

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

Monday, January 31, 1972

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

Prayer by the Rev. Mr. Sumner Morrison of Augusta.

The members stood at attention during the playing of the National Anthem by the Ellsworth High School Band.

The journal of the previous session was read and approved.

The Speaker announced the presence of Mr. Bedard of Saco who had been recorded absent on the organization roll call. The Speaker, under Rule 8, assigned seat number 152 to that gentleman.

Papers from the Senate

From the Senate: The following Communication (S. P. 743)

State of Maine

Department of Education

Augusta

January 25, 1972

To: Members of the 105th Legislature (Special Session)

From: Christo Anton, Chairman, State Board of Education

Subject: A study conducted by the State Department of Education, Bureau of Vocational & Adult Education, on the need to expand vocational secondary and adult education in selected regions of the State

The 105th Legislature ordered the State Board of Education to determine the geographic locations for any proposed new regional technical vocational centers in Maine for those students and adults not served by the existing centers and to report its findings at the next regular or special session of the legislature.

This study identifies those areas of the State not currently receiving such services and divides them into geographic regions suited to a centralized administration of programs. In this study a new approach was designed for providing vocational education to Maine citizens on a regional basis.

This approach

1. provides for cooperative administration of vocational pro-

grams by participating schools within a region. It is expected that this approach will enhance the image of the Center as belonging to all within the region, providing greater commitment to the program and making available more resources

2. utilizes existing facilities in each region of the State which, in turn, makes a cost saving to the State in the construction of new facilities. This study requires that in the first phase of implementation all existing resources must be utilized
3. emphasizes the decentralization and mobility of programs to overcome problems of distance, and
4. requires comprehensive planning to insure that future program development will be based on realistic considerations.

As Chairman of the State Board of Education, I present this feasibility study to you for your analysis and consideration.

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.

Reports of Committees

Ought Not to Pass

Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to Municipal Regulation of Snowmobiles" (S. P. 698) (L. D. 1879)

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

Leave to Withdraw Covered by Other Legislation

Report of the Committee on Natural Resources on Bill "An Act to Include Certain Waterfront Area Developments within the Site Location of Development Law" (S. P. 703) (L. D. 1884) reporting Leave to Withdraw, as covered by other legislation.

Came from the Senate read and accepted.

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

Ought to Pass

Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act relating to the Change of Name of Junior Achievement of Greater Portland, Inc." (S. P. 699) (L. D. 1880)

Report of the Committee on Transportation reporting same on Bill "An Act to Make Additional Allocations from the General Highway Fund for the Fiscal Year Ending June 30, 1973" (S. P. 708) (L. D. 1889)

Report of same Committee reporting same on Bill "An Act relating to Traffic-control Signals" (S. P. 722) (L. D. 1994)

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

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

Ought to Pass with Committee Amendment

Report of the Committee on Legal Affairs on Bill "An Act relating to the Regulation of Private Detectives" (S. P. 702) (L. D. 1883) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-319) was read by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the Bill.

Orders

On the motion of Mr. Trask of Milo, it was

ORDERED, that Mr. PAGE of Fryeburg be excused from attendance for the duration of his illness.

On motion of Mr. Porter of Lincoln, it was

ORDERED, that Mr. TYNDALE of Kennebunkport be excused from attendance for the duration of his illness.

On motion of Mr. Faucher of Solon, it was

ORDERED, that Rev. Herbert Reid of Fairfield be invited to officiate as Chaplain of the House on Tuesday, February 1, 1972.

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

Mr. DAM: Mr. Speaker, I would ask if the House is in possession of House Paper 1533, L. D. 1976?

The SPEAKER: The answer is in the affirmative. Report of the Committee on Legal Affairs on Bill "An Act Permitting the Sale of Mobile Homes on Sundays," House Paper 1533, L. D. 1976, reporting that it be referred to the 106th Legislature.

Mr. DAM: Mr. Speaker, I move that we reconsider our action of yesterday whereby we accepted the Report and I would speak briefly to my motion.

The SPEAKER: The gentleman from Skowhegan, Mr. Dam moves that the House reconsider its action of Friday, January 28, whereby the House accepted the Committee Report. The gentleman may proceed.

Mr. DAM: Mr. Speaker and Members of the House: The other day I let this go by because I wasn't really prepared, I didn't figure it was coming right up that day. But the reason for our entering this bill was not to expand the operation of any business on Sunday.

If you would read the bill, you will see where it refers to Section 3203. Now going down into the very next section of the law, 3204, you will find where it says Holy Days and businesses and traveling or recreation on Sunday. Now as the present law stands you can sell just about any trailer that you want to sell with the exception of a mobile home.

Now in the case of a mobile home there has never been any test of the law to decide in the State of Maine what a mobile home actually is, and I am talking primarily in this bill about allowing the dealers to sell a single unit mobile home that is transported on wheels. There are mobile homes that are built in two

and three pieces and these are still considered mobile homes; these can be sold on Sunday. Real estate dealers can stay open on Sunday, unless there is an ordinance in their community that would prohibit them. You can sell boats and boating equipment, boat trailers, skidoos, skidoo trailers, anything you want on Sunday except a mobile home.

Now I feel that this is not being quite fair under the law when you say that some people can sell a certain home but others cannot.

In the February issue of the American Legion Magazine there is quite an article on mobile homes and they used the word—they were speaking of modular mobile homes, that these modern factory-made homes are variously called modular or mobile homes. Now if we can allow modular homes to be sold in the state we should allow mobile homes to be sold in the state.

It also says that the terminology on the mobile home field today is confusing and the industry has been trying to straighten out a language that grew like Topsy from the original trailer business. In common language they are all mobile homes, because complete multi-units of homes are hauled to the site.

Now the only thing that this law would do is not to expand actually as far as allowing anyone to do business on Sunday; it would merely allow the person that sells a single unit home to stay open on Sunday if he so desired. And this I don't feel is anything wrong; I think it takes away the discrimination in the trailer business. Since they are all classed in all the publications as mobile homes, but we do in the State of Maine allow modular homes to be sold, then I would hope that we would reconsider this bill so that I could substitute the bill for the report.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen: We heard this bill in Legal Affairs, there was very little testimony. Because of the fact that there is some magnitude to this bill and due to

the fact that about the only thing according to the law that can be sold are automobiles and mobile homes as defined—I don't know the definition myself, and that this was a special session, we felt that a problem of this magnitude should be taken up during—that where this was a special session that a problem like this should be taken up during the next regular session and so that due study and thought and testimony could be given it, and so that the Legislature could make its mind up—even to the point that perhaps in the wisdom of the next Legislature they will prohibit the sale of module homes or real estate on Sunday.

Because if we continue in the trend that we are going then everything is going to be opened up and perhaps this is what the people want. If it is, fine and dandy; but I don't think that on such short notice and in this time and place that it is the proper time to do it, so I would hope that you would vote against reconsideration and let this go to the next legislature.

The SPEAKER: The pending question is on the motion of the gentleman from Skowhegan, Mr. Dam, that the House reconsider its action of the last legislative day whereby it accepted the Committee Report. If you are in favor of reconsideration you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

53 having voted in the affirmative and 65 having voted in the negative, the motion to reconsider did not prevail.

House Reports of Committees Ought to Pass Printed Bills

Mr. Bartlett from the Committee on Public Utilities reported "Ought to pass" on Bill "An Act Increasing Borrowing Capacity of York Sewer District" (H. P. 1499) (L. D. 1941)

Mr. Emery from same Committee reported same on Bill "An Act relating to Filling Vacancies in Board of Trustees of Sanford Sewerage District" (H. P. 1501) (L. D. 1943)

Reports were read and accepted, the Bills read twice and tomorrow assigned.

Passed to Be Engrossed

Bill "An Act relating to Property of the Seed Potato Board" (S. P. 719) (L. D. 1992)

Bill "An Act to Authorize Counties to Adopt a Food Stamp Program" (H. P. 1460) (L. D. 1903)

Bill "An Act Increasing Funds for Lincoln County Court House Capital Improvements" (H. P. 1461) (L. D. 1904)

Bill "An Act relating to Penalty for Dogs Killing or Wounding Wild Animals" (H. P. 1470) (L. D. 1913)

Bill "An Act relating to Closed Season on Deer on Swan Island, Hancock County" (H. P. 1472) (L. D. 1915)

Bill "An Act relating to Authorized Equipment Purchases at the Bangor State Hospital" (H. P. 1474) (L. D. 1917)

Bill "An Act Correcting an Inconsistency in the Pharmacy Laws" (H. P. 1475) (L. D. 1918)

Bill "An Act relating to Loans to Candidates for Practice of Osteopathic Medicine in Maine" (H. P. 1476) (L. D. 1919)

Bill "An Act relating to Change of Name and Powers of Anson Academy" (H. P. 1484) (L. D. 1927)

Bill "An Act Providing for the Observance of the 200th Anniversary of the American Revolution" (H. P. 1503) (L. D. 1945)

Bill "An Act Creating a State Employees' Suggestion Awards Board" (H. P. 1507) (L. D. 1949)

Bill "An Act Imposing a Tax on the Unorganized Territory Within the Maine Forestry District for Spruce Budworm Control" (H. P. 1510) (L. D. 1952)

Bill "An Act to Exempt Incorporated Volunteer Ambulance Corps from Sales and Use Taxes" (H. P. 1511) (L. D. 1953)

Bill "An Act relating to Veterans Preference in State Employment" (H. P. 1516) (L. D. 1958)

Bill "An Act relating to Educational Assistance for Certain Widows, Wives, Orphans and Children of Veterans and Wives and Children of Prisoners of War" (H. P. 1519) (L. D. 1961)

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

Third Reader

Tabled and Assigned

Bill "An Act to Amend the Laws Pertaining to the Protection and Improvement of Air by Establishing Ambient Air Quality Standards" (H. P. 1549) (L. D. 2008)

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

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The Attorney General's office has notified us that there is a mistake in the bill; there must be an amendment. So I would request that someone table this for one legislative day.

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

Bill "An Act to Revise Certain Laws Relating to Banks" (H. P. 1559) (L. D. 2019)

Bill "An Act relating to Property Tax Exemption of Certain Pollution Control Facilities" (H. P. 1560) (L. D. 2020)

Resolve in favor of Cole's Express for Truck Damage (H. P. 1490) (L. D. 1933)

Resolve to Reimburse Mrs. Clarisse Fournier of Jackman for Property Damage due to Highway Maintenance (H. P. 1491) (L. D. 1934)

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

Third Reader

Tabled and Assigned

Resolve Providing a Minimum Service Retirement Under the State Retirement Law for Marion Gates of Phillips (H. P. 1520) (L. D. 1962)

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

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

Resolve to Correct an Error in the Service Retirement Allowances Under the State Retirement Law for Linwood A. Webber (H. P. 1521) (L. D. 1963)

Resolve Providing a Retirement Allowance Under the State Retirement Law for Mrs. John Howe (H. P. 1522) (L. D. 1964)

Resolve Providing a Minimum Service Retirement Allowance Under the State Retirement Law for Leo G. Bartlett (H. P. 1523) (L. D. 1965)

Resolve Providing a Minimum Service Retirement Allowance Under the State Retirement Law for Emil Arsenault (H. P. 1524) (L. D. 1966)

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

Amended Bills

Bill "An Act relating to Filing Final County Estimates after Adjournment of the Legislature" (H. P. 1459) (L. D. 1902)

Bill "An Act relating to the Community School District Law" (H. P. 1463) (L. D. 1906)

Bill "An Act relating to Use of Artificial Lights for Lighting Game" (H. P. 1471) (L. D. 1914)

Bill "An Act relating to Kents Hill School" (H. P. 1489) (L. D. 1932)

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

Third Reader

Tabled and Assigned

Bill "An Act relating to Speed of Motor Vehicles on Freeways" (H. P. 1513) (L. D. 1955)

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

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

Orders of the Day

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

Joint Order re a tax study.

Tabled—January 28, by Mr. Martin of Eagle Lake.

Pending—Passage. (H. P. 1561)

Mr. Martin of Eagle Lake offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-516) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: The amendment basically does four things, and I would like to review them with you so that you might have some knowledge of what is transpiring.

First of all, the amendment changes the word "House" to "Senate" concurring, because that is the way an order transpires. We certainly don't pass it here and then pass it a second time, which is the way the order was drafted.

Secondly, we have increased the legislative membership from seven to eight, meaning therefore that the House of Representatives would have five representatives rather than four. And you will also note that there are seven persons to be appointed by the Governor to represent certain specific areas, to represent the public, industrial, business, labor, banking, municipal and educational interests. Now this is done for a very good reason. It is done with a desire so that there is broad participation in the way that the bill or bills are drafted, in such a way that when they come back to us there will be broad support for them, because it is possible for seven legislators to get together and draft a bill that no one is willing to accept and at the session to have the AIM or the MTA or the MMA come in and say that this is unacceptable, it won't work. Therefore, if we have their input at the same time that we are drafting it, I think it is a good way of avoiding problems.

And finally, the last amendment changes the amount of money that a legislator would receive from

\$25 to \$20. Basically this is the highest amount that any legislator receives when he is on state business, and so it is merely conforming to that provision.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: Probably you have figured out that there have been some conferences on this order between the Minority leadership and Majority leadership, and I don't know that anyone is happy with every feature of this order, but the leadership of the two parties feel now that they each can live with it. I think the predominate consideration is the great need for this order. I doubt that we can easily conceive the possible impact of a situation we are getting into where probably the courts in this state will find, as they have in other states, that the property tax is an unconstitutional base for financing education. If we do get the same decision as other states are getting, there will be something like \$200 million of property tax money that will be in limbo here in the State of Maine.

Now I know that there are reservations in the minds of some of you about the appropriation of \$10,000 for the purpose of studying this problem. That reservation may be expressed again here today.

Now first off I would like to say this, that the only study committee that I have ever been a member of which had an appropriation of — I believe it was \$25,000 for a study of the Highway Department and all its functions here in Maine. I think that our final expenditures were some twelve to thirteen hundred dollars. What I am trying to point out is that even though we seem often to doubt ourselves, actually the legislators here in Maine are pretty responsible people, and it doesn't disturb me at all that there is \$10,000 authorized. I don't think there will be a dollar spent that isn't warranted.

Now if you are still concerned about \$10,000, let me mention something else to you. You all have a pencil and a piece of paper, you

figure it out, and if you spent the whole \$10,000 for the determination of what you would have from this property tax money for one year it would amount to the same thing as appropriating one dollar to determine how \$20,000 would be spent. Now if you question this, take your slide rule or your pencil and figure it out. I think you will find this is true.

I am mainly trying to point out that this is a very major problem that we will be facing in the 106th Legislature of the State of Maine, what to do with our property tax and how to finance education. I think our annual cost on financing education is approximately the same amount as what our annual property taxes—about \$200 million, again. Of course this comes some from the state and some from municipalities, but it is a major thing.

There are those who have said to me, and I am sure that there are some feeling here today, well why have a special committee, we have the Legislative Research Committee. I think we have already established that the scope of this problem is so large that it certainly warrants the special attention and exclusive attention of a committee set up especially for this purpose. I certainly hope that you do give this order your support. I think it is one of the biggest accomplishments we can attain in this special session of the 105th.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I can truthfully say that when this argument started I did not intend to get into it. However, I think perhaps — I might say further that probably it is useless for me to express my views, inasmuch as our leadership has already informed us that they are in agreement, we will say, with the findings of the order. I think that my position more would be along the line perhaps of the necessity of this Legislature concerning itself with the problems of the next.

Number one, we do not even know what the provisions, we will say, we do not know at this stage

of the game what the findings of the Court are going to be. We don't know what type of a ruling they will make with regard to property tax, whether it is going to be a combination of property tax, income tax or what have you.

Number two, I would say this, that this matter that we are discussing in this order is becoming great enough in scope so that it is affecting not only the State of Maine but the whole country. In my opinion, before decisions are finally made on this I think we might well assume that the Supreme Court of the United States will become involved and that more or less the whole thing will be perhaps resolved eventually, more or less in line with a nationwide basis, rather than each state attempting to jump into it quickly and resolve it on their own.

So I think what I am saying is that I fail to see the need really of this study at this time, or attempting we will say to set up a tailor-made, ready-made program for the 106th Legislature. I assume that capable men and women are going to be elected in that legislature and that it will probably extend over a period of five to six months, that by that time the Court's decision will have been before them, which is not before us. We are jumping at conclusions; this committee will have to jump at conclusions.

I don't know that I am about to make any motion, but I am hopeful that these remarks that I have made may bring about perhaps more debate, I don't know as I am ready at this stage of the game to attempt to get you to vote down the order; however, I feel that it is an unwise order for this House at this time.

The SPEAKER: The pending question is the adoption of House Amendment "A". All in favor of the adoption of House Amendment "A" will vote yes; those opposed will vote no.

A vote of the House was taken.

104 having voted in the affirmative and 14 having voted in the negative, House Amendment "A" was adopted.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am very happy, for the gentleman from Pittsfield, Mr. Susi's sake, that I had a discussion with him before the session and gave him my objections to this order in part, and he repeated them, such as the fact that the Research Committee can't do this, such as the fact that the \$10,000 is a high sum of money.

In his remarks the gentleman from Pittsfield, Mr. Susi, says to us the most important thing at the next session of the legislature will be this problem we are taking up now. I am going to correct the gentleman from Pittsfield, Mr. Susi, and I am not going to tell him by just picking numbers out of the air, I am going to tell him with facts. He can check out with the Finance Office of the Legislature and with the Controller's Office.

Let me tell you the most important thing that we are going to be faced with at the next session of the legislature, and that is \$54,900,000 in monies that we are committed merely to keep the store open. Breaking it down, if you remember, in order to balance the budget at the last session of the legislature, at this session of the legislature, the Governor included an item which amounted to \$17.1 million for debt retirement and bonded indebtedness. That was taken out of surplus. That sum of money now, tacking on the interest of \$800,000 and the additional interest due to interims of authorized bonds of this biennium, tacking on another \$5 million makes this debt retirement and interest, \$22,900,000. The educational subsidies that we are committed to the cities and towns, the amount appropriated by the 105th Legislature for this account was \$109,700,000. With additional adults attending schools and increased costs on the local level, the State's share is going to go up at least \$10 million.

Your relief to the elderly which all of us voted for for the second year of the biennium, it is a program now that will be a full biennium program, the cost would be, and I hope, I think it's such

a fine program that I even hope that it goes up at the next session. But the present cost to keep the store open, because we only finance this for the second year, will be \$3,500,000. The revenue sharing program which we passed, which I still don't know how it's going to be administered, will take out 4% from the entire take of the sales, the corporate and the personal income tax, and that amount there is \$10 million.

So that we are now faced with, just to keep the store open for the next biennium, with no raises for anyone, no new jobs, no new travel money, no new increase of the average, at least 5% of the cost of living, will amount to \$54,900,000, which has already been built in before we even sit in, or those that do sit in at the 106th session, take their oath of office. Bearing in mind that the 100th Legislature went 16.3% over the 90th, the 101st went 17.2% over the 100th, the 102nd went 26.2% over the 101st, the 103rd went 23.6% over the 102nd, the 104th went 37.3% over the 103rd and the 105th went 22% over the 104th.

Now, in my personal opinion, what I would look forward to at the 106th would be getting our monies through a better economy, which would give us more to our existing revenues, the possible takeover of some programs on the Federal level. If President Nixon is going in one direction, and I'm not taking issue with his direction, Wilbur Mills is taking issue in another direction, and all parties involved agree that it will have to be worked out in committee which takes time, and I have talked to some of these people, not the President, I have talked to some of the people involved, Wilbur Mills specifically, I have talked to other members of the Congressional body House and Senate.

The SPEAKER: The Chair would interrupt the gentleman to inquire whether he is debating for passage or indefinite postponement.

Mr. JALBERT: Well Mr. Speaker, number one, I have not made a motion.

The SPEAKER: The subject matter before us is the passage

or indefinite postponement of the order. Would the gentleman confine himself to that under the rules.

Mr. JALBERT: Under the rules, Mr. Speaker, I feel I am confining myself to that because of the fact, if I may humbly suggest to you that I am talking finances. In any event, if I am out of order again on this subject, so be it, but let me make this statement here and now. I will move for the indefinite postponement of this order and when the vote is taken, I move that it be taken by the yeas and nays.

Four years ago, I presented a bill for a half cent on the sales tax. The bill was defeated. One minute after the bill was defeated, I predicted we would be back in six months and we would pass a half cent on the sales tax. The only difference between the bill would be my name would not be on it. My name was not on the bill, the very same bill was passed. In the meantime, we lost some \$7 million in revenue by losing our summer money and our December money on the sales tax.

At the 103rd Legislature, I predicted when I voted against the big bankers not being against the concept of an income tax, but I predicted that I was against it because the package was too big and we would wind up with at least \$25 million in surplus. I was wrong. We wound up with \$40 million in surplus.

But staying now to this order, we have with us in the person of Ernest Johnson, the head of our Taxation Division, one of the best tax minds in the country. We have the Research Committee, we have the Taxation Committee, headed in the House by the very capable gentleman from Bath, Mr. Ross, and other gentlemen who are on this committee. It's only two years ago that the Appropriations Committee met oftentimes to adjust programs. It's only since we adjourn this session that the State Government Committee met 27 times to adjust the reorganization bills. These same Committees can come into order.

In any event, since the 103rd, I have not dug this hole for myself, and I didn't dig it for myself at

the 104th, I didn't dig it at the regular session of the 105th, and I am not going to dig it at the special session of the 105th or any other subsequent session for the poor individuals who will sit here to have to pick up the freight that has already been built in for them. And Mr. Speaker, I think it is a matter of record that in spite of the fact that the leadership of both parties have come into accord with this thing, the fact of the matter is, as far as I am concerned, when it comes to finances, to a more than general degree, I cast aside party affiliations. I think we have got several other items that we can draw the party line on.

And this item, this order, Mr. Speaker, even as amended, is a wrong order. And as I said Friday, this is a pampering order. We have the tools right here to do this with. We have an incoming Legislature. We can't stargaze as to what is going to happen in Washington. They don't know themselves. And they are not about to do it tomorrow morning either. I am merely making a motion because I know that I am right in making it. And I know that as I predicted that we would come back to pass a half cent and we did, and I know that when I predicted we would have a large surplus, and we had a larger one, and we did. And I know that we built ourselves into \$54 million, and we have. I know that I will be right. If you have this study committee, I don't care if there is a leader of the Democratic Party or the leadership of the Republican Party, or the leadership of a third, fourth or fifth party that takes issue with me, I know I am right, I don't think so, and I have just proven it to you and when the vote is taken, I move it be taken by the yeas and nays.

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

Mr. EMERY: Mr. Speaker, and Ladies and Gentlemen of the House: Needless to say, I was very impressed by all the figures that we just heard from the gentleman from Lewiston and it makes me wonder where we are going to come up with the money to pay

for it all. Therefore, I think we need a study. The proposed amendment is satisfactory to me and I certainly hope you will all go along with passage of this very important order.

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

Mr. BRAGDON: Mr. Speaker, I think perhaps my remarks were a little bit premature; however, I am not disturbed at all as to the way the thing has developed. I want to thank the gentleman from Lewiston for having the courage to make the motion which I wondered whether I had the courage to make. He has taken the words right out of my mouth. And what I said previously, I feel that we are very much in agreement, I think that this Legislature is concerning themselves with matters that should completely be the sole concern of the next Legislature.

They are going to have plenty of time after the Court rules and after we know what some of the decisions that are likely to come out of these Court rulings they supply are to be, then they are in a better position to judge than this committee is going to be to sit down in the interim and attempt to come up with decisions as I said before ready - made for the next session of the Legislature. Let us stop concerning ourselves with the problems of the next Legislature and go along with the motion of the gentleman from Lewiston, Mr. Jalbert.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: As the Chairman of the House Taxation Committee, I would just like to say one thing to Mr. Jalbert, of course he knows, we do not meet when the House is not in session. I agree with him that Mr. Johnson is a very capable tax man. If we are going to need \$54 million, we certainly need some good committee to find out how we are going to get it. Now I personally think that the greatest thing for the State of Maine is how in the world we are going to start cutting down every year. You heard

Mr. Jalbert recite the percentages that we increase year after year after year. Sometime there must be an end. Perhaps the committee on reorganization will have that answer, I hope so.

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

Mr. JALBERT: Mr. Speaker, I believe the fine young gentleman from Rockland, Mr. Emery, answered my own points when he said I wonder where we are going to find the money. That is the job of the Taxation Committee of the next session of the Legislature. It is up to them and they can do it, and they have done it very ably to come up to the hall of the House and the other branch with whatever programs they deem fit, that they want us to accept or reject.

Now I would take a leaf from the book of the good gentleman from Bath, Mr. Ross, and I would like to see another order after this is killed, if it would be killed, that would make a study of economies in State Government. That is where the people are today, up to here. And I don't mean the very poor people, because there will be some other programs that will come up to satisfy them. I don't mean the very wealthy, because they have got lawyers, they have got accountants and they can well take care of it. I mean the middle class person, the one who pays through both nostrils, that is the fellow that gets no protection.

And instead of seeing such an order, which is very much premature, I would like to see us in view of the existing financial dilemma that we are in. I would like to see an order come up to see where we could find economy. I think it would be more befitting than coming up with a program as to study the tax packages and tax programs of the State because I can assure you of one thing. I well remember talking to one of the associates of the Sly Report and I said to him in Orono, I said you know, back last July, you and I had the pleasure of having lunch and you told me that you would be ready to come up with a report very shortly. And at the time, incidentally, it looked as if Frank Cof-

fin running for Governor, as they would talk in the parlance of the track, a fifty - five length fuzzy winner.

Well as time went on, and as the Sly Committee made their studies, the thinking changed and we wound up at Orono where we used to have our Pre-Legislative conferences. And if you ever saw a report change when election changed from one party to another, the party that endorsed the income tax, humbly my own party, if you ever saw a report change from that to the sales tax, believe me sisters and brothers of the congregation, it didn't take long for that to change, indeed, and we have been living with it ever since.

I would like to see this monstrosity put to rest finally, in spite of the good thinking of the good leadership of both parties and come up with another order that would set up a committee of House members, Senate members and public representatives to study economies in government. I think we'd fit in much better in that area.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I am also a member of the Taxation Committee and I wonder which we could do the cheapest, if we could have a committee of ten to make a study or whatever the number of committee members is on this, make a study of a tax and the amount of tax that is needed over the summer before the 106th meets or whether it would be cheaper to run it into the legislature of the 106th and not let us try to make it when it is costing us \$10,000 a day. Because the Taxation Committee cannot make a study like this during this session, it has got to be something else.

I was against this order when it first came out, but after talking it over and looking some papers over since dinner, since the noon hour I should say, I find that this also is going to tie in with local taxes probably some day with the state financing the education program. So I think that the only possible way it can be done is with a study,

and I hope you will vote against the motion to indefinitely postpone.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: During my tenure at this body, I have seen this able body cross a lot of what I consider large bridges to the satisfaction of its majority. We have lived with it and Maine people have lived with it. And I am sure since the next incoming legislature if we have a problem we will cope with it the same as we have in the past.

Since I have been here we have had several raises in the sales tax, passed an income tax, and I mean sure if there are more taxes or adjustments to be made this would be done in this body, and it will be done in this body, and I don't think it is right for us to anticipate or attempt to do the work of the legislature that is coming in next January because I am sure that this legislature that is coming in will be intelligent people and they will face up to the problems like legislators in the past and they will take care of the problems at hand, and they may be many. They have been many in the past.

And for these reasons I wholeheartedly support the gentleman from Lewiston, Mr. Jalbert, in his motion. I know what he is telling you, what he is trying to tell you is true. He has been here a long time, he has dealt with the money matters of this state for a long time, and for my money he bears listening to. And although I seldom agree with him, this is one of the times that I do. I will make a note here on a piece of paper that I did have to agree with him, that I think he is right.

I hope this body will go along and see fit, these people that are trying to tell you or trying to reach you today are people that have been, like Mr. Bragdon from Perham who has been in this House, probably he is about the oldest, if not the oldest, member of this House. And he has been here and seen this House cross many big bridges, and the affairs of state keep growing; and he has also seen these monstrosities of build-

ings keep growing, and it seems they are making room for another big building.

So I agree that we probably ought to start somewhere in economy of government along the line, and that would be the type of order that we would need. But nevertheless, whatever the problems, whether it is economy or whether it is more money, our successors in the next legislature in January, that is going to be their problem and I know they will cope with it.

I don't think that we should get into it and generally speaking these study committees are put on file and I can take you down in the library and find you many of them on file like the Sly Report and many others. They cost a lot of money, accomplish nothing. I am going to make up my mind and disregard any report that I see because I am going to make my mind up, if I am here and have my health in January of next year, and I am going to make up my mind based on the problems at hand and not reports from some few people, or even twenty-five people or fifty people. I am going to make up my mind based on what my constituents in my area feel is needed to cope with the problems at hand. And I hope that the rest of the people that come back feel the same way, that they are going to deal with them in a similar manner.

So I do hope that this order will not receive passage.

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

Mr. McNALLY: Mr. Speaker and Members of the House: You probably realize that perhaps what is making my nerves just quiver a little bit over this debate is the fact that I come from the city Mr. Lamb comes from and I know from what went on during the income tax debates that there are a lot of people that are concerned with taxation.

When I vote today I am going to vote the way I think the people that elected me would want me to vote.

Now since I also have had slight tremors pass over me that maybe

I might run again for something, some kind of an office, I have perhaps more diligently read the state reports that you get in the magazines from State Government and also the governors, what they talked about in their different meetings that they have had.

And I find that this is the big thing, they are wondering what is going to happen supposing the Supreme Court does say like they have said in the other three states, that the present property tax is unconstitutional in order to finance education. They are wondering what is going to happen. But when they come down to the last part of the whole of it they are saying, "Well, we have got to wait and see how much is the federal government then going to help us out of the mess." And until I know somewhere near, like more learned people have been writing in those magazines and pamphlets than I know now, I shall certainly vote against this and wait and see what is coming on in the future and take things as they come day to day.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I think I will have to depart from my friend and most knowledgeable legislator, Mr. Jalbert, in this matter. I have had the great privilege of serving five terms on the Taxation Committee and I found out this, that in the heat of a regular session we hardly have time to deal with the matters that come before us. I know that my experience in the legislature for I think three times, when we have gotten to the end of a regular session trying to make up our minds about what kind of a tax structure we would have and whether we could get enough votes for this or that, that it became very hectic.

Now I think your betters would say very definitely that the Supreme Court will declare the property tax unconstitutional as the only method of taxing education, or the basic method. And I think it would be the part of wisdom if we should deliberate in advance and look over the possibilities in

our own tax structure of accommodating it to the things which we may be faced with. And as it has been mentioned, the Legislative Research Committee is certainly overcrowded with its business, and this is not an expensive committee that is being thought of. I think it would be the better part of wisdom and deliberation to have a committee to investigate the many possibilities and in fact the whole tax structure of the State of Maine.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I think I shall vote for indefinite postponement for this reason. I do not feel that the study is needed. I feel that the next legislature can take care of it. I know and you all know of several studies that have already been made. Associated Industries have a plan, there is at least one other plan prevalent.

Another thing which we should consider, and that is that it isn't as though this, if it is ruled unconstitutional for the property tax to be used as a basis for education, it isn't such a terrible catastrophe. It is the same people that are going to pay, regardless of how they are going to pay it, whether they are going to pay it as an income tax or a head tax or whatever; and until that time comes, I think we are morally in trouble and I don't see any reason for any additional committees to be set up for interim work.

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

Mr. SMITH: Mr. Speaker and Members of the House: With reference to the debate today, sometimes I think we stray momentarily at least from the real point of this order. If you will recall, in the last regular session I introduced a bill which was referred to a study committee which would have, if enacted — of course I never really expected it to be enacted anyway; it was just to trot the idea out and see what people think about it — would have funded primary and

secondary education from state sources.

Since that time a considerable number of courts, state courts, have simply said that funding primary and secondary education from the local property tax is unconstitutional. It is unconstitutional because it provides an unequal base from which to offer the children of this country educational opportunities. Discrepancies from one town to another have been found to abridge the constitutional rights of the children of this country. We have the same case now pending here in the State of Maine, and undoubtedly we are going to be faced with the same prospect that they are in other states; there is no real reason to think otherwise. But even aside from that, the system of taxation upon which education in this state has been based is just plain wrong, aside from its unequal educational opportunities.

Regardless of what the Court says this Legislature ought to take responsibility in the 106th to rectify the situation. It was said here today that the people of the state are upset over taxes. I believe they are upset over taxes. But they are upset over regressive, overly burdensome harsh taxes, and the property tax is the main object of this scorn. What we are talking about in this order is an attempt to rectify the situation.

So I hope that you will go along today with the passage of this order so that we can, in the long run, establish a fair and equitable system of taxation in this state. It is not going to be easy and we are going to have to have the support of all the major interest groups of this state, and that was the object of Mr. Martin's amendment today. So I hope that you will vote against the motion to indefinitely postpone.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think the order and the debate is premature. I don't believe the 106th will handle this question, I think very likely the 107th will be

the one to take over the task of public education. There is no doubt but what the decision will go to the Supreme Court. It will take time. When the decision is rendered, I am quite sure you are going to have a time lag between the time the decision is rendered and the time that it will go into force. If you think it is a monumental task in the State of Maine it is minor compared to what other states in the Union are going to face. It is something that cannot be done overnight and I think the order and the study at this time is premature because when we are faced or when the State is faced with the task of financing public education, the economy of the State and the economy of the nation may be completely turned upside down.

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

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen: First I would like to say that I agree completely with the remarks just made by the gentleman from Livermore Falls, Mr. Lynch. I think that they are very practical ideas that he has.

Secondly, I certainly would not be considered a legislative expert and particularly as far as special sessions are concerned. But it is my understanding that an order could be introduced on any one of our legislative days and I rather expect that we are going to be down here for four, six, eight weeks. If we need to introduce an order to this effect, we can do it. I am perfectly happy to have it come from the Republican leadership or from the Democratic leadership, but we could do it perhaps at a time a little bit more distant when we have had more opportunity to think about it.

I would suggest for their consideration, leadership of both parties — being rather immodest, but I am going to suggest it to them anyway, that a possibility of an order being introduced for Mr. Johnson at the Tax Department, whom I am sure we all agree is a very highly qualified man, an order directing him or requesting him to keep abreast of the situa-

tion, to review it, to give his thinking on it to the 106th Legislature, or perhaps as Mr. Lynch has suggested to the 107th. This would not cost us one penny and this can be done at any day that we are in session.

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

Mr. MILLETT: Mr. Speaker and Ladies and Gentlemen of the House: I don't think that we are all that far apart this afternoon, in spite of the fact that the debate has shown some disparities of points of view. I think that if you listen to the debate as I have, I have found it very interesting and very enlightening. I think that we are all talking about the same basic issues and now is as good a time as any to talk about those issues I believe. I have heard points of view expressed on both sides of the aisle and I just made a list of some things that I felt were being talked about.

We are discussing, and rightly so, what is the proper method of taxing, particularly those things that are held at the local level such as public education. Namely, should they be funded by the property tax or should they be assumed on a broader base tax, which may or may not be administered better at the state level.

Secondly, we are talking about what is the proper way to determine how to undertake a new program. Is it to have some outside agency study the problem, is it for this Legislature or the next Legislature to give consideration while in session? We are also talking about efficiency. We are talking about economy in government. We are trying to analyze what the people told us in the last November's vote on the income tax repeal question.

I don't think any of us have all of the answers but I think we are getting closer to the answer, to the real answer as I see it of the basic problem. The problem is people are telling us a lot of things, they want us to be more efficient. Why don't we make ourselves more efficient and provide us with the tools to properly study something, the answers of the hectic day to

day pace which we actually participate in in a regular or a special session?

I don't think anyone can deny it and I don't know as one man, whether it be Ernest Johnson or anyone, could properly give justice to this real serious problem. It certainly is not going to be the 183 of us in a month-long special session and I doubt in a six month long regular session. The problem is too big and it is a problem which has to be undertaken now because I don't think that the solution is six months or a year ahead of us. It may very well be one or two sessions ahead as my seatmate suggests but I think we ought to go as far as we talk about going to our constituents; namely, gear ourselves up to a proper avenue of study.

Don't expect us to do it under the strains and stresses of day to day work here, it just can not be done. And I think to say that it can be done is to kid ourselves. I also look at the question of what the people told us on the income vote, the income tax repeal question last November. I don't think that they were telling us that we are spending just plain too much money.

I am sure that many people have looked at that as an opportunity to tell us so and I think it is properly said. But I think they were hitting at the most regressive tax that they are asked to pay, the local property tax, and they were coming right out and they were telling us pretty clear that they are sick and tired and fed up with paying a regressive tax over which they have very little control. And they are telling us we better study alternate methods of providing for them the services they expect as citizens of the State of Maine and that we better do it through better and more progressive broad base tax methods.

Now whether or not we listen to a study is another question which kind of bothered me this afternoon. I think those of us who would undertake a study with any degree of commitment to it are a little bit disturbed to hear that studies are not read. Well if they are not read then we are kidding

ourselves, and I would admit to that. And I would admit that \$10 thousand probably would be a waste of money if we are going to come out with a full-fledged study report at some point next winter and that it does not get properly read and covered.

I don't think though, that that is the way most of us operate. If we really commit ourselves to recognize a problem and we undertake a vehicle of providing us, as amateurs, as Legislators, yes, but as amateurs, to solve a problem which we first must recognize exists, then I think we have a responsibility to commit ourselves with providing us with the proper analysis of the problem. Not only does it exist, but how can you analyze it, propose some solutions and at least try them out?

I am also concerned about the timetable of how you implement change. I think that you are all aware that the Governor and the Bureau of the Budget started putting a budget together along about September prior to a Legislative session, and that the local communities start preparing their budgets in October, November, December, and by the first of the year, when the 106th Legislature comes in, a lot of people are going to be right in the middle of a process of budget making at the local level.

We are surely not going to solve that for them right in the course of that winter, but if we have something to work on that will allow the 106th Legislature to give proper understanding of the problem and give serious thought to maybe something in the second year of the biennium, I think we could at least show the taxpayers that we are working, we are working along the line of their concerns, and we are doing it in a sensible fashion, providing us with the evidence and the information we need to make proper decisions and undertaking it in a fashion where we can give it the proper study that it needs.

I am not disagreeing with anybody. I don't really know as I totally support the method that is proposed here today. I think it has come upon us rather quickly and

I do not know that a fifteen member committee is any better than a five member committee. But I think from a political salability point of view, you would have to agree that before any Legislature accepts anything as sweeping as what we are talking about, it is going to have to be broadly representative not only of the Legislature and the political parties but of the general public. I think the time has come when we have got to get out of the past and really recognize the fact that we don't know all the answers and maybe somebody can help provide some of those answers so as to allow us to act more intelligently in the future.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I am proud to have been a part this afternoon in this debate. I think it is one of the most thoughtful debates that has been presented in this legislature in a long time. We are dealing with a very, very serious problem. It is much more than the increase that we get each time; it is going to be a major overthrow in the financing of government, as has been pointed out, in this state and in other states. I think it does warrant our attention.

There have been some reservations sincerely offered. I am not ridiculing anybody's arguments on this because there are very many viewpoints, but there are some reservations along the line today that it hasn't happened yet and therefore we don't need to argue them. And to me this comes through as the horse hasn't been stolen, which to me is a very poor argument.

Further, they have said that we might make all these preparations and then the need might not exist. I think we all recognize that it is better to be prepared for a need that doesn't develop than to face a need that you aren't prepared for. I think it is quite certain that we are going to be facing this need. I believe that the time is now on this order. There is no other place to place this responsibility. We are

it. There is no one else. We have to resolve this.

I don't think that we can come back in next session with some 1600 bills and during that resolve what is best for Maine. I think we have to make some preparations and if we don't have to use them I say we're going to be lucky. But I think we are going to have to use them. I hope that you defeat the motion to indefinitely postpone and support the order.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that this Joint Order as amended be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Berube, Brawn, Bunker, Call, Carter, Clark, Curran, Dudley, Dyar, Emery, E, M.; Fraser, Gill, Hancock, Hardy, Henley, Hodgdon, Jalbert Jutras, Keyte, Kilroy, Lee, Lessard, Lewis, Lincoln, Lynch, McNally, Payson, Rand, Santoro, Tanguay, Theriault, Webber, Williams.

NAY — Albert, Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.;

Berry, P. P.; Birt, Bither, Boudreau, Bourgoin, Bragdon, Bustin, Churchill, Clemente, Collins, Cooney, Cote, Cottrell, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Donaghy, Dow, Doyle, Emery D. F.; Faucher, Fecteau, Finemore, Gagnon, Genest, Good, Goodwin, Hall, Haskell, Hawkens, Herrick, Hewes, Immonen, Kelleher, Kelley K. F.; Kelley, R. P.; Lawry, Lebel, Lewin, Littlefield, Lizotte, Lund, MacLeod, Maddox, Mahany, Manchester, Marsh, Marsteller, Martin, McCloskey, McCormick, McKinnon, McTeague, Millert, Mills, Morrell, Mosher, Murchison, Murray, Norris, O'Brien, Orestis, Parks, Pontbriand, Porter, Pratt, Rollins, Ross, Scott, Shaw, Shute Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Stillings, Susi, Trask, Vincent, Wheeler, White, Whitzell, Wight, Wood M. E.; Woodbury.

ABSENT — Bedard, Bernier, Binnette, Brown, Carey, Carrier, Conley, Crosby, Drigotas, Evans, Farington, Gauthier, Hayes, Kelley, P. S.; Lucas, Page, Rocheleau, Sheltra, Smith, E. H.; Tyndale, Whitson, Wood, M. W.

Yes, 33; No, 95; Absent, 22.

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

Thereupon, the Joint Order as amended received passage and was sent up for concurrence.

On motion of Mr. Porter of Lincoln,

Adjourned until nine o'clock tomorrow morning.