want to come.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I have a reasonable request to make, and I hope that when I get

through making the request that I have a few friends left.

I happen to be one of those that — before I start, I ought to say that I am not opposed to the formula, and I have no intentions of opposing it. I am one of those individuals here that represents some unorganized territory, and unfortunately this just occurred to me while I was sitting here. If we are going to be taking in the future four per cent of the corporate income tax, and the individual income tax, and also sales tax revenues that the State acquires, I wonder if perhaps we could not work out a machinery somehow so that those people, for example, like Sinclair and Connor, and some of them. For example, Sinclair has as many people as many of the towns, probably a fourth of the towns that we have within the State of Maine, whether or not we could set up a machinery whereby these people could receive some of the money that the communities of lesser number would also be receiving.

Now I don't know, maybe there is a valid reason as to why this cannot be. Because if we use the income tax and sales tax as a source to fund the four per cent, obviously they are helping to pay for that four per cent share. And perhaps they ought to also receive some of the benefits back in return.

Now I don't know, I certainly do not advocate at this point tabling it to put an amendment on, because it can be done in the other body as well. But I am just raising it now so that some people could think about it, and then we might be able to just work out something that would work.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker and Members of the House: Knowing this was going to take place, and coming from a rural area in Washington County, there was something that some of the older folks had told me that bothered them. And I would like to read something, and it probably makes more sense to people who have been here before. And that is, back in the 104th Legislature

they authorized a bond issue in the amount of \$22 million. At the time the actual vote was taken, and the bond issue passed, the intent of the Legislature was expressed — and this is as written, I believe, and the intent of the people was expressed when they voted their approval for payment of educational subsidies to all of the school units, both in the cities and rural areas of Maine under the existing formula.

At the time both votes were taken, however, following approval by both the 104th Legislature, and then by the people of Maine in a special session of the legislature, decided to change the formula, and thus change the allotted amounts to the individual school units throughout our state. This was done after all of the people of the State of Maine had voted in referendum, believing that all of the school units were going to receive general purpose aid under the formula that was presently existing, and that the reason for this bond issue was to place the State on a monthly payment basis instead of paying a subsidy every six months.

Remember, it was only after the vote was taken and the bond issue assured that the signals got changed, resulting in most cities getting more and most of the rural areas of Maine getting less than they had anticipated. In addition to this, the formula even now remains the same. And while the Current Services budget, which we have just passed and which has been signed by our Governor, omits the school subsidies which we are now trying to put in this revenue sharing bill.

I, from a rural area, naturally I am representing my constituencies, would hope that there were safeguards protecting the rural areas on revenue sharing, and not let something which I have just read happen again, where we in the rural areas end up with less of the subsidy because of a formula change and the urban areas do better, even though I think you will find the rural areas do need the help. I would like to say, I do support revenue sharing.

The SPEAKER: The pending question is passage to be engrossed.

The Chair will order a vote. All in favor of Bill "An Act Establishing a State - Municipal Revenue Sharing Program," House Paper 1428, L. D. 1859, being passed to be engrossed as amended will vote yes; those opposed will vote no.

A vote of the House was taken.

105 having voted in the affirmative and 6 having voted in the negative, the Bill was passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

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

Resolution proposing an Amendment to the Constitution Classifying Bailable Offenses" (H. P. 852) (L. D. 1165) the Speaker appointed the following Conferees on the part of the House:

Messrs. GAGNON of Scarborough
BUNKER of Gouldsboro
Mrs. BOUDREAU of Portland

Mr. Hawkens of Farmington was granted unanimous consent to address the House.

Mr. HAWKENS: Mr. Speaker and Ladies and Gentlemen of the House: This is a communication that I had presented to me by the President of the University of Maine at Farmington.

"Dear Representative Hawkens:

In answer to your inquiry regarding the statement made by a colleague of yours in a speech on the House floor, that the University of Maine Board of Trustees had purchased a house to be used as a residence for the president of the University of Maine at Farmington, I wish to submit the following facts:

The speaker was misinformed. The Board of Trustees has not purchased such a house nor has this ever been considered by them.

However, after more than a year of study, the Farmington University of Maine Alumni Council, on June 5, presented a proposal to the 300 assembled UMF Alumni at Farmington to purchase a private house in Farmington and present it as a gift to the college. The alumni in their regular business meeting, approved such a gift. The funds to be used were alumni funds gathered over several years as donations.

On June 10, the University of Maine Board of Trustees, informed about the alumni action, officially indicated their willingness to accept such a gift and use it for the purposes stipulated by the donors.

At present, the UMF Alumni are still negotiating the purchase of the property.

The house, when presented to the college will be an outright gift to the University of Maine. No University funds will be used to purchase the home.

The building now serving as the president's residence will be utilized for offices for the alumni secretary, director of public information, and other administrative personnel.

Respectfully,
Einar A. Olsen
President

Mr. Dyar of Strong was granted unanimous consent to address the House.

Mr. DYAR: Mr. Speaker and Members of the House: On the floor of the House I made the statement that the gentleman from Farmington, Mr. Hawken is referring to. This information came to me by classified employees at the University of Maine Farmington as

a defense for their pay increase before the trustees of the University of Maine. I was told that the money was coming out of taxpayers' money to buy this house for the University president.

I will also state that the money that was raised in the 104th Legislature, a sum of \$90,000 was used to purchase land in Farmington. This land took considerable fill and a lot of pile driving because it was on the side of a hill and in a swamp. We also passed an appropriation for the University of Maine in Farmington for the sum of \$100,000 this week for more land acquisition. Now here is \$190,000 in the last four years for land acquisition in Farmington.

Now when I am told by classified employees at the University of Maine in Farmington that this \$50,000 was taken out of state funds, I took them at their word. I still wonder where the alumni of the University of Maine at Farmington, where they are going to come up with this \$50,000.

On motion of Mr. Maddox of Vinalhaven,

Adjourned until nine o'clock tomorrow morning.