

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, February 14, 1972

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

Prayer by the Rev. Mr. Douglas H. Robbins of Augusta.

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

The journal of the previous session was read and approved.

The Speaker announced the presence of Mr. Conley of South Portland who had been recorded absent on the organization roll call. (Applause)

**Papers from the Senate
Reports of Committees
Ought to Pass**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Resolve to Reimburse School Administrative District #37 for Funds Paid for School Construction in 1965 and 1966 (S. P. 692) (L. D. 1873)

Report of the Committee on State Government reporting same on Bill "An Act Implementing the Reorganization of the Department of Commerce and Industry" (S. P. 726) (L. D. 1995)

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

In the House, the Reports were read and accepted in concurrence, the Bill read twice, Resolve read once, and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act Authorizing Town of Dresden to Vote on Certain Liquor Local Option Questions and Authorizing Town of Hartford to Vote on Certain Liquor Local Option Questions and Authorizing Town of Cornville to Vote on Certain Liquor Local Option Questions" (H. P. 1494) (L. D. 1937) which was passed to be engrossed as amended by House Amendments "A", "B" and "C" in the House on February 8.

Came from the Senate with House Amendments "B" and "C"

indefinitely postponed and the Bill passed to be engrossed as amended by House Amendment "A" in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

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

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

Mrs. BERRY: Mr. Speaker and Members of the House: I would just like to say that I have petitions here from the Town of Cornville with 94 names on them. This is twofold from what I recorded the other day.

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

Mr. DAM: Mr. Speaker and Members of the House: I do not offer any objection to the recede and concur motion because I would not put the good gentleman from Bristol's bill in jeopardy by fighting for an amendment to go on his bill, because it is his bill. However, I would like to say one thing. I too have petitions from the Town of Cornville with many names supporting the amendment.

Thereupon, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act relating to Retail Sale of Wine" (H. P. 1495) (L. D. 1938) on which the House accepted the Minority "Ought to pass" Report of the Committee on Liquor Control and passed the Bill to be engrossed on February 10.

Came from the Senate with the Majority "Ought not to pass" Report accepted in non-concurrence.

In the House:

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

Mr. HODGDON: Mr. Speaker, I move that the House insist.

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

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

The SPEAKER: The gentleman from Norway, Mr. Henley moves that the House recede and concur.

If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

71 having voted in the affirmative and 56 having voted in the negative, the motion to recede and concur did prevail.

Orders

On motion of Mr. Ault of Wayne, it was

ORDERED, that Kathy Ramsdell of Auburn be appointed to serve as Honorary Page for today.

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

Mr. Silverman from the Committee on State Government on Bill "An Act relating to Disclosure of Economic Interests by Legislators" (H. P. 1537) (L. D. 1979) reported same in a new draft (H. P. 1572) (L. D. 2029) under same title and that it "Ought to pass"

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

Ought to Pass with Committee Amendment

Mr. Birt from the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Fees for Marketing and Advertising Farm Products" (H. P. 1448) (L. D. 1891) reported "Ought to pass" as amended by Committee Amendment "A" (H-537) submitted therewith.

Mr. Brawn from the Committee on Legal Affairs on Resolve in favor of Helen G. Pearson for Injuries Sustained as a State Employee (H. P. 1540) (L. D. 1998) reported "Ought to pass" as amended by Committee Amendment "A" (H-538) submitted therewith.

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

Passed to Be Engrossed

Bill "An Act Providing Funds for Maine Historical Society" (S. P. 710) (L. D. 1984)

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

Third Reader

Tabled and Assigned

Bill "An Act relating to Kindling Out-of-door Fires" (H. P. 1480) (L. D. 1923)

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

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

Bill "An Act to Promote Vocational Education" (H. P. 1570) (L. D. 2026)

Bill "An Act to Distribute Funds Under the State-Municipal Revenue Sharing Act on a Monthly Basis" (H. P. 1571) (L. D. 2028)

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

Amended Bills

Bill "An Act Providing Police Communications Operators for State Police" (H. P. 1451) (L. D. 1894)

Bill "An Act to Clarify the Laws on Veterans Reemployment Rights in Public Service" (H. P. 1517) (L. D. 1959)

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 to Provide for Administrative Enforcement of the Municipal Public Employees Labor Relations Law" (H. P. 1548) (L. D. 2007)

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

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

Passed to Be Enacted Emergency Measure

An Act to Clarify Party Enrollment Requirements for Filing

Nomination Petitions Under the Election Laws and to Clarify the Amount of Money Spent by Candidates for the Legislature (H. P. 1567) (L. D. 2022)

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 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Finally Passed
Emergency Measure**

Resolve Providing a Minimum Service Retirement Under the State Retirement Law for Marion Gates of Phillips; Mae A. Bowden of Coopers Mills and Edith Wiggin Carter of Topsham and Christine B. Delano of Verona and Norman F. Hanson of Eliot (H. P. 1520) (L. D. 1962)

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. 125 voted in favor of same and none against, and accordingly the Resolve was finally passed, 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:

SENATE REPORT — Refer to the 106th Legislature — Committee on Appropriations and Financial Affairs on Bill "An Act to Create a Crime Laboratory" (S. P. 688) (L. D. 1869)—In Senate, Bill substituted for the Report and passed to be engrossed.

Tabled — February 11, by Mr. Bragdon of Perham.

Pending — Acceptance.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I move that this item be recommitted to the Committee on Appropriations and Financial Affairs.

The SPEAKER: The gentleman from Perham, Mr. Bragdon moves that L. D. 1869 be recommitted.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am truly sorry to take issue with the House Chairman of the Appropriations and Financial Affairs Committee. As far as I am concerned this measure, as it comes out of committee, was truly referred to the 106th Legislature. I am fully aware that people can have changes of heart and changes of thinking, but in my humble opinion at a special session the time to have a change of heart and a change of thinking is on the floor of the House, on the floor of the unmentionable body, once a bill is reported out of committee.

As far as I am concerned, this measure has a price tag of \$47,100 for the first year; \$361,942 for the second year. That is the beginning. Now we have already, as I have sent notices to you, and I challenge anybody to refute the figures, we have already built in the \$54.9 million for the next biennium; and as far as I am concerned I am not going to keep right on building ourselves in with programs such as these at this session of the Legislature, which means a further tax burden to be heaped upon us.

So that I can make a motion that this bill and all of its accompanying papers be indefinitely postponed, I hope that you do not move to rerefer this bill to the Appropriations and Financial Affairs Committee for the reasons as set forth here now. And the second reason is this, that this is costing \$12,000 a day, it will serve no useful purpose to set it on the Appropriations Table to be chopped off at the end of the session, or passed.

I think that somewhere along the line we have got to decide when and if we want to go home. I hope the motion of the gentleman from Perham, and I say this with chagrin, will not prevail so that I can make my other motion.

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

Mr. SUSI: Mr. Speaker and La-

dies and Gentlemen of the House: It seems to me that the request that the House Chairman of the Appropriations Committee has made is a perfectly reasonable one. Basically, if we went along with our House Chairman it would make it possible for his entire committee to look this item over again. I don't think that we ever want to deny any committee the right to consider any topic; there is certainly no harm in it.

Now apparently the gentleman from Lewiston, Mr. Jalbert is satisfied already as to what his position will be on it, but it does seem to me that the other members of the committee should have a right to consider any evidence there is on this item, and I would hope that you would go along with the chairman and allow the Appropriations Committee to review this again.

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

Mr. GILL: Mr. Speaker and Members of the House: I would rise to support the motion to refer this bill. It was unfortunate that I was not present at either the public hearing or at the executive session, so I would like to have an opportunity to express what my vote would be on this.

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

Mr. JALBERT: Mr. Speaker and Members of the House: My only answer to the gentleman from South Portland, Mr. Gill is what I was told over the weekend, when I reneged in a 400 spades bid hand in pinochle, this is no game for blind men. Now this bill was introduced, it was heard at a public hearing, it had its roll in the committee; and I am positive, I am positive that the gentleman from South Portland, Mr. Gill had knowledge that this bill was coming out of committee. Or else we have got a weak Clerk, and I know we don't. I have never seen—

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Gill, who has a point of personal privilege. What is the gentleman's point?

Mr. GILL: Mr. Speaker, my point is simply that I question the gentleman from Lewiston when he makes the statement that I had knowledge that this bill had been acted upon in executive session and had been passed out.

The SPEAKER: The gentleman makes his point.

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

Mr. JALBERT: Mr. Speaker, it makes my argument stronger. I can guarantee you that there is no \$450,000 bauble that gets by me without my knowledge of it.

In comment to the gentleman from Pittsfield, Mr. Clean, my only comment there is this, that they are not the members, and probably he will win anyway. But I just want to set the record straight right here and now as far as I am concerned. This is stuff here that will keep us here forever. This is stuff here that could plunge us into more than a major tax at the next special session.

Now it can come before the Appropriations Committee for fourteen weeks and fourteen days and fourteen nights, my answer to it will be the same. And when the vote is taken I move that it be taken by the yeas and nays.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: I do think in light of all of the things that have come up, that I would endorse the motion made by the chairman of the Appropriations Committee, Mr. Bragdon, and hope that the House would go along with allowing this to be referred back for reconsideration.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I really am not sure what I ought to be saying except that I perhaps ought to throw out a few things to you to think about.

I was one of those that sat through the hearing on this bill in the Appropriations Committee while it was being heard, and one of those individuals that believed

very strongly that we have to do something in the field of having a crime laboratory here in Maine.

On the other hand, I also heard some discouraging figures thrown around at the hearing as to exactly how much money this thing was going to cost us. Frankly I thought that the bill was going to come out of committee with some sort of unanimous report for it, so that we could start something now. I was surprised to see it, frankly, come out referred to the next session, but I was then more surprised I think by what has transpired since.

I spent some time going through this, trying to find out in my own mind as to whether or not the figures that were provided in the Senate Amendment "A" were accurate. I have been unable to find any of this stuff out. I have spoken to other people within State Government who argue that this really ought to be a regular session item and not really a special session, since we really don't know in what direction we are going.

I personally am surprised that it is going back to committee, even though perhaps I shouldn't be, I suppose, if we are going to be here for some time. I don't know whether or not the committee has come up with any additional information that would lend itself to making any other decision than the one that was made.

It does seem to me a little bit ridiculous to send it back to committee if we are going to come back with a similar report. If it is going back to committee with new information that has been acquired, then I am willing to buy that. But unless someone can assure me on the floor that new information is presently available, which I certainly don't know about, then I would certainly vote with the gentleman from Lewiston, Mr. Jalbert.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I feel that I can assure the gentleman from Eagle Lake, Mr. Martin that this bill is not likely to come out of the Appropriations Committee

with an identical report that it had the other day. I am not sure whether the nature of the bill will be changed, but I would feel that I can safely say the nature of the report would very likely be changed.

Mr. Jalbert of Lewiston was granted permission to speak a third time.

Mr. JALBERT: Mr. Speaker and Members of the House: I don't know as the gentleman from Eagle Lake, Mr. Martin should be satisfied with that answer. I would like to know what the reasons are for the bill and in what nature the bill would come back out of committee. I mean we are in open session, there are no secrets with me. I am a member of the Appropriations Committee.

It was unanimously decided to refer this to the 106th Legislature as a courtesy, and now suddenly somebody decides to change their thinking, and I would like to know why I should change my mind. If the bill is coming out of committee without any money on it and referred to the 115th Legislature, I might go along with it, but I would like to know somewhere along the line some sort of a reason as to what is going on in going back to the committee.

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

Mr. GILL: Mr. Speaker and Members of the House: Just to reiterate, I would like the opportunity to vote upon this, and if I had been present at the time of the signing of it or at the public hearing, then I would have signed it out in favor of the bill. And if it is recommitted I shall do this, if I am the only one that does it.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps I am confused, being over cynical here, but it seems to me one thing today, that if there is no other information, it seems to me that we ought to vote on the bill now. If there is new information, then I can see it going back to committee. But if the gentleman from South Portland wants to vote,

we will have a roll call vote on the final enactment or final postponement of the bill itself. But it seems to me that if the issue is resolved that, you know it is either for or against the crime lab, then we might as well do it here. If there is other information, then I would be in favor of it going back to committee. If there is none, then I would be opposed to it being recommitted.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I would support the motion of Mr. Bragdon of Perham on one point of thinking of my own. Down through my county we have had a tremendous amount of arson fires. I find that this is happening all across the state. Previous years of experience have been that where these arson fires have occurred and there was insufficient training of the law enforcement officers to find out how, what, when, why and where, that these things went undetected. At the present time we don't have that knowledge in this state either. Therefore, let me say this to you. During my previous years of experience, it took us seven years to pin down an arson ring where the head of the insurance company in that area was involved. It was a gimmick and a racket and I think it should go back to committee.

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

Mrs. PAYSON: Mr. Speaker and Ladies and Gentlemen of the House: As the sponsor of a bill for a crime laboratory previously, I would like to say that at that time I became convinced that one is necessary here in the State of Maine, and I hope that you will go along in the support of this to aid our law enforcement officers in completing their work.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Perham, Mr. Bragdon, that Bill "An Act to Create a Crime Laboratory," Senate Paper 688, L. D. 1869, be recommended to the Committee on Appropriations and Financial Affairs in non-concurrence. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Berube, Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Bunker, Churchill, Clark, Clemente, Collins, Cottrell, Cummings, Curtis A. P.; Curtis, T. S., Jr.; Donaghy, Doyle, Dyar, Emery, D. F.; Evans, Farrington, Finemore, Fraser, Gagnon, Gill, Good, Hall, Hancock, Hardy, Haskell, Hawkins, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Lund, MacLeod, Maddox, Marstaller, McCormick, McNally, Millett, Mills, Morrell, Mosher, Murchison, Murray, Norris, Page, Parks, Payson, Porter, Pratt, Rand, Rollins, Ross, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Stillings, Susi, Trask, Tyndale, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAY—Albert, Bedard, Berry, P. P.; Binnette, Bourgoin, Bustin, Call, Carey, Carrier, Carter, Conley, Cooney, Cote, Curran, Cyr, Dam, Dow, Emery, E. M.; Fecteau, Gauthier, Genest, Goodwin, Jalbert, Jutras, Kelleher, Kelley, K. F.; Keyte, Kilroy, Lawry, Lebel, Littlefield, Lizotte, Lynch, Mahany, Marsh, Martin, McKinnon, McTeague, O'Brien, Pontbriand, Rocheleau, Santoro, Sheltra, Smith, D. M.; Smith, E. H.; Tanguay, Theriault, Webber, Wheeler, Whitzell.

ABSENT—Bernier, Crosby, Drigotas, Dudley, Faucher, Kelley, P. S.; Lessard, Lucas, Manchester, McCloskey, Orestis, Vincent, Whitzell.

Yes, 87; No, 50; Absent, 13.

The SPEAKER: Eighty - seven having voted in the affirmative and fifty in the negative, with thirteen being absent, the motion does prevail.

Sent up for concurrence.

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

SENATE REPORT—"Ought to Pass in New Draft"—Committee on State Government on Resolution Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteed Loans to Resident Maine Veterans of the Armed Forces of the United States of America (S. P. 717) (L. D. 1990) —New Draft (S. P. 755) (L. D. 2027) under new title "Resolution Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteed Loans to Resident Maine Veterans of the Armed Forces of the United States of America or the Peace Corps."

Tabled—February 11, by Mr. Lewin of Augusta.

Pending — Acceptance in concurrence.

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

Mr. DONAGHY: Mr. Speaker, I move recommitment to the State Government Committee.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves that this Resolution be recommitment to the Committee on State Government.

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

Mr. MARTIN: Mr. Speaker, I would pose the same question I just posed on the previous bill to the gentleman.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair relative to the recommitment motion.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: With fear and trembling of what is going to happen to my integrity before this is over with, I have been told that three members of the committee claim that

they did not have an opportunity to sign before it came out of committee. We feel that they should be given an opportunity, and I don't think we are that rushed up that we can't do it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I wholeheartedly agree with the gentleman from Lubec, Mr. Donaghy, the House Chairman of the State Government Committee. After all, the State Government Committee should have an opportunity to look this bill over. They have only had a public hearing on it once; they have only had an Executive Session on it once; it has come out of committee on the floor of the House. It should go back and come back here and get another ripple. If we are not satisfied with that I think in all fairness to them it should go back again. I think the gentleman from Eagle Lake, Mr. Martin, will agree with me.

Thereupon, the Resolution was recommitment to the Committee on State Government in non-concurrence and sent up for concurrence.

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

Bill "An Act relating to the Regulation of Private Detectives" (S. P. 702) (L. D. 1883) — In House, passed to be engrossed as amended by Committee Amendment "A" (S-319) — In Senate passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" (S-338) in non-concurrence.

Tabled — February 11, by Mr. Porter of Lincoln.

Pending — Further consideration. Thereupon, the House voted to recede and concur.

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

Bill "An Act Providing for a Change in Standard Deductions in Income Tax Law" (H. P. 1547) (L. D. 2003) — In House, indefinitely postponed — In Senate, passed to be engrossed in non-concurrence.

Tabled — February 11, by Mr. Ross of Bath.

Pending — Motion of Mr. Morrell of Brunswick to insist and ask for a Committee of Conference.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I oppose the motion to insist and ask for a Committee of Conference. I believe that in a situation like this there is no place for compromise. My original motion was to adhere.

As those of you who were with us during the 104th remember, when we were considering a state income tax the first proposition was by the Governor of the State that we base it on a percentage of the federal tax. To this proposition there was opposition from all sides, and so when it became evident that we did definitely need another source of revenue, with the help of persons who were experts in this field, we wrote our own law which we considered to be the fairest of all. And I understand that our State of Maine income tax law is now being used as a guide in a great many other states.

Now it is suggested that we change one section, the standard deduction section, because the federal government has changed theirs. It has been stated that a few people will become very angry when they find that they will have to pay a state income tax and not a federal income tax. I doubt if there are very many in this category, and I am sure that no one in this hall can tell me their number.

The proponents of this will say that it will hurt the low income people and the elderly. I say this is not so, because a couple with two dependents can make \$5,000 and not pay a tax under this. If you make up to \$7,500 you would save only \$5 per year. The big loss in revenue, and this loss in revenue is approximately \$2 million a year, will come from persons who make \$10,000 a year and will pay \$10 more then, or \$25,000 a year and will pay only \$35 more then.

I am against the motion to insist and ask for a Committee of Conference.

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

Mr. COLLINS: Mr. Speaker and Members of the House: I move that we recede and concur and would speak to my motion.

The SPEAKER: The gentleman from Caribou, Mr. Collins, moves that the House recede and concur.

The gentleman may proceed.

Mr. COLLINS: Mr. Speaker and Ladies and Gentlemen of the House: When the Maine income tax law was adopted, the standard deduction for both state and federal purposes was identical; namely, 10 percent of adjusted gross income to a maximum deduction of \$1,000. Now the Maine law also provided that a taxpayer taking the standard deduction for a federal return must also take the standard deduction for state purposes. In the meantime, the federal law has been liberalized and the standard deduction this year will be 15 percent of adjusted gross income to a maximum deduction of \$2,000, and it further provides a minimum standard deduction which will be \$1,300 this year.

Perhaps an example might best illustrate the present situation. Assume for example the taxpayer, Mr. Kennedy for example, with adjusted gross income in 1972 of \$12,000, has actual deductions of \$1,675. Now he will use the standard deduction under the federal law which is 15 percent of his income or \$1,800. Under the present Maine law he may take only the \$1,000 standard deduction, losing the benefit of \$675 in actual provable deductions.

Another example indicates that a certain low income taxpayer like John Martin of Eagle Lake—we will assume that John is married and has an income of \$2,500. Now under the present federal law he will be allowed \$1,500 for two exemptions, plus a standard deduction of \$1,300, and hence would pay no tax, no federal tax. However, under the Maine law he would receive \$1,000 deduction twice, or \$2,000, and 10 per cent of his \$2,500, or \$250,

and he would then pay a tax on the balance between \$2,500 and \$2,250. So it seems to me that there is a discrepancy here that ought to be corrected.

Now we have pointed out repeatedly that the electorate has favored the income tax as a means of producing revenue for the state, and it seems to me most important that we keep this tax in good form, and this particular revision would do exactly that. It would provide the maintenance that is necessary and will be necessary from time to time to keep this tax in good form. Therefore, I would hope that you would vote to recede and concur.

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

Mr. CYR: Mr. Speaker and Ladies and Gentlemen: I do not disagree with the merits of this bill. I disagree with the timeliness of it. I do not believe that at this time this is the proper time to be doing these changes.

We are told from very good sources that the 106th will have to raise \$54 million only for built-in increases. If this is so, at that time it is a pretty sure bet that we will have to reopen one of the major taxes or possibly both of them. I claim it is at that time that we should reopen this and review this, at which time possibly we will have to increase the rate on the income tax, and I claim that at that time we should reopen it for these deductions and try to make them coincide with the federal deductions, but not at this time.

If we keep chipping away at the revenues and we keep adding on expensive programs, we are going to put ourselves in a bind, for sure. This bill would cost \$2.5 million to the State of Maine from now until the next legislature goes into session. Thereafter it will cost \$1.8 million a year. We are told that this is peanuts and this should be done just to alleviate an irritant, just to remove an irritant from the law. Well, \$1.8 million, that is \$3.6 million for the biennium, which will cover our expenses of our bill for the elderly—and I don't call that peanuts.

So I claim that at this time this is not the proper time to open this, and particularly due to the fact that we have already passed in this session, and we have organized a committee to look over the tax situation, and I think that it should be the job of this committee to review all taxes and at that time to consider this proposition. So at this time I am against the adhering motion which has just been made.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I really am in favor of having a Committee of Conference. I look with astonishment and great admiration at some of our very wonderful debaters because of their facility in explaining a very complex problem. I would really like to see a Committee of Conference on this matter. Now simply this.

I think our credibility as legislators is at stake; I think the credibility of the income tax is at stake. The standard deduction of the federal government went up for this year's taxpayers; it is going up more for next year's taxpayers. It is going to be much more advantageous for the taxpayer to take his federal standard deduction and then when he comes to take his state deduction he cannot do it, because that is the rule of the game. You may take a \$2,000 or 15% standard deduction on your federal income tax and you can only take a 10% or \$1,000 deduction on your state income tax. That is for this year, the income that is coming up this year.

This is in yesterday's Portland Sunday Telegram. "The standard deduction is up this year, but maybe you should itemize and there are many questions as to whether you should itemize or whether you should take the standard deductions," and I think that next year when the standard federal deduction is going up, you are going to have more accountants chewing away at our income tax as it is set up and you are going to have more misunderstanding on the part of the people who have to pay taxes.

The state income tax in any state was never meant to have a taxpayer pay a state income tax when he did not have to pay a federal tax. And that, to some extent, is what is happening now. We agreed at our hearing the other day that this is simply a minor correction. It was the purpose of this type of income tax to keep it in line with the federal government. This is a minor change, it does not affect the rates which will be a minor change. I am very sympathetic with Mr. Jalbert and his papers here. I believe in them, I think they are accurate, I am not panning them. It will call for a \$55 or \$54 million increase in the general budget for the next term but I see great hope in this because \$54 million increase will be the smallest increase since I don't know when.

The 100th Legislature had a 16 percent increase, the 101st had a 17 percent increase, the 102nd a 26 percent, the 103rd a 23 percent, the 104th a 37 percent, the 105th a 22 per cent. And now this \$55 million that we are going to be asked, or the legislators who are here are going to be asked for a \$55 million will find they are only asking for a 14 percent increase in the general budget. We are talking about an income tax which now gives us \$64 million in a biennium and I think many of us feel that \$1.8 million is a cheap price to pay to keep the faith of our people in the income tax and to keep us in line with the government where we save many thousands of dollars by using their bookkeeping and their auditing.

Now I realize I am getting into details here too. I tried to make it simple, as simple as you can on a complex matter like this. I might also say this, that since the last estimate a couple of months ago our income tax revenues have increased more than a million above estimates. We are dealing with a big source of our revenue and, as I say, I think our credibility is involved because next year you are going to see this over and over again. The standard deduction has gone up and I hope that we could have a Committee

of Conference on this and you might change the dates of its application; but it will show that we are alert, we are conversant with the thing that is developing, and as good knowledgeable legislators we are preparing for it.

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

Mr. MORRELL: Mr. Speaker, Members of the House: I hope you will vote to recede and concur. I think this is the time to take a good hard look at this imperfection in this income tax law, to perform what has been described as a bit of maintenance, and if by doing it now before it is a real serious problem we force ourselves to be even more critical in increasing expenditures through new programs, then so be it. Now, it seems to me, is the time to discuss it.

It is a fact that passage of this bill would be of help to low income people. It also is a fact that over 80-odd percent of Maine taxpayers would be beneficially affected by the favorable consideration of this bill. I think we have had the technicalities of it described to us. I think that it does warrant our consideration, our serious consideration before it, in fact, creates a serious problem for us, and I hope this afternoon that you will favorably consider receding and concurring.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The only thing that disturbs me is the apparent willingness to make constant adjustments to conform to federal tax law, and I don't like that particular approach. Until there is fiscal sanity and no tax gimmicks for political reasons in Washington, I think the State of Maine should go alone on its own program with no ties to the federal income tax except at the adjusted gross revenue line.

Go your own way, make your own decisions. No tax problem, no tax is equitable to all people in this state; the only thing you can hope to do is reduce it to as little confusion as possible.

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

Mr. CYR: Mr. Speaker, Ladies and Gentlemen: First of all I have to correct myself. I meant that I was opposed to the motion which was just made by Mr. Collins from Caribou to recede and concur with the Senate. I am opposed to that motion. I will be in favor later on of the motion to adhere. My big objection to this legislation is the piecemeal approach that we are using.

We are also told by the proponents of this that they want to conform with the federal tax on the deductions, but they don't mention anything about the exemptions. We are now on the exemptions ahead of the federal government. We have a \$1,000 exemption per person while the federal government, this year, was at \$675 and next year will be at \$750. So it means that we will have to keep reopening this and reopening this same tax deal over and over again. And I am opposed to this piecemeal approach that we have.

We are better off to wait until the committee, which has been authorized to look into taxation for the State of Maine, come out with their report and their suggestion, and then go along with it.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I shall be very brief. But in summary this is an erosion of our income tax law; it is not aimed at the low income tax people.

But now just a parliamentary review because I think some of you are confused. A few days ago, I made a motion to adhere. Then a day or so later, somebody made the motion that we insist and request a Committee of Conference, I was against that today. Now the motion is that we recede and concur; I am against that. I do have one question that I would like to ask the gentleman from Brunswick, Mr. Morrell. Where did this suggestion come from? If it came from him, he certainly is very

knowledgeable and very astute about our income tax law. But if it came from the Bureau of Taxation, I think one reason for it was that it will make it easier for them and their bookkeeping but I doubt if they would cut down one single person.

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

Mr. MORRELL: In response to the gentleman from Bath, I would heartily deny that I am very astute or very learned. This did come indirectly from the Taxation Department. However, it is a redraft and a retitled piece of legislation which was passed in this House and in the other House in the regular session and died on the Appropriations Table.

I think it is as valid now as it was then and I hope that you will recede and concur.

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

Mr. JALBERT: Mr. Speaker, in going along with the gentleman from Bath, Mr. Ross, I think it is as invalid now as it was two years ago, and no matter how you cook it it just adds on \$2 million per year, that is \$4 million for the biennium. And at the next session of the Legislature we can easily tack on another \$4 million and \$4 million and that adds on to the already existent \$55 million.

I have never heard three motions on one bill. I have seen and heard a lot of things today and I have been here quite a few semesters, but for a motion to be made to adhere, and somebody make a motion to insist and ask for a Committee of Conference, then somebody make a motion to recede and concur, is something I never heard of before. It only goes to show you, that you learn something every day. I hope we clear the deck, kill the motion to recede and concur so we can go back to Mr. Ross's motion to adhere and kill this thing dead as a dodo finally.

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

Mr. McCLOSKEY: Mr. Speaker and Ladies and Gentlemen of the House: I won't take up very much

of your time. I am on the Taxation Committee and I signed this bill "ought to pass." I think generally, if I could leave with you one thought, and that is talking about equity in taxes. I think that this bill will create equity in our income tax more than it is now in the present state and I would hope that you would recede and concur.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I did not take part in the discussion the last time, but I think that many things have been said here wondering who knows what about this bill. Well, I am not an expert on it but I have done taxes for probably the last twenty years. As you well know, the ones that were here, I was a very determined opponent of the income tax in the first place. I still am, but I have learned to at least accept it and do the best with it.

I felt at that time, two years ago, or four years ago or whatever it is, that at that time we did not need the income tax, and we did not need it. Because the surplus, we ended up with more surplus than we ever collected in income tax. And it was very interesting to see just what brought the votes up at that particular time.

However, the issue is to grant an increase in the standard deduction to the people of this state. Many times it was mentioned that this income tax was to be a fair tax, to tax the ones that could afford it, to give a break to the ones that cannot afford it. Well I submit to you that for you who spoke against the motion to recede and concur, that they are not working for the person that is within the low income bracket.

I think that this income tax should be based on income and it is based on income, and if it is based on income it should actually give more standard deduction to the person that is within the \$5,000 to \$10,000 bracket. Some people will say that we will be losing probably two and a quarter million. Well, it also has been said that the estimate is way over a million dollars.

On the other hand, I claim that what you haven't got, you never lost. And in this case, I also claim that for the first two years, when the income tax was not needed, that the people of the state were chiseled to the tune of over \$60 million which in fact should have been returned to the people themselves and thereby, if we needed an income tax, we should have come here last year. Maybe we needed one, maybe we would have voted for it then.

But I only suggest to you that you better study this bill, because actually, what is a deduction of an extra two or three hundred dollars to us, or to the people of this state? To a lot of people it means a lot and I am always very interested to see, not so much this time, but when we discussed the income tax that to my observation, a lot of them that do discuss and favor the income tax actually I just wonder if they want the income tax because they don't want to pay a sales tax, because they wouldn't have to pay a sales tax, because they didn't have the income.

So actually, I think that if you are to do it to help the people of this state, that this is a good bill. I think the federal government has taken the incentive this past year in allowing more per exemption, and allowed more on the standard deduction. They have done away with the surtax. I think this is good and for those of you who probably make or has never made an income tax form, you could see that if you compare what your people paid last year to this year, that it is quite a saving, and I think it should go in their pocket.

I think that the more that you give to the State to spend, whether it is from income tax purposes or revenue from income tax or not that they will spend it. And I only submit to you that I think that this is a good bill as far as the exemption, which was the increase in exemption which was mentioned; this I did not agree with too much. But on the other hand, this will help the rather lower income person. It will also help the elderly person which are here

every session to get some help, and I think that that has some value although I didn't agree with it at the start.

I support the motion to recede and concur and I think that the people in this state better look and see who is voting for who and for what.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: Our Maine income tax has the high confidence of the people of the State of Maine as witnessed by the vote that we got in support of the income tax.

It has been mentined here in debate today that our Maine income tax has set a new high standard for state income taxes throughout the United States. I believe that to be so, too. I, amongst many of you, were involved in the effort and there was a considerable effort to get this state income tax in the books and those of us who worked for it I think have a pardonable paternal interest in the bill. I am proud to have had a part in it and people have recognized it for what it is, a truly, an equitable, just tax that they can support. I think we can count on their support for this tax only so long as we are scrupulous in maintaining it to the same high degree of equity that it went into the books with.

Now, it is a fallacy when people claim that this can be left alone and continue to have that same high degree of equity, because we have a high rate of inflation going and it does call for increases and deductions in the level of deductions, and this is what we would be doing here now. We must not allow a slippage to start taking place; this is the first evidence of it. There is a fight going now to prevent an updating of this tax that we are going to be calling on to produce more millions of dollars than we can imagine here. We have talked about 50-odd million. I wish that was the only problem facing the 106th Legislature, is 50-odd million dollars.

We have got a property tax that is right plum out of the dark

ages, the most inequitable, despicable tax that has been imposed on people in the history of mankind, and it is going to have to be corrected. Now it isn't for us to say where it is going to be here today, but I will leave it to you. You look the tax situation over and you guess where it is going to have to go, and I say it is very important that this tax be in just tiptop shape, and we are trying to do it here now. Even the opponents say that this bill, that they don't doubt the merits of the bill but that it isn't timely because of a couple million dollars.

Now this tax, at the extremely low level that is imposed now, produces some \$63 million and it has consistently overproduced the estimates, so it is entirely reasonable to believe that it will overproduce sufficient to make up for this correction that would be put on it. But this will be an act of faith, we can't represent this to be so, but I personally believe it to be so.

I think it would be a mistake now, to pass this over on the basis of political or fiscal expediency. We can look at this short term, we are going to be needing this tax, we will need it badly and it needs to be in top shape. I hope that you will support the recede and concur motion.

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

Mr. COTTRELL: Mr. Speaker, Members of the House: I just want to supplement Mr. Morrell's answer to Representative Ross's question about who framed this, who suggested this bill. It is suggested by the firm of accountants that constructed our income tax, its rates and its deductions. And they think for the good of the income tax that this should have been considered.

Mr. Curtis of Orono requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote

will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Caribou, Mr. Collins, relative to Bill "An Act Providing for a Change in Standard Deductions in Income Tax Law," House Paper 1547, L. D. 2003, that the House recede from its former action and concur with the Senate. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Ault, Bailey, Baker, Barnes, Birt, Boudreau, Bourgoin, Brawn, Brown, Bunker, Bustin, Carrier, Churchill, Clark, Clemente, Collins, Conley, Cooney, Cote, Cottrell, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Donaghy, Dow, Doyle, Dyar, Emery, D. F.; Emery, E. M.; Finemore, Fraser, Gagnon, Genest, Gill, Good, Goodwin, Hall, Haskell, Herrick, Hewes, Hodgdon, Kilroy, Lewin, Lund, MacLeod, Marsteller, Martin, McCloskey, McCormick, McTeague, Millett, Mills, Morrell, Mosher, Murchison, Murray, Page, Parks, Porter, Rand, Shaw, Silverman, Simpson, T. R.; Slane, Smith, D. M.; Stillings, Susi, Tanguay, Theriault, Trask, Tyndale, Wheeler, White, Whitson, Wight, Williams, Wood, M. W.; Woodbury.

NAY — Bartlett, Bedard, Berry, G. W.; Berry, P. P.; Berube, Binnette, Bither, Bragdon, Call, Carey, Carter, Curran, Cyr, Dam, Farrington, Fecteau, Gauthier, Hancock, Hardy, Hawkens, Henley, Immonen, Jabert, Jutras, Kelleher, Kelley, R. P.; Keyte, Lawry, Lebel, Lee, Lewis, Lincoln, Littlefield, Lizotte, Lynch, Maddox, Mahany, Marsh, McNally, Norris, Payson, Pontbriand, Pratt, Rocheleau, Rollins, Ross, Santoro, Scott, Sheltra, Shute, Smith, E. H.; Webber, Whitzell, Wood, M. E.

ABSENT — Bernier, Crosby, Drigotas, Dudley, Evans, Faucher, Hayes, Kelley, K. F.; Kelley, P. S.; Lessard, Lucas, Manchester,

McKinnon, O'Brien, Orestis, Simpson, L. E.; Vincent.

Yes, 79; No, 54; Absent, 17.

The SPEAKER: Seventy-nine having voted in the affirmative and fifty-four in the negative, with seventeen being absent, the motion does prevail.

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

An Act Providing Funds to Carry out Duties of the Criminal Division of the Department of the Attorney General (S. P. 690) (L. D. 1871)

Tabled — February 11, by Mr. Martin of Eagle Lake.

Pending — Passage to be enacted.

On motion of Mr. Martin of Eagle Lake, retabled pending passage to be enacted and tomorrow assigned.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't know how many of you had an opportunity this weekend to read the Sunday Telegram. I don't always agree with its editorials and I suspect that I don't agree with the entire content of the editorial that was the main lead article for the editorial page. But I think for those of us who might not have had an opportunity to look at it, it might be worthwhile to see yesterday's editorial.

And basically, it is called, "The New Muscle to Strengthen Maine Lawmakers." It is half a page and it was well done. Like I say, I don't agree with all of its final conclusions but I think it is worth a few minutes of time to read it, and I congratulate the Maine Sunday Telegram in having come forth in that light. And I think that, for once, I will agree with an editor of a newspaper.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen: Last Friday, I was amazed when no one got up and praised the coming birthday, the

following day, February 12, of one of our great presidents and emancipator of this country — Abraham Lincoln.

On motion of Mr. Porter of Lincoln,

Adjourned until nine o'clock tomorrow morning.