

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Fifth
Legislature***

OF THE

STATE OF MAINE

Volume III

June 16, 1971 to June 24, 1971

Index

1st Special Session

January 24, 1972 to March 10, 1972

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**KENNEBEC JOURNAL
AUGUSTA, MAINE**

HOUSE

Wednesday, February 2, 1972

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

Prayer by the Rev. Mr. Linwood Welch of Hallowell.

The journal of yesterday was read and approved.

**House Report of Committee
Ought Not to Pass**

Mr. Rand from the Committee on Public Utilities reported "Ought not to pass" on Bill "An Act relating to the Treatment and Disposal of Sewage by Portland Water District" (H. P. 1502) (L. D. 1944)

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

Passed to Be Engrossed

Bill "An Act Increasing Salaries of County Commissioners of Waldo County" (S. P. 694) (L. D. 1875)

Bill "An Act to Create the Maine Municipal Bond Bank" (S. P. 701) (L. D. 1882)

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
Indefinitely Postponed**

Bill "An Act Providing for a Change in Standard Deductions in Income Tax Law" (H. P. 1547) (L. D. 2003)

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

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

Mr. MORRELL: Mr. Speaker, Ladies and Gentlemen of the House: Last November the Maine state income tax was tested at the polls and came through with flying colors. Not because any of us like the tax, but rather because it seemed to be the fairest way to go, particularly when compared to the personal property tax.

It survived because as was originally intended, it was patterned after the strong points in the Federal income tax, while at the same

time attempting to avoid at least some of its inequities.

Because of several changes in the Federal tax, we no longer conform in a very critical area to most, if not all taxpayers, that of the standard deduction. And shortly Maine citizens will be told of the difference by those assisting them with their returns. And the telling will not make for a very pleasant tale. Where the Federal deduction now goes to \$2,000; ours to remain at \$1,000. A painful difference which will in some cases mean that a number of citizens will now pay a State income tax and not a Federal. Philosophically, there may be nothing wrong with this.

But I suspect that as the 106th Legislature looks to alternative sources for money to relieve the personal property tax of the burden to finance secondary education, that the State income tax will again be tested as to its fairness, at the polls. And its survival may well depend on how few are the handles of irritation that are grabbed onto by its opponents.

Some will say that now is not the time to make this adjustment, costing as it will, \$2.5 million initially and the following year, \$1.8 million. But this will be a small price to pay if we can continue to persuade the Maine citizenry of the credibility of this tax.

Some will argue the principle of the standard deduction itself. To me, this seems academic because sound or not, it applies to us all and not just a few.

Some will say that if we move to conform in the area of the standard deduction, beneficially affecting 80 to 85% of the Maine citizens or taxpayers, that we should reduce our \$1,000 personal exemption to \$650 to conform with the Federal in that area. Isn't that like telling Johnny's mother, hoping that he will grow up to be like his cousin Bill with all his weaknesses as well as his strengths? I think she would prefer the latter.

This Legislature and those to come must make a particular effort to reshape this tax regularly so that it, in fact, will continue to be accepted by most Maine citizens as fair and equitable — painful as it

is, painful as any tax is to each of us. I submit that now is the proper time to demonstrate to the citizens of Maine that this Legislature has the intelligence to act flexibly and responsibly in such a critical matter. I hope that all of you will seriously consider L. D. 2003.

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

Mr. ROSS: Mr. Speaker and Members of the House: Since I signed the "ought not to pass" report, I would like to explain why I did so. It seems to me to be premature to start fooling around with our income tax. And it is this tax with the present deductions that was passed in referendum three to one. Those who say we should copy the Federal law, that is not so. We specifically did not do that when we drew up our tax. We allow exemptions of \$1,000 per person and the Federal allows only \$675. We include municipal bonds and Federal Government does not; we exclude government bonds and the Federal Government includes them. This bill applies only to deductions.

Now, most taxpayers use the standard deduction rather than itemize their deductions because they think it is to their advantage. Now, it really is not a great tax break to the average citizens, but there are so many of them that it is going to cost the State \$2 million a year.

We had this same bill before us last session and it died on the Appropriations Table because we could not fund it. But when I say that it will not affect the average citizen, I am talking about the average little fellow, let me give you three examples. A person making \$4,000 a year under the present law pays no tax, and under this law pays no tax. If he is making \$4,500 a year, he pays 50 cents under the present law and no tax under this. So you save 50 cents a year. Now I will go a little bit higher to a couple with two dependants making \$7,500. Under the present law he would pay \$27.50 and under this law \$22, or he would pay \$5.50 more.

I sincerely believe that this very minor relief to the taxpayers does not warrant the large loss in revenue to the State of Maine.

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

Mr. COLLINS: Mr. Speaker, Ladies and Gentlemen: I should like to support the passage of this bill and I would remind you that both bodies did pass this bill in the last session and, as has been indicated, it did die on the Appropriations Table.

However, I think it is important to realize that the language changes in this bill, makes it a more equitable income tax bill. Now, at the present time, there are people that are required to pay a State income tax that are not required to pay a Federal income tax and the level that our bill provides is too low.

So I would hope that you could support this measure so that we may continue to keep our income tax bill in a proper form so that it can continue to receive widespread support from the population.

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

Mr. DAM: Mr. Speaker and Members of the House: I too was one of the signers of the "ought not to pass" report on this bill in the Taxation Committee. Mr. Ross has explained very well my thoughts as well as his. I would like to say one or two things, however.

Now Mr. Morrell from Brunswick has said that there will be the argument offered that since we are to talk about conformity with the Federal tax that somebody will say, why don't we conform all the way and change exemptions. This, I used the same argument in the Taxation Committee. So I think he was quite aware that I would use the same argument today.

Now, many times we talk about conformity with the Federal Government. Well, if we are going to talk about conformity, let us conform all the way and let us not pick out little goody parts of certain bills and say well, we want to conform with this last paragraph of the bill but as far as the first five paragraphs, or the first two or the first three, we don't

care. All we want to do is this little goody.

Now, the interdepartmental memorandum from the Taxation Committee, they say that in '72 and '73 the lost revenue will be \$2,525,000. I think just the other day, my good friend, Mr. Jalbert from Lewiston, explained what the 106th will be faced with for raising revenues. Now to cut down on our revenue at this time, then to come back in another session, those that come back, and look for new ways to raise additional monies, I do not think this is a time we should cut down.

Now, the other thing is that it seems to me—this is only my second session, I did serve in the 104th and again, only by a quirk of fate, the voters didn't lose their way to the polls or they made a mistake when they marked their ballot in my town of Skowhegan, but I was re-elected. I hope to be re-elected again and I think I'll be coming back but I do not want to come back to rewrite an income tax law where it will hurt the people more because we have given so many deductions along the line and watered it down to such an extent that it does not yield what it should be yielding.

Now, in the 104th and again in this session, I have seen where the Legislature can go along, the members can, we can expand all the give-away programs in the State, we don't have any thought of helping any industry. We have almost been termed in the 104th, an anti-industry Legislature. And again I think we are going to be termed quite well this session, anti-industry.

Now, there was a bill presented in the 104th and again I tried to present one in the 105th, it was turned down by the Reference of Bills Committee because of the price tag of \$3 million. The \$3 million on the bill that was presented would have been a one-shot deal, it would have stimulated the economy in the State. But the State couldn't afford to do this they felt. Well, I don't think that when you can't afford to spend \$3 million on a one-shot deal, which is a one year, one term, one thing affair, that you can afford to change a tax bill where you lose \$2.5 million

every year, and this is going to be continual. I would hope today that this bill does not go through and that you can support the members that opposed this bill. Because this is not the time to give any deductions. Maybe the people deserve it, maybe they don't, this I do not know. But I do know that to keep cutting down the revenue of the State of Maine at this time and then to come back at another session and be faced with increases, I do not think this is using good common sense.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I was one of the majority signers of this bill. The report, if you turn to yesterday's calendar, you will see that it was nine to three in favor of passing it. This is an example of a very technical matter that we are trying to dispose of on the floor of this House without having an opportunity, each one of us, to really know what is involved.

Number 1, basically, our income tax in the State of Maine is based on the Federal income tax primarily. We both start with the adjustment income. That, usually in most cases, represents your salary, your wage, or your net profit. Then from there you are permitted two kinds of methods to lower your adjusted gross income — exemptions and deductions. I am not an accountant. I have worked over the weekend trying to understand all the facets of this proposal. And I am convinced that in the long run it is the proper thing for us to do in connection with our income tax. It is going to cost the State of Maine, there have been various figures used, but the latest figure is \$1,800,000 a year. My suggestion is this.

It is to pass this bill now, let it go to the Appropriations Table, and in the meantime I wish and I hope that every member could take a copy of the bill itself and read the Statement of Fact, the technical explanation and the fiscal note accompanying this bill. Or a better way probably would be to take this bill, take it to your accountant, go over it with him and he, I would certainly judge,

would advise that it is a good thing for the State of Maine to take this step.

And so, my recommendation is at this time, with all these complications of deductions and exemptions, is consult your accountant, pass this now, let it go to the Appropriations Table and in the next two or three weeks, things can gel. I am sorry I am not an accountant, I am sorry I do not have a blackboard here, I am sorry there isn't more time to go specifically into all the technical details of this problem.

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

Mr. DAM: Mr. Speaker and Members of the House: I hate to take issue with my good friend, Mr. Cottrell from Portland, I, if there were a blackboard here, it would not do me any good because I don't think I would be able to get into the fine points of explaining the tax law because I have never considered myself an educated person in the sense that some people do.

I do say that I think I have some common sense and sometimes common sense is better than education or a degree, in my estimation. Now, Mr. Cottrell has brought up the fact that it is only \$1,800,000. This is true; the members of the Taxation Committee have this information. And it says on the footnote at the end of the departmental memorandum that because of the initial effect of the withholding, it represents the loss of a 17-month period, January 1, 1972 through May 30, 1973, that is \$1,782,388 plus five twelfths of the \$1,782,388, and on this basis the estimated loss of revenue for the fiscal year ending June 30, 1974, the first year of the next biennium, would be approximately \$1,800,000.

Now, this is the first year of the biennium. It does not speak at all of the second year of the biennium. Now my good friend Mr. Cottrell has said that we have based the Maine income tax on the Federal tax. Again I could be wrong, but I understood back in the 104th when we were debating the income tax, that we were not basing it too much on the Federal tax. There

was a proposal, if I recollect somewhere near correctly, the first proposal was to base the tax on roughly 24% of the Federal income tax. But it was my understanding that the brains had written a tax law for the State of Maine.

Now the first sentence in the Statement of Fact says: "The purpose of this Act is to update Maine Income Tax Law to conform with federal law." This would have been good had they not added "regarding standard deductions." All we are doing today with this bill is starting a piecemeal erodent of the tax structure that was set up by the 104th. If we are going to go into conformity, I would hope that we might overhaul the whole tax law as far as the income tax bill is concerned and not keep chopping away piece by piece.

Now, if this goes, the next session will be another little chop and another little chop. Now, we have seen this on the Federal level and I do not care what party is in power, this makes no difference. You see a chopping away of the income tax; then all of a sudden you hear talk of a national sales tax. Well this is only taking it out of one pocket instead of the other pocket. It is still the people that pay.

Now if we chop this thing down so that we lose \$2 million, or \$1.8 million or \$2.5 million, we have got to come up and find this money somewhere else, and this is not the time today.

So with these thoughts in mind, Mr. Speaker, if the motion is in order, I would make a motion that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would wholeheartedly agree with the good gentleman from Skowhegan, Mr. Dam, in passing and in jest I might say that I have been waiting for the stars to be flying around my good friend from Portland, Mr. Cottrell; they have arrived.

Now you know this is another example of those who would vote for all spending bills and no tax

bills. No matter how you shake it up, this is going to cost \$3,400,000 for the biennium. Now, if anybody here will tell me just how we pick up the \$3.4 million, I will gladly go along with them on this bill. If they can't, I will join Mr. Dam of Skowhegan. And when the vote is taken, I move it be taken by the yeas and nays.

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

Mr. CYR: Mr. Speaker, Ladies and Gentlemen of the House: I also signed the "ought not to pass" report on this bill. I share the views of my colleagues, Mr. Ross and Mr. Dam. I would not try to repeat their argumentations. However, I would like to bring out five points.

My first point is that I believe that this is premature, particularly in a special session, and due to the fact that the referendum on the State income tax last November was so successful, had such a wide margin of success, I don't believe that we should rock the boat at this time.

Argument number two. I do not believe that this important legislation has received a proper hearing at this session. All we had at the hearing was department people and I think this is important enough that we should have the thinking of the public on it. Some of my other colleagues have mentioned that this tax was passed at the regular session and it died on the Appropriations Table. Well, you know what kind of maneuver that is. I do not believe that it is an argument in favor to pass this at this time; I think it is an argument the other way. Many of us probably voted for it at that time knowing very well that it would die on the Appropriations Table.

Argument number three, that I have. There is a good possibility, particularly after hearing the debate a couple of days ago on taxation from our colleague from Lewiston, Mr. Jalbert, that we have a built-in increase in the next budget of over \$54 million, which means that possibly the next Legislature will be faced with a major tax; either raise the sales tax or increase the rate of the State income tax. And I believe

that it is at that time that this should be scrutinized, studied and passed on, at the time that you will increase the rate would be the proper time to do this.

Argument number four. We are talking here of deductions; we are not talking of exemptions. The exemptions on the State level are set at \$1,000 per person. On the Federal level, it used to be \$650 and now it is \$675, and it is going up shortly to \$750. Now, every time, if we want to follow and if we want to match our tax with the Federal level, we will have to reopen this every time to try to keep up with the Federal increase and exemptions. I think, possibly, this should be done at the same time, when we know what revenues we need.

And my last argument is that two days ago, this House passed a study committee on taxes and I do not believe that we should do anything at this stage, this session, until we hear the report from this committee. This committee's function should look into this very problem that we are talking about. I think it should be part of their study, and for that reason I will support the "ought not to pass" motion which has been made.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: Just a brief minute. The young man that I am, I hope I always have the stars in my eyes and many hopes yet. This is the thing I hoped we could avoid, a technical discussion. Mr. Johnson's name, Mr. Johnson of the Taxation Department, his name was used here yesterday in great reverence. This is something that he would like to see come to pass.

The sum and substance of it is this. That right now, today, many taxpayers are paying more State income tax than they are Federal income tax and it has created quite a disturbance. If you haven't been called up on the phone yet about this as a representative from some of your constituents, you will increasingly be called because the deductions

— we are talking about deductions now, not exemptions, the federal deduction will go from \$1050 up to \$1300 this year, and that is going to make it the result that more taxpayers are going to pay more of a state tax than they do of a federal tax, and the State income tax was never constructed so that any taxpayer would pay more of a State income tax than he does of a Federal income tax.

I am not going to belabor this. I know in the long run it will come to pass and maybe we cannot afford it, to take the long-run view of it at this moment, but certainly next year you are going to find more criticism of our State income tax and that would be a bad time to have it, when probably we will have to raise it anyway.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All in favor of 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 Skowhegan, Mr. Dam, that Bill "An Act Providing for a Change in Standard Deductions in Income Tax Law," House Paper 1547, L. D. 2003, be indefinitely postponed. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Baker, Bartlett, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bourgoin, Bragdon, Brawn, Bunker, Call, Carey, Carter, Clark, Cooney, Curran, Cyr, Dam, Donahy, Dyar, Farrington, Faucher, Fecteau, Fraser, Gauthier, Genest, Hall, Hancock, Hardy, Henley, Jalbert, Jutras, Kelleher, Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lee, Lessard, Lewin, Lewis, Lincoln, Littlefield, Lizotte, Lucas, Lund, Lynch, Maddox, Mahany, Manchester, Marsh, Marstaller, Martin, McCormick, McKinnon,

McNally, McTeague, Mosher, Murchison, Murray, Norris, Payson, Pontbriand, Pratt, Rocheleau, Rollins, Ross, Santoro, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Smith, E. H.; Stillings, Tanguay, Theriault, Webber, Wheeler, Whitson, Whitzell, Wight, Williams, Wood, M. E.; Woodbury.

NAY — Bailey, Barnes, Bither, Boudreau, Brown, Churchill, Clemente, Collins, Cote, Cottrell, Cummings, Curtis, T. S., Jr.; Doyle, Dudley, Emery, D. F.; Finemore, Gagnon, Good, Goodwin, Haskell, Hawkens, Herrick, Hewes, Hodgdon, Kelley, K. F.; MacLeod, Millett, Mills, Morrell, Orestis, Parks, Porter, Rand, Scott, Susi, Trask, Vincent, White.

ABSENT — Ault, Bustin, Carrier, Conley, Crosby, Curtis, A. P.; Dow, Drigotas, Emery, E. M.; Evans, Gill, Hayes, Immonen, McCloskey, O'Brien, Page, Sheltra, Slane, Smith, D. M.; Tyndale, Wood, M. W.

Yes, 91; No, 38; Absent, 21.

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

Sent up for concurrence.

Amended Bills

Bill "An Act to Correct Errors and Inconsistencies in the Maine Business Corporation Act" (S. P. 693) (L. D. 1874)

Was 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.

Bill "An Act Regulating Certain Vehicles and Snowmobiles in Wildlife Management Areas and Sanctuaries" (S. P. 713) (L. D. 1987)

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

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

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: I wish to make a mild protest on this particular bill. I don't expect I have much backing and I don't

know as I am against the regulations that might be imposed on snowmobiles, minibikes and that sort of thing in game management areas. But I think perhaps I ought to make a little note here that game management areas cover a lot of the State of Maine, and they are being used in a pretty decent fashion by some people anyway, and I will agree that there are a lot of people that use mini-bikes and snowmobiles very irresponsibly. So I suspect there is some desecration, or whatever you want to call it, in our game management area which shouldn't be done.

But what we are doing in this bill is giving one man an awful lot more power to regulate. The other day we "ought not to passed" a bill that would give the town a chance to pass their own, but I am against that too. So that was giving the town permission; this here is giving one man.

I am not going to make a motion to indefinitely postpone this bill, but I do want to make my feelings known. I think that this is giving one man permission to regulate and to make regulations, and I think it would be more appropriate if more people had had something to do with.

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

**Passed to Be Enacted
Emergency Measure**

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

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, 124 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

An Act relating to Unusual School Enrollment Increases (H. P. 1465) (L. D. 1908)

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, 122 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act relating to School Construction Aid Payments (H. P. 1469) (L. D. 1912)

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, 122 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to Number of Corporators of Oak Grove School (H. P. 1486) (L. D. 1929)

An Act Authorizing the Use of the Name Maine School Management Association (H. P. 1487) (L. D. 1930)

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

Orders of the Day

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

Joint Order re increasing mileage for Indians (S. P. 745)

Tabled — February 1, by Mr. Donaghy of Lubec.

Pending — Passage in concurrence.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: It may not be necessary, it might have gone under the gavel, but to try to forestall any possible argument, since I was the one that tabled it I would move its passage. I have checked with Mr. Garside and

found that although perhaps there is unnecessary wording in the bill, all it does is provide for what it says here on the calendar. It provides three round trips to the reservations and back.

Thereupon, the Joint Order received passage in concurrence.

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

Bill "An Act relating to Filling Vacancies in Board of Trustees of Sanford Sewerage District" (H. P. 1501) (L. D. 1943)

Tabled — February 1, by Mr. Marsh of Hampden.

Pending — Passage to be engrossed.

Mr. Marsh of Hampden offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-519) was read by the Clerk and adopted, and the Bill passed to be engrossed as amended and sent to the Senate.

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

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

Tabled — February 1, by Mr. Curtis of Bowdoinham.

Pending — Passage to be engrossed.

On motion of Mr. Bailey of Woolwich, retabled pending passage to be engrossed and tomorrow assigned.

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

Bill "An Act relating to Speed of Motor Vehicle on Freeways" (H. P. 1513) (L. D. 1955) (Committee Amendment "A" H-515 adopted).

Tabled — February 1, by Mr. Gill of South Portland.

Pending — Passage to be engrossed.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I was prepared to offer an amendment here this morning, but the Secretary of State came

up and showed me there was one little bauble in here, in the amendment, which is to take care of a certain type of a traffic control vehicle. It doesn't show where it could be registered. I talked it over with Mr. Edgar and we resolved that, but now we have to get that back in the amendment. So I respectfully ask that someone would table this for one day.

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

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

Joint Order re study and analysis of the offices, departments, boards, commissions and other agencies of the State and of the functions of State Government to ascertain the means by which and in the manner in which the services of the State of Maine may be afforded to its citizens in the most efficient, expeditious and economical manner.

Tabled — February 1, by Mr. Susi of Pittsfield.

Pending — Passage.

The Joint Order received passage and was sent up for concurrence. (H. P. 1564)

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

MAJORITY REPORT (7) — "Ought to pass" — Committee on Public Utilities on Bill "An Act relating to Costs of Inspections by the Passenger Tramway Safety Board" (H. P. 1500) (L. D. 1942) and MINORITY REPORT (4) reporting "Ought not to pass."

Tabled — February 1, by Mr. Ross of Bath.

Pending — Motion of Mr. Williams of Hodgdon to accept Minority Report.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: There has been somewhat of a misunderstanding I believe on this bill. I talked with some of the members of the committee yesterday. I sort of anticipated they

might speak on this this morning regarding this change.

It seems as though back some time ago in the statutes, Title XXV, paragraph 1947, I won't read the whole thing to you, but it provided that the Tramway Board could charge \$5.00 an hour for inspection of the tramways, which for the layman means ski tows and this type of thing. At that time it actually cost them \$3.00 an hour. Now they could provide their own inspectors, but if they did they would have to pay these inspectors, under the present scale, \$7.70 an hour.

The law does provide that they could borrow inspectors, and this they have been doing from the Parks Department. And since the Parks Department has to hire under our personnel law, these inspectors are eligible for \$7.70 an hour, which is somewhat more than the \$5.00 an hour. And this means the Tramway Board, which is a separate entity under our state laws, would be going in the hole on each hour that these inspectors go out to take care of the safety of the people of the State of Maine. Because after all, we don't want any accidents such as we have had around the United States and foreign countries on the failure of these ski tows.

If we don't pass this, all it is going to mean is that next year, next session, the Tramway Board is going to have to go to the Appropriations Committee and ask for money to pay this fee of \$7.70 an hour.

Now somewhere along the line someone seemed to get the idea that they would be getting even with someone or preventing someone from working on the weekend because much of this has to be done on the weekend because some of your ski tows aren't open through the week. As a matter of fact, they are only open at night. So it just seems that there was a good deal of misunderstanding on this. It is not the most important thing that you have before you this session, but at least it will save the taxpayers of the State of Maine if we pass this item on the calendar. And I would so move.

The SPEAKER: The Chair rec-

ognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: I signed the Minority "Ought not to pass" Report. I wasn't trying to get even with anybody at all on it. All I know is what was brought out before our committee. They told us that at the present time these engineers were getting \$7.22 per hour. They have two full-time engineers and their base pay is \$288.80 per week — 48-hour week.

Well now, it looked to some of us these inspections take place in the wintertime. These engineers, the guys that lay out the parks and one thing another, they are knowledgeable men and have to take special examinations to handle these ski tows. But in my estimation possibly the Department could get along without their services in the wintertime when they could make these tests. They make them on their own time at the regular rate. So it makes a nice trip.

I think most of us would like to be a ski tow inspector because supposing we want to go up to Sugarloaf, we go up there sometimes Saturday and Sunday, and the Department pays their expenses, they pay their travel up there. If they need to stay all night they get a night's lodging. They get their food while they are up there and they get free rides up and down the tows, which is all right. But you talk about this great saving, the saving would be \$2.22 per hour, and that has been paid formerly out of the funds of the Department.

Well now if you figure it takes about an hour, give and take, to make one of these inspections, well right at the present time these inspections hopefully have already been made, so that is water over the dam. The Department has been able to find the money to pay them all right and you would save probably — I don't know how many tows there are, but if it takes an hour per tow you would save in the neighborhood of maybe \$100 a year. And if this body takes \$100,000 a day, this bill has already wasted money enough through this debate to pay for them in probably the ensuing five years. But to keep peace in the family, I would

now move that we accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Hodgdon, Mr. Williams, withdraws his motion to accept the Minority Report and now offers the motion that the House accept the Majority "Ought to pass" Report. All in favor of accepting the Majority "Ought to pass" Report will vote yes; those opposed will vote no.

A vote of the House was taken. 96 having voted in the affirmative and 18 having voted in the negative, the motion did prevail.

The Bill was read twice and tomorrow assigned.

(Off Record Remarks)

By unanimous consent, the foregoing papers were ordered sent forthwith to the Senate.

On motion of Mr. Porter of Lincoln,

Recessed until eleven o'clock in the morning.

After Recess
11:00 A.M.

The House was called to order by the Speaker.

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

Divided Report
Tabled and Assigned

Majority Report of the Committee on Health and Institutional Services reporting "Ought not to pass" on Bill "An Act relating to the Administration of State Funds Appropriated to Charitable and Benevolent Institutions" (H. P. 1528) (L. D. 1971)

Report was signed by the following members:
Messrs. MINKOWSKY

of Androscoggin
HICHENS of York
GREELEY of Waldo
— of the Senate.

Mrs. McCORMICK of Union
Mrs. DOYLE of Bangor
Mr. LESSARD of Lisbon
Mrs. CUMMINGS of Newport
Mr. DYAR of Strong
Mrs. BERRY of Madison
Mrs. PAYSON of Falmouth

— of the House.

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

Report was signed by the following members:

Messrs. CLEMENTE of Portland
LEWIS of Bristol
SANTORO of Portland
— of the House.

Reports were read.

(On motion of Mr. Santoro of Portland, tabled pending acceptance of either Report and tomorrow assigned.)

Ought to Pass with
Committee Amendment

Mr. Norris from the Committee on Legal Affairs on Bill "An Act Authorizing Use of the Name Maine Institute of Continuing Medical Education" (H. P. 1485) (L. D. 1928) reported "Ought to pass" as amended by Committee Amendment "A" (H-520) submitted therewith.

Mr. Bither from the Committee on Education on Bill "An Act Permitting the Commissioner of Education to Assign Towns to Supervisory Units when Fewer than 35 Teachers are Employed" (H. P. 1527) (L. D. 1970) reported "Ought to pass" as amended by Committee Amendment "A" (H-521) submitted therewith.

Reports were read and accepted and the Bills read twice. Committee Amendment "A" to each was read by the Clerk and adopted, and tomorrow assigned for third reading of the Bills.

On motion of Mr. Porter of Lincoln,

Adjourned until nine o'clock tomorrow morning.