

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Fifth
Legislature***

OF THE

STATE OF MAINE

Volume III

June 16, 1971 to June 24, 1971

Index

1st Special Session

January 24, 1972 to March 10, 1972

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**KENNEBEC JOURNAL
AUGUSTA, MAINE**

HOUSE

Thursday, February 24, 1972

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

Prayer by the Rev. Fr. Leonard A. LeClair of Augusta.

The journal of yesterday was read and approved.

Order Out of Order

Mr. Parks of Presque Isle presented the following Order and moved its passage:

ORDERED, that Cheryl and Llori Lamoreau of Presque Isle be appointed to serve as Honorary Pages for today.

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

**Papers from the Senate
Reports of Committees
Leave to Withdraw**

Report of the Committee on Transportation on Bill "An Act relating to Town's Matching Funds for Resurfacing State Aid Highways" (S. P. 707) (L. D. 1888) reporting Leave to Withdraw.

Came from the Senate read and accepted.

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

**Ought to Pass with
Committee Amendment
Amended in Senate**

Report of the Committee on State Government on Bill "An Act Implementing the Reorganization of the Department of Agriculture" (S. P. 716) (L. D. 1989) 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" and Senate Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-346) was read by the Clerk and adopted in concurrence.

Senate Amendment "A" (S-349) was read by the Clerk.

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

Mr. MARTIN: Mr. Speaker, I move indefinite postponement of Senate Amendment "A".

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin moves the indefinite postponement of Senate Amendment "A".

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

Mr. EVANS: Mr. Speaker, Ladies and Gentlemen of the House: This amendment puts the Soil Conservation back in the Agriculture Department where it belongs. It was started in the Agriculture Department to begin with and it was supposed to benefit the farmers; and it does benefit the farmers and they have the most knowledge of it.

A few people would like to have everything under the Natural Resources and this is one part of it that really belongs to the Agriculture Department. And when it comes to a vote I would hope that you would defeat this motion to indefinitely postpone Senate Amendment "A", because the Department of Agriculture needs this bill and it should be in the Department of Agriculture. When the vote is taken I would ask for a roll call.

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

Mr. BUSTIN: Mr. Speaker and Ladies and Gentlemen of the House: I rise to support the motion of the gentleman from Eagle Lake, Mr. Martin that Senate Amendment "A" be indefinitely postponed. It was the unanimous feeling of the State Government Committee that the Soil and Water Conservation Commission should be in the Department of Natural Resources. The people who wanted it in Agriculture came to the hearing, they put forth their point of view, and after considering this the State Government Committee felt, as I said, that soil and water conservation should be in Natural Resources. And these are some of the reasons why.

The State Soil and Water Conservation and the 16 Soil and

Water Conservation Districts are organized and have been organized since 1941 under the provisions of Chapter 1, Title 12 of the Statutes. This deals with conservation. It deals with Soil and Water Conservation Districts and the Soil and Water Conservation Commission. Other parts of this Title include forest, parks, lakes and rivers, inland fish and game and sea and shore fisheries. It is the intent of the basic enabling legislation that we passed in the last session to provide a vehicle for the conservation of soil and water resources.

And I would quote from the policy of this Legislature passed then. "To provide for the conservation of the soil and soil and water resources of this State, and for the control and prevention of soil erosion, and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands and protect and promote the health, safety and general welfare of the people of this State."

It is obvious from this that the intent of the Legislation was to prevent soil erosion no matter where it exists. It is not limited to erosion of agricultural lands and it was never intended to be. Throughout the legislation there is no mention of agriculture or farm lands, but speaks in terms of developing cooperative agreements with owners and occupiers of land.

I will take exception with the gentleman who previously spoke, that the State Soil and Water Conservation Commission is not now and never has been part of the Department of Agriculture. However, the Commissioner of Agriculture is a member of the Commission as are the Commissioners of Forestry, Fish and Game, and Sea and Shore Fisheries.

Perhaps it would be in order to review some of the recent changes in land use occupancy in the State of Maine in the past few years. The number of farms is decreasing rapidly. The 1964 Census of Agriculture shows a decrease of

over 500,000 acres in land in farms. It also shows a decrease of 4,000 crop land farms during this same period. At the same time, the number of landowners cooperating with local Soil and Water Conservation Districts has increased by approximately 1,000 each year for the last several years. This is not to imply that all of the soil erosion problems on farm lands have been solved. There is still much to be done in this area. The Soil and Water Conservation District's programs have evolved over the years to meet the needs of changes in land use and changes in land ownership. To place Districts and the State Commission in a purely agricultural setting would, in my opinion, stifle a growing and expanding program. It would in fact constitute a step backward for State Government, which is not in fact what we are trying to do with the reorganization program. I would refer the Members of this House to the Biennial Report of the State Soil and Water Conservation Commission dated January 1, 1971. This document outlines the functions and programs of the Soil and Water Conservation Commission.

It includes the soil survey work being done in conjunction with the Site Location Law under the Environmental Improvement Commission.

It includes the coordination activities under the Resource Conservation and Development program.

It includes the administration of construction contracts in the Small Watershed Program which is basically assistance to local municipalities.

It includes Floodplain Information Studies.

It includes the state wide coordination of the Flood Insurance Program.

It also includes a resume of the programs of the 16 Soil and Water Conservation Districts.

It is clear that this is much more than a strictly agricultural program and should be given the rightful place it deserves in the new Department of Natural Resources.

I hope that the House will indefinitely postpone Senate Amendment "A".

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

Mr. EVANS: Mr. Speaker and Members of the House: No matter what he has said, the soil conservation was originally started to benefit the farmers. We saw the need in other departments, so it was expanded to other departments. It boils down that a lot of the people in the city do not understand this soil conservation business, and I still think that it should be under control of the agriculture, because if we do not preserve agriculture somebody is going to go hungry eventually.

I think that the Soil Conservation has been very closely tied with the Agriculture Department. If you don't think so, ask a lot of these farmers that really have big farms, potato farms and dairy farms if it isn't, and I think we would be better off leaving it there than putting it under new management that do not understand the problems of the farmer and the soil conservation.

So I ask that you defeat the motion to indefinitely postpone this amendment.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise to oppose the motion for the indefinite postponement of the amendment. I am not a farmer, so it does not affect me as far as income is concerned. Neither do I have any prepared speech or statement to read that was distributed maybe possibly by the departmental commission.

But I would hope that the House today would stop and think that we have started giving away many of the agencies to other agencies and that we are creating another super agency which is going to have jurisdiction over practically all of the state and practically jurisdiction over the things that we do as individuals, or what the farmer can do that we can do, and this is going to create problems in another session.

Now as far as the farm problem is concerned I don't think there is anybody any more capable of determining what the needs of the farmers are than the farmers themselves, and to turn this over to a new organization, knowing which I do not feel has any concern really for the growth or welfare or the well-being of the inhabitants of this state, would be not only a ridiculous thing.

Now this reorganization may be good in some areas, but in some areas the people, we have got to use our heads and we can't just go along and say "this is going to be good in every instance." And here is one instance today, and I think it is quite a glaring instance, of where it would be a wrong thing to take this out of the Department of Agriculture. I hope that you go along and defeat the motion to indefinitely postpone.

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

Mr. BUSTIN: Mr. Speaker and Members of the House: I would like to point out once more, without a prepared text, that this Soil and Water Conservation Commission has never been in the Department of Agriculture. It is related to the Department of Agriculture at the national level, but on the state level it has been an independent agency, it has been working with the EIC in its many and varied programs that it supports. The gentleman from Freedom keeps indicating that it is part of the Department of Agriculture; it is not.

The soil and water conservation should be part of the Department of Natural Resources because now at the present time it serves these many varied functions and programs and in the future it is going to have an even wider range of importance. So I believe that this Senate Amendment "A" should be indefinitely postponed and we should look to the future in reorganization and not backward to the past.

I would also point out that those farmers who appeared at the State Government Committee hearing and said that it should go into Agriculture admitted before the

Committee — and this was the reason that we said it should go to Natural Resources, those farmers admitted that they had not been neglected by the Soil and Water Conservation as it operated in an independent agency.

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

Mr. BRAUN: Mr. Speaker and Members of the House: I rise to support Representative Evans and Representative Dam. Most of the people who want this couldn't raise a potato. They are not farmers. Let's let the farmers tell us how for this to be happened.

Now the gentleman over here on my left has said that many of our farms are decreasing. Why are they decreasing? I own a farm of 689 acres in the north. The people can get more money for that farm from the United States Government to let it lay in the Soil Bank than they could to farm it. That's why your farms aren't doing anything. We have got too many bureaucracies. Let's let this go to the farmer. And I will stand with Mr. Dam and Mr. Evans.

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

Mr. BITHER: Mr. Speaker and Members of the House: I feel that I should say something about this, and I would like to commend Mr. Bustin for his very learned dissertation. He had a darned good researcher and I agree with him on many many things, in many ways. The Soil Conservation Service has begun to do many of the things other than what it was originally devised for.

I know a little about the Soil Conservation Service. I worked for the Soil Conservation Service for twenty-five years, summers only, and the Soil Conservation Service still in Aroostook County should remain in agriculture and it should stay with the Agriculture Department. Mr. Martin of Eagle Lake knows that. There is no reason in the world for shifting it over, and I go along with the idea of not keeping it in the Department of Natural Resources.

The SPEAKER: The Chair

recognizes the gentleman from Madawaska, Mr. Cyr.

Mr. CYR: Mr. Speaker, Ladies and Gentlemen of the House: I never intended to get into this argument because I didn't know that it was coming. However, I would like to call on my background a little bit to possibly clarify some of the thinking that we have had here this morning in this regard.

I worked four years for the Soil Conservation, two years as an agronomist and two years in that administration. The Soil Conservation Service is the only service which is close to the farmer; it is run by the farmers themselves. The USDA Soil Conservation Service is only offering technical help to the local districts. All of our districts are run by local farmers and the problem itself is an agricultural problem; it is a farming problem.

I realize that in many cases they overlap on possibly some of the Natural Resource team as we know it now. However, I think the thought was very well brought out that the EIC does not understand the problem of the farmer and I do not believe that they should be the one to administer any program whatsoever concerning Soil Conservation Service.

I am in favor of turning down the motion which is now before us to indefinitely postpone this amendment to tack on this to the Agriculture Department.

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

Mr. SHAW: Mr. Speaker and Ladies and Gentlemen of the House: What we are talking about here are two state employees that work with three departments — or prospective departments, Agriculture and Natural Resources and the Environmental Improvement. I think that most of their work is for the Agriculture Department and I should think they could go in there as well as any place.

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

Mrs. CUMMINGS: Mr. Speaker and Members of the House: I think it is very important of course that

the Soil and Water Conservation works with the farmers; after all they are the ones that are the backbone of the State. But there are many more people that are affected than just the farmers. Soil and water conservation is conserving soil and water for the entire state, not just for the farmers. Their points of view, they are working closely with the Commissioner of Agriculture, they will be certainly alerted to whatever the farmers need and want. But it seems to me that this should be under a department whose entire philosophy is for the good of the whole state and not something that is aimed primarily at one segment of the state.

Mr. Bustin of Augusta was granted permission to speak a third time.

Mr. BUSTIN: Mr. Speaker and Members of the House: It appears that debate is about to close on this issue, and before debate closes on this issue I would like to allay the fears of those members of the House who feel that this is an issue between the city boys and the farm boys. I think that it will come as quite a shock to the gentleman from Oakland, Mr. Brawn, that most of my life was spent on a farm and that I have hoed strawberries for twelve hours a day for 25 cents an hour, and proceeded through college and spent a lot of time supervising agricultural employees and have had quite a bit of experience and I am certainly not against farmers. Some of the best people I know are farmers.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I come from fishing country and I don't want to get into a squabble over between farmers and city folk, but I am afraid—in this instance rather I won't say I am afraid, I am glad to rise in support of what Mr. Bustin has said. This has gone far beyond just farming; as a matter of fact in the first place one of the backbones — we evidently have a couple here in Maine, are the forests, and we

have a problem with the forestry as well as with the farm lands.

Now there is something that is coming on because of the population explosion, that we are going to have to conserve water for drinking purposes. Now this is pretty hard for us here in Maine to realize with the number of lakes we have, but if you just stop to think a few minutes of what is happening to some of our beautiful lakes. They are becoming swamps with green algae covering them, they stink. So this goes far beyond whether or not land is plowed properly, whether there is a farm pond on it, this sort of thing.

We are all involved in this, all the taxpayers of the State of Maine; not just the farmers. So please give this ample consideration and don't just be lobbied into something.

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

Mr. DAM: Mr. Speaker and Members of the House: My good friend from Lubec, Mr. Donaghy spoke of a population explosion. Well, I don't know where he has seen this population explosion because in the last census taken it has not shown that we have had any terrific influx of people in the State of Maine; it has not shown that our population has increased to any great degree, if at all.

So I don't think there is any danger of any great population explosion, and the only thing that concerns me — and I should not really be concerned with this bill because I said I am not a farmer, but we are creating a super agency when we delegate all this authority to the Environmental Improvement Commission, and we will have the same thing in a few years to come that we have had with the University of Maine. It was created, it has become a super duper; and now there is no way to bring them back down to earth.

And when you give one agency the right to control the lives of the vast majority of the people of the State of Maine, and this is what the EIC is doing today, this is why one of the reasons I think that we will never see the population explosion as far as the growth

of any industry or opening up of any new jobs. When we create this we are going to allow the State of Maine to become a mecca for the out-of-state people that have got money, and the people in the State of Maine that do not have decent jobs so they can make a living they will be just forced out of the way or forced on welfare.

Now this is what the EIC is doing. They are not interested in the industrial growth of the State of Maine; we all know this. We have seen bills as presented that would tie up certain segments of our industry, and they have been defeated — thank God they have, but it is no guaranty that in future sessions they will, and to create and turn the Department of Agriculture over to them this is only going to stymie, it is going to stifle the whole agricultural operation in the State of Maine, and they are suffering enough now.

I think if anything we should look forward to finding some way that we can stimulate growth in the agricultural industry in the State of Maine and not try to find ways that we can stifle it by turning it over to an agency that has no concern or no knowledge of operating this area at all.

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 Eagle Lake, Mr. Martin, that Senate Amendment "A" 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 — Baker, Bernier, Berry, P. P.; Binnette, Boudreau, Bourgoin, Brown, Bustin, Carter, Clemente, Conley, Cooney, Cottrell, Cummings, Curran, Curtis, T. S., Jr.; Donaghy, Dow, Doyle, Dudley,

Emery, D. F.; Farrington, Fecteau, Gauthier, Genest, Gill, Haskell, Hodgdon, Kelley, K. F.; Kelley, P. S.; Keyte, Kilroy, Lizotte, Lucas, Lund, Lynch, Marsh, Marsteller, Martin, McCloskey, McKinnon, McTeague, Mills, Murray, Norris, O'Brien, Orestis, Payson, Santoro, Scott, Sheltra, Silverman, Slane, Smith, D. M.; Smith, E. H.; Stillings, Susi, Theriault, Vincent, Wheeler, Whitson, Whitzell, Woodbury.

NAY — Albert, Bailey, Barnes, Bartlett, Berry, G. W.; Berube, Bither, Bragdon, Brawn, Bunker, Carey, Carrier, Churchill, Clark, Collins, Cote, Curtis, A. P.; Cyr, Dam, Dyar, Evans, Faucher, Finemore, Gagnon, Good, Hall, Hancock, Hardy, Hawkens, Henley, Immonen, Jalbert, Jutra, Kelleher, Kelley, R. P.; Lawry, Lebel, Lee, Lewin, Lewis, Lincoln, Littlefield, MacLeod, Maddox, Mahany, McCormick, McNally, Mosher, Murchison, Page, Parks, Porter, Pratt, Rand, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Simpson, T. R.; Tanguay, Trask, Tyndale, Webber, White, Wight, Williams, Wood, M. W.

ABSENT — Ault, Bedard, Birt, Call, Crosby, Drigotas, Emery, E. M.; Fraser, Goodwin, Hayes, Herrick, Hewes, Lessard, Manchester, Millett, Morrell, Pontbriand, Rocheleau, Wood, M. E.

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

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

Is it now the pleasure of the House to adopt Senate Amendment "A"?

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

Mr. BRAUN: Mr. Speaker, I now move for reconsideration and I hope that you will all vote against me.

The SPEAKER: The gentleman from Oakland, Mr. Brawn moves that the House reconsider its action whereby Senate Amendment "A" was not indefinitely postponed.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman from Oakland, Mr. Brawn in having made the motion since I was in no position to make it myself. I did not rise to debate the issue but I think now the point has come where I am going to say a few words about it, and I can assure the gentleman from Oakland that I raise a few potatoes myself; I don't raise enough to sell to him or to anyone else, but I do raise a few.

I think I do know something about the problem and I am fully aware of the problems that exist in the area. But let me make one point here. We are not talking about creating any super bureau, we are not talking about the EIC. We are talking about the organization of the Department of Agriculture, and we are only wondering whether or not one small group of people, actually two people, should come within the Department of Agriculture.

The reason I made the motion for indefinite postponement was because the entire Committee on State Government had suggested that this particular board go somewhere else in the Department of Agriculture. Now I don't know, but it seems to me — and maybe I am all wet, it seems to me that I was willing to abide by the decision of the State Government Committee. I was not hot on the issue either way, but I do think this. I think that a number of people spent a great deal of time on this issue, they have made a recommendation to us. Until we have solid evidence as to why something like this should be changed it was my feeling that we ought to abide by that decision.

And so I would ask you to vote for reconsideration so we can indefinitely postpone it, and when the vote is taken I would request that it be taken by the yeas and nays.

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen: I well remember when soil conservation came to the State of Maine. I was

of that age group that were getting out of college, and I debated the thing very seriously. Many of my classmates in the agricultural graduating class, in the late 30's-early 40's, went to work for Soil Conservation and over the years the Soil Conservation activities were almost one hundred per cent concerned with agriculture in the State of Maine.

Now it is true that today they are involved in several fields and I think mainly the percolation tests we are all somewhat familiar with now, and they can still be concerned and connected with the percolation tests under the Department of Agriculture as they have been in the last few years.

And so I am highly in favor of the action that we have just taken here on the floor of the House.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: When these reorganization bills came before us in the regular session we were asked by both sides of the aisle if we would pass them out in concept, let the committee work on them; they would be brought back to us at the special session, and in no way would they ever be in a position where they would want to hurry them through this House and Senate.

They were going to be brought back so you and I as individuals could amend them or discuss them and talk about them, and it disturbs me quite a bit, to put it frankly, and when anyone gets up to suggest an amendment to put on any one of these particular bills or criticize some parts of the bills that some of the people in this House are disturbed at the fact that we have got a right as individuals to come in here and amend these bills.

Now I think that Mr. Martin made a point this morning, and it kind of irked me just a little bit here, when we talk about discussing any type of these amendments or whatever the case may be. I think that Mr. Evans explained it very clearly why this amendment should be adopted on

this bill. I don't believe that anyone can get up and shoot down his arguments. I think it was really clearly presented. I am not plowing any cornfields up in Bangor, but I am delighted to get up and try to help the farmers of this state.

It just makes me a little mad to think that this committee, and I know they have worked hard and they have worked very long, that they think that they know all the answers on these reorganization bills. I am quite sure that before we get done here, maybe today or tomorrow when the rest of them come in here, that they haven't got all the answers. Maybe we have got a few suggestions that we would like to give them.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would just like to make a comment, that I visited with the gentleman from Bangor, Mr. Kelleher at the Bangor Fair this summer, he wasn't exactly hanging around an ice cream parlor.

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

Mr. CYR: Mr. Speaker and Members of the House: I think there is a misconception in regards to this soil conservation work. We are talking of diversion ditches, we are talking of terraces, we are talking of contour farming, we are talking of watersheds, we are talking of dams to prevent water erosion or so forth.

Now this is all under the USDA, the United States Department of Agriculture. If we change this from the Agriculture Department on the local level, on the state level, then we put it under the EIC. Every time that a farmer will want to put in a terrace or will want to put in a diversion ditch, or an outlet, he will have to apply to the EIC for a permit; and this is just not feasible.

I think it should stay where it is, with the Department of Agriculture. You are dealing with farmers, you are dealing with farm work. Now I understand some of the comments were made that

we're interested in the overall picture to save water and soil all over the State of Maine. Well this is what the farmer is doing on the local level on his own farm. If he can stabilize the soil on his farm, he is not silting the lake nearby, or the river nearby. Therefore he is protecting the water for the people of the State of Maine and I think it belongs to the Department of Agriculture and we should vote against the reconsideration motion which Mr. Brawn has before the House right now.

The SPEAKER: The pending question is on the motion of the gentleman from Oakland, Mr. Brawn that the House reconsider its action whereby the motion to indefinitely postpone Senate Amendment "A" failed.

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 Oakland, Mr. Brawn, that the House reconsider. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Bernier, Berry, P. P.; Binnette, Boudreau, B o u r g o i n , Brown, Bustin, Carter, Clemente, C o n l e y , C o o n e y , Cottrell, Cummings, Curran, Curtis, T. S. Jr.; Dow, Doyle, Farrington, Fec-teau, Fraser, Gauthier, Genest, Gill, Goodwin, Haskell, Hodgdon, Kelley, K. F.; Kelley, P. S.; Keyte, Kilroy, Lebel, Lizotte, Lucas, Lund, Lynch, Marsh, Martin, McCloskey, McKinnon, McTeague, M i l l s , Murray, O'Brien, Orestis, Santoro, Scott, Sheltra, Slane, Smith, D. M.; Smith, E. H.; Stillings, Susi, Theriault, Vincent, W e b b e r , Wheeler, Whitson, Whitzell, Wood-bury.

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

Berube, Bither, Bragdon, Brawn, Bunker, Carey, Carrier, Churchill, Clark, Collins, Cote, Curtis, A. P.; Cyr, Dam, Dudley, Dyar, Emery, D. F.; Evans, Faucher, Finemore, Gagnon, Good, Hall, Hancock, Hardy, Hawkens, Henley, Herrick, Immonen, Jalbert, Jutras, Kelleher, Kelley, R. P.; Lawry, Lee, Lewin, Lewis, Lincoln, Littlefield, MacLeod, Maddox, Mahany, McCormick, McNally, Mosher, Murchison, Page, Parks, Porter, Pratt, Rand, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Tanguay, Trask, Tyndale, White, Williams, Wood, M. W.

ABSENT — Ault, Bedard, Birt, Call, Crosby, Donaghy, Drigotas, Emery, E. M.; Hayes, Hewes, Lessard, Manchester, Marstaller, Millett, Morrell, Norris, Payson, Pontbriand, Rocheleau, Wight, Wood, M. E.

Yes, 59; No, 70; Absent, 21.

The SPEAKER: Fifty-nine having voted in the affirmative, seventy in the negative, with twenty-one being absent, the motion to reconsider does not prevail.

Thereupon, Senate Amendment "A" was adopted in concurrence and the Bill assigned for third reading later in the day's session.

Non-Concurrent Matter

Bill "An Act relating to Disclosure of Economic Interests by Legislators" (H. P. 1572) (L. D. 2029) which was passed to be engrossed as amended by House Amendments "A", "D", "G" and "H" in the House on February 17.

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

In the House:

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

Mr. ROSS: Mr. Speaker, I move that we recede from our former action and concur with the Senate.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Marstaller.

Mr. MARSTALLER: Mr. Speaker, I move that we recede.

The SPEAKER: The gentlzman from Freeport, Mr. Marstaller

moves that the House recede.

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

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: There are a few things I would like to say about this bill. I am getting the habit of speaking and I am speaking too much and I know it, I hope you will forgive me. But this total bill with its amendments is the most ludicrous thing that probably has come before this House in either the regular session or in the special session.

It was said in the debate before that the people have asked for this bill; this has not been my experience. Not one person in my district has asked for financial disclosure from members of the Legislature, department heads, the Governor, or anyone else that has now been included. The only people who have requested this have been the news media and they have requested it through their editorial system and in 99 per cent of the papers they don't even have the guts to sign their own editorials; and they are asking us to make financial disclosures. This morning within minutes a paper was passed out to us by Representative Kelley of Caribou, an editorial from the Portland Press Herald. I would like to quote to you one or two things that this editorial says.

In the last part of the first paragraph "when some representatives fouled their own House," I resent this, I resent it bitterly. We may make mistakes down here and we often do, but when an editorial writer who does not even have the courage to sign his own editorial claims that we foul our own House I think that this House should resent that and resent it highly.

In the second paragraph it mentions lobbyist in this new amendment that was put on by the other body. I have no disagreement with that particular amendment. But I want to follow on with the last sentence in that paragraph. "The reason for turning aside the amendment was that if lobbyists were included the bill would be defeated. This was a debasing admission, the lobbyists

are nothing but pawns, the legislators are nothing but pawns of the lobbyists."

I will call to your attention that this statement was made by the Majority Leader of the House and not by any other member. Now I have the greatest respect for the Majority Leader and I agree with him much of the time; on occasion we disagree. And on this particular occasion we disagree.

I would like to call your attention to the bill itself. On page two, the first full paragraph, the first part of it is the end of another paragraph, within the first full paragraph: "The names of any secured creditors." What does this mean? If one of us gets an unsecured loan we don't have to report it, but if we get a secured loan or mortgage we do have to report it? What meaning does this have for financial disclosure? I see nothing.

"The names of any secured creditors to whom the candidate owes more than \$3,000 shall be stated as of the date of the filing; however, the amount of the debt shall not be disclosed."

Let us assume for a minute that my house might be worth thirty or thirty-five thousand, and I am just guessing, and I have as I have, and I will make a financial disclosure this afternoon or tomorrow morning, any time, I am not worried a bit about a financial disclosure; and if anybody can understand it they will do a dog-gone sight better than I do.

If my house is worth some thirty to thirty-five thousand dollars and I have about a \$12,000 mortgage on it, as I have, this is just a business procedure; it means nothing whatsoever. But if that house is worth the same price and I have a \$75,000 mortgage on it, something is very funny. Either the loaning agency is stupid or they are buying me, one of these two things. But in neither case do I have to state the amount of the mortgage as long as it is more than \$3,000.

Now what about business people? They are constantly borrowing money and constantly paying it back, usually in sums in excess of the \$3,000. What does this mean

to a financial disclosure? I think again it is meaningless. I think this whole bill is meaningless.

The second full paragraph on page two: "The statement shall also disclose any offer of employment made to a Legislator or the Governor which he accepts during his term of office." Now to refer to paragraph one on the first page. It says that we shall make this disclosure when we file our nomination papers. How do you disclose an offer like this, an offer of employment, that occurs during the Legislature before you are even a member of the Legislature? You are trying to do something when you are filing your papers.

The third full paragraph on page two: "Any person who is elected to the Legislature or the office of the Governor shall file a new statement within 30 days after the last day of the year." Fine, the last day of what year?

Ladies and gentlemen, I am perfectly happy to accept a meaningful financial disclosure by people who serve in the legislature. As I say, if anyone can understand my good luck to them, I can't. But this type of a situation does absolutely nothing. It will only confuse the public. It will only satisfy the gutless editorial writers who will not even put their initials to their editorial. It does nothing for no one, absolutely nothing.

Mr. Speaker, ladies and gentlemen of the House, I now move that this bill and all of its accompanying papers be indefinitely postponed.

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: I have been around this House for a long long time and I never saw long noses stuck into anything quite as bad as they have into this. I am probably the poorest man in here to oppose this bill because my wife is not going to work next year, and every pound of blueberries that I produce in the State of Maine is on record over here in the Department of Agriculture, and every Christmas tree I sell is over in the Department of Taxation, where I pay my

sales tax. I have no bills; I have no mortgages.

But I think this thing is going to curtail the amount of people that we can get to come into this House. You are going to have that end of the financial spectrum, if you want to call it that, that is not going to come down here and take part in this process because they are not going to want everybody in the State of Maine to have their long nose in their financial process.

You are going to get into the other end of it. You are going to get into these kids that are beginning to come into this House that don't have two pennies to rub together, and they are going to have a certain embarrassment when they have to come down here and tell everybody in this House they haven't got any money. And I think it is absolutely stupid of us to create a situation which will curtail membership in this House.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to thank Mr. Owen Hancock for his courageous words, and very well spoken, Owen. How far will this House go in election year to reassure that they be reelected, and where does this disclosure bill stop? What you voted for last week in passing this bill was a beautiful title with a horrible bill, but you accepted a beautiful title.

I rise again, I say, to support Mr. Owen Hancock.

The SPEAKER: The Chair would inform the House that this Bill in its present position is a non-concurrent matter. The only motions available to us are recede, concur, insist and adhere. The pending question is on the motion of the gentleman from Freeport, Mr. Marsteller, that the House recede.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I am rather shocked by this editorial because this amendment to include the lobbyists was

my amendment. I don't know what kind of games are being played here, but on the day that I presented the amendment my Majority Leader got up and moved for its indefinite postponement. The Minority Leader, Representative Martin did likewise, and I had the feeling that if something wasn't done then the whole bill might be in jeopardy.

This morning I would like to speak just briefly on some thoughts that I reflected on last night concerning the lobbyists being added onto the bill. It has been claimed that there are at least twice as many full-time paid lobbyists in Augusta as there are members of the Legislature. A great many of the most influential lobbyists are former legislators. It is easy to see why this is so. Men who have actually worked in the Legislature have access and acquaintanceships and knowledge of the legislative process which are invaluable to an interest group.

Although I don't consider lobbyists to be parasitic growth on the body politic, I do feel that the busy, understaffed and harassed legislator to be at his mercy for expert knowledge and opinions on many highly complex matters. If the following premise is valid then I believe the public should have some knowledge of these lobbyists who are presenting legislators with highly expert, one-sided advice.

I have been invited to talk before many organizations, including the Rotary and Kiwanis Clubs, and invariably a question comes up on the effect of lobbyists on the state level. I always attempt to be candid and usually respond with a list of the positive functions performed by them but always caution these groups about the unfair advantage the lobbyists have over members of the legislature. For example, where we are expected to study and be knowledgeable on roughly 1,800 bills, they concentrate on a relatively small number and naturally become experts.

If the legislative standing committees had the staff to research the other side of the question then there would be no problem. Briefly then, we would get the lobbyist

propaganda and have this balanced by legislative research to give a more accurate perspective on the problem to be solved. But unfortunately we don't have this staff and the lobbyists pretty much call the shots by influencing vital pieces of legislation for the special interest groups that they represent, and the public interest is left to be upheld by the inexperienced and sometimes naive \$2,500 a term legislator.

This amendment which, incidentally, was my amendment in the House that I withdrew, later added on by the other body, this amendment to include lobbyists puts them on a par with the rest of us and, if they have nothing to hide, I can't understand why they would lobby against this inclusion.

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

Mr. LUND: Mr. Speaker, I would make a parliamentary inquiry.

The SPEAKER: The gentleman may pose his inquiry.

Mr. LUND: Mr. Speaker, could you explain, please, what is the difference in effect between the pending motion to recede and the previous motion to recede and concur?

The SPEAKER: The Chair would advise the gentleman that recede, under our rules, has priority over concur.

Mr. LUND: Mr. Speaker, I understand it has priority, but what if any difference in the effect is there?

The SPEAKER: The Chair would advise the gentleman that to recede is receding to engrossment. When the House recedes it goes back to the engrossment of the bill for the offering of amendments that may be adopted or indefinitely postponed.

Mr. LUND: Mr. Speaker, so if one wished the bill to recede one would vote to recede and concur, is that correct?

The SPEAKER: The Chair does not wish to pass an opinion on this particular question.

The Chair recognizes the same gentleman.

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I agree with much of what was said

by the gentleman from Casco, Mr. Hancock. However, it seems to me that the basic principle of some kind of financial disclosure by the legislature is a sound one. I think it would be preferable to move this bill ahead, and if problems arise in its operation, to take care of them as they arise.

It also seems to me that we should have in mind the saying that every journey begins with one step, and I think that we should move this bill ahead with one step. I would suggest that we vote against the pending motion and vote in favor of the motion to recede and concur.

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

Mr. ROSS: Mr. Speaker and Members of the House: I made the original motion to recede and concur, but I realize that if the motion to recede is accepted, that will just mean that the bill is still before us and still open, it is open for other amendments and perhaps there are others that would like to amend it.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Marstaller.

Mr. MARSTALLER: Mr. Speaker, Ladies and Gentlemen of the House: I made the motion to recede so that we could back up from engrossment so that another amendment could be added, and this amendment is a housekeeping amendment, if you will. In the original bill there was a provision for forms to be produced by the Secretary of State for this disclosure, and in the redraft this was omitted. If this bill passes it is very necessary that this amendment be on it. So this is the idea of the motion to recede, so this amendment can be presented. So I hope you will vote for this motion, then if we put this amendment on, the bill is still in force and we can do whatever we wish.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I too hope this House will vote to recede. I too have an amendment I would like to offer. The only way I can offer it is in case we do recede,

so I do hope that this House will recede.

The SPEAKER: The pending question is on the motion of the gentleman from Freeport, Mr. Marstaller, that the House recede. All in favor of receding will vote yes; those opposed will vote no.

A vote of the House was taken.

120 having voted in the affirmative and 2 having voted in the negative, the motion did prevail.

Senate Amendment "A" (S-350) was read by the Clerk and adopted in concurrence.

Mr. Marstaller of Freeport offered House Amendment "K" and moved its adoption.

House Amendment "K" (H-565) was read by the Clerk and adopted.

Mr. Dudley of Enfield offered House Amendment "J" and moved its adoption.

House Amendment "J" (H-563) was read by the Clerk.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of this amendment that is before us. I think it is an obvious step to kill the bill. It puts all town officials and cemetery committees and filling station operators and everybody in the world under this, and it is pretty obvious. I would hope that we wouldn't disgrace our operations here by admitting this. I hope you will go along with me and kill this thing.

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

Mr. JALBERT: Mr. Speaker, I would like to ask a parliamentary question.

The SPEAKER: The gentleman may pose his question.

Mr. JALBERT: Mr. Speaker, is the amendment as presented by the gentleman from Enfield germane?

The SPEAKER: The Chair would answer in the affirmative.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am somewhat amazed to have to get up here this morning to defend such a small amendment because it was

quite apparent to me that some members of the House were suspicious that there were dishonest people being elected in this state. So it was my thinking that if we are going to cover a portion, and some I have highest esteem for, like our judges and the Governor and many people in this House, that we should start and cover them all and not leave out any, because they are elected officials.

I was elected many times as selectman as well as here, and I can't see why the people in order if you are going to do this are entitled to an overall coverage rather than just picking out a distinct few. So if you want to keep it honest, I think we should accept this amendment; and if you think that there is dishonesty in elected officials, that we keep them all in mind rather than just a few. So I rise this morning in defense of this little insignificant amendment and hope that you support it like you have the others.

There is a lot to be said about the bill, but I guess there is enough been said already. I hope you accept this amendment and let's keep everybody honest.

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

Mr. CAREY: Mr. Speaker and Members of the House: As many of you know, I am a municipal officer and I have absolutely no objection to this amendment being presented. There is one little thing that comes up and that is some people are elected at different times of the year, and this may create a problem as to what is 30 days after the last day of the year.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen: I am just delighted to see that the gentleman from Enfield, Mr. Dudley has changed his position with respect to this bill, because I understood him the other day to say this bill wasn't necessary at all because the people in his town knew what he did both day and night. Now if what he says is true, and I am sure that it is, I am sure that it is the case in many of the small towns. So I don't really see that we need

this amendment on this bill because I am sure that the people in the small towns know what is going on.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I too am opposed to the amendment as presented by Mr. Dudley. I think if we are going to start — and I think there is a need to start some type of an economic disclosure, then I think we should start it within our own legislative halls and work it from there. If we find that it is palatable, we can work out the solutions and we can find that it is a success, and if we find later that we think it ought to go back to municipal offices and so forth, that is fine, I think we should do so.

If this amendment goes on, there will only be another one and another one and the next thing we know, we will have so many amendments we will have another agency set up just to handle the disclosure and we will be over on the Appropriations Table with a sizable appropriation just to get it enforced.

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

Mr. DAM: Mr. Speaker, Members of the House: I rise to oppose the amendment although I hate to oppose the amendment offered by my good friend, Mr. Dudley, because I think many of his views are quite well taken.

But I feel, and I am not opposed to this because being in the Legislature, here in the Legislature, if we passed the bill, I would have to disclose anyway, so it would only mean making another form out for the town. But I do feel that we should not go down at the local level because the people do have the right to home rule and if any town feels that there is any hanky-panky going on with their municipal officers, they could very well take care of this by passing an ordinance at the local level or in the case if they don't have any hopes of passing an ordinance it could be passed by insertion of

an article at the annual town meeting.

So I don't feel that the Legislature should impose any burden on any municipality that is not needed and if anybody has any feeling that there is hanky-panky, they could always initiate a petition in their own city and town to allow this to come before a local body to be taken care of.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen: I don't often agree with my friend, Mr. Dudley up there, but I will say on this particular question, what is sauce for the goose is sauce for the gander; if you don't need this amendment, then you certainly don't need the bill.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: The last speaker has just said my words for me, but I did rise in defense of my own statements of the other day.

It is true, I did vote against this bill the other day because I thought it picked on just a certain few. I feel a little bit different if it is going to take in a whole area of elected officials and for this reason, I presented this amendment.

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi, that House Amendment "J" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 84 having voted in the affirmative and 46 having voted in the negative, the motion did prevail.

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

Mr. HANCOCK: Mr. Speaker, I now move that this bill and all of its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Casco, Mr. Hancock now moves the indefinite postponement

of this Bill and all of its accompanying papers.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I would ask for a roll call. I rise in opposition to the motion to indefinitely postpone. I think that maybe the truth of the matter is that maybe the press did bring this little issue to light along with several other little incidents.

And there are those, some people in the state that come out and called everybody up and said, "What is your income, you are representing me in Augusta." But I think the people in this state have built up somewhat of an animosity against us. I think they very often distrust us, unjustifiably so. I think that right now, because this has been brought out, that many of them do feel that maybe we have got something that we should hide. I don't believe any of us have got anything to hide and I do believe that this bill is a step in the right direction to breach this credibility gap between us and the people of the State of Maine.

I further feel that with the amendment that is on it from the other body, after our action the other day, that I think it is time for us to stand up now and take a positive action, and not take a negative one and say, "We have got the courage to tell the people in the State of Maine that lobbyists don't have that much of an influence on us," and I think the ensuing vote is just going to take and show just exactly that fact and I would encourage you not to vote for indefinite postponement of this bill. I think it is good legislation and it is something that we should be proud of and vote and give it to the people of the State of Maine.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I think probably if we compile the number of minutes and hours that we have wasted of the taxpayers' money on this ridiculous bill, it will run into many thou-

sands of dollars. I will take some of the words of the previous speaker, Mr. Simpson, let's back up Mr. Hancock, and stop this farce by killing this bill, and we, ourselves, showing the courage of our convictions when we run for office as a citizen legislator with our own various methods of keeping our whole lives, our incomes; we come down here, quite by sacrifice, a lot of us, and I say, as I said the other day, it has been a complete witch hunt. It has been brought about completely by harassment of the press, the same harassment which the press even hesitates to mention in their various editorials.

I run a very small weekly legislative program, as many of you know, I have for years. I am afraid of none of my constituency on any of these matters. I even took it to them last session when the conflict of interest bill was in process which I opposed, I said it was unnecessary. I still insist it was unnecessary. I took it to my constituency on my radio program and I told them how I stood on it and I invited, I asked for comment. I have done the same for the last three weeks on my Sunday radio program up home. It covers all of my area and a lot besides. I have twenty-five minutes every Sunday.

The only comment I have gotten, mind you the only comment, is exactly as I said. The only thing they ever heard and worried about is why does the press pick on this Legislature in that manner. I asked if they thought that we should have that, they said, "Lord, no." "We know how you make your living; if we don't like it, we don't have to reelect you." That is exactly what I have said and I have asked probably up to 20, 25, of course that isn't many compared to my 7,000 constituents but that is all the time I had. And I was told by each one the same thing that I have said, "Why are you wasting time on bills that are unnecessary. We thought this was an emergency session."

Now, just to comment a little bit briefly more on this bill, what it could do. We pride ourselves on our equality in this country. What

in the world are we trying to do with a bill such as this which is going to very likely set up a class distinction? What business is it whether I work for the North Haggletrap Insurance Company or not, to this state or to anyone except my constituency? What business is it whether I have a mortgage on my place or not, except my business and the banks? What business is it whether I owe \$5,000 for an automobile or \$20,000 for a tractor, except my business and the people who hold my paper?

I am sorry to have taken so much of the taxpayers' money and time on this ridiculous bill. But I think that this Legislature needs someone like Mr. Hancock and some of the rest of us who will stand up here and look the press in the eye and tell them that this is a witch hunt. This bill has no place in the citizen legislature and if it does it should have all these amendments on it, every one of them, right down to the lowly dogcatcher.

Now, I think that the roll call is asked for in the move to indefinitely postpone. I hope so, if not, I will move it. And, now that we have hashed this over so many times, let's put it to rest and get on and see if we can get out of here in another ten days or a couple of weeks.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I also am against the indefinite postponement of this bill. I am sure that there are people here who feel that it is no one's business what the source of their income is or the people or banks to whom they owe money. But I believe that this vehicle is good public relations. This legislature needs a better image and I think that we should do something like this because we are not guilty of a poor image. People should be proud of us and the way we operate and I think a bill like this would help them do that.

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

Mr. DAM: Mr. Speaker, Members of the House: I highly sup-

port my good friend from Bath, Mr. Ross, in his views. I am only sorry that I am not such an eloquent speaker as Mr. Ross is.

I do not agree with my good friend, Mr. Henley, that this is a waste of time or a waste of the taxpayers' money because there wasn't much objection for the legislature to vote that they wanted "snoop books" on the state employees and to go further, to include the University of Maine employees because they thought they had a right to this knowledge. Because the legislature acted on the project and it was state funds involved.

I feel that the people of the State of Maine have a right to the knowledge that this bill would impart to them on the lives of the people they elect. Now, this morning I have got to reverse myself a little bit on my stand against the newspapers.

I am not going to give them any bad label this morning. I don't think there has been any case here of any harassment by any of the newspapers. I don't think there has been any picking on the legislature by the newspapers. I think they have done a service, not only to the legislature, but to the people of the State of Maine in their editorial in support of the amendment that was offered by the other body. I do not see where any member of this body could vote against this bill and say it's a bad bill where it would hurt them, because I would not be averse or ashamed to publish my financial condition or to even go on the TV stations and air it to all the public in case they missed it out of the file.

I do not claim this is a witch hunt. There is a great deal of doubt, I do not say mistrust, but there is a great deal of doubt in the people's minds in this state as to why legislators come down here for the fee that we get as our salary and devote the time that we devote. I think these people in the State of Maine have a right to have their doubts cleared up and know what is going on.

It's the people that pay the bill, it's the taxpayer that we look toward to fund our program and I think this bill will restore a whole

new era of trust in the people in the State of Maine as concerns their elected officials. And I hope that this House will not vote against the indefinite postponement of this bill because if there is anything we can do this session or in the last regular session that will show the people in the State of Maine that we are concerned, that we have the interests of the people at heart, then this bill is that bill. And to indefinitely postpone it, I feel, would be one of the worst mistakes that we could ever make, and I hope that you would vote against that motion.

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

Mr. FARRINGTON: Mr. Speaker, Members of the House: I want to say at the outset, I think in this body we have some of the most honorable people I have ever met, honest and possessors of integrity. But I think the problem has not been looked at in its proper perspective.

The press probably has distorted and challenged and questioned the integrity and honesty of the two chambers up here in Augusta, and I think the only way that we can probably resolve this is to pass this bill.

Now, the public knows what they read in the papers and that is about all. Because as I said the other day, if they are up here observing these things and meeting with the 150 other members of this House and watch the procedures, I don't think there would be any need at all for this bill. But the press has cast a great deal of suspicion on the members of the two bodies up here. And if the public is to realize the full extent of our honesty and integrity, we must avoid even the appearance or suspicion of the misconduct we sometimes read in the editorials.

And I think that this bill is desperately needed at this time.

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief, because I am losing my voice which will be good news to many of you.

But I think we are perhaps being just a little bit too touchy about what the press thinks and I have learned from personal experience not to pay too much attention to what editorial writers say, because many of them have absolutely no comprehension about what it means to be a legislator and especially about what it means to try to be a good legislator.

I don't think we should be voting for this bill because of pressure by members of the press and I don't think we should be voting against it because we want to show that we cannot be pushed around. We should be voting for it because we believe it is a good bill, and I believe that it is a good bill and I hope you will vote against indefinite postponement.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I kind of think as I sit here and listen to the orators of the House that we are trying to deceive the people, and we are deceiving them in this way.

We are trying to divert their attention to whether they are honest or dishonest here or the judges or the governor or somebody, and this makes good writing in the press. And I don't mind making something for the press to write, I think I have had very good press relations and I have no gripe with the press and I think they do a relatively good job. All they want us to do is to do something so they will have something to write about, and I am not sure we are doing it.

I told you the other day, and I don't believe you listened, but I told you and I am going to tell you again where the credibility gap is. The credibility gap is when you keep reaching for more money, and this is what is creating the credibility gap. Now if you can do anything to diversify the thing, by writing about this bill, you are accomplishing your cause, because only yesterday you voted to increase your own pay. I didn't figure out the percentage, but it was enough so that it will shock the people back home when they see it, but that probably won't be in the press. What will be in the press is about

this little jewel this morning. I don't want to deceive anybody, and I believe that it may be a fact that there is a Mafia in the State of Maine, but I don't believe it is in here and I don't believe it is in the other body.

However, if my name was maybe Goobernuchi or Chinchin or Susi or something like that, I might be suspicious that the people would think I was connected with it. But it so happens that my name is Dudley and I don't think there are any Dudleys mixed up with the Mafia, so for that reason I have no fear. And this bill, if you are only going to pick out a certain few and you are not going to accept the amendment that I offered, you are obviously just trying to say there are problems in the House, and I don't believe there is.

Now while I am on my feet I want to tell you one other thing, that in the many years that I have been here I have seen some very distinguished people, with some here today, a lot of them. But I don't see the men here, the wealthy people that used to be here. And, if we do this, I don't want this House to be all occupied by millionaires and I don't think it is the right place for them. However, I enjoyed having a few of them here because in order to be as wealthy as they were, most of them had to have a lot of knowledge in order to get to be wealthy and I could use their knowledge, and I think the House as a whole could use their knowledge when they were here.

And I think a bill of this nature would tend to put a person in this caliber and say, well, if I've got to divulge all my business secrets and all where I earn my money and like, I can't be bothered serving the people down there. I think it is bad on the other end. I know young people that would like to serve here, that owe a mortgage on their house, on their car, and they would not like to disclose all these things. So we may be keeping two elements from serving in this House, the real wealthy and the people that do owe a lot.

And I just don't see what we accomplish. You may be accomp-

lishing the very thing that I tell you. You may be able to get the press in all areas to write about this bill and overlook what you did yesterday. You may be able to do that, you may be able to deceive them a little but you are not going to help your credibility gap. Because the credibility gap, every time you meet here, pick our pockets further. That is what you did yesterday, that is what you did the day before and that is what you are going to keep on doing. So, if you can deceive them by passing a bill like this, you are accomplishing your end. Now, I hope the press make two pages of it.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I have sat in my seat just about as long as I can. I have heard some very sensible remarks this morning and, of course, I like to listen to everybody's views. But there is one point that has not been brought out, I am surprised to find, is that the voting electorate, strange as it might seem, after all this oratory that we have listened to, are not going to have the benefit of these revelations until after the act is committed.

In other words, you are going to elect a Governor for four years before he has to reveal all these things about his private transactions and things like that. So it seems to me that while this is going to put the record of every member of this House and everybody, the lobbyists if we choose to include them eventually and everybody that has anything to do with it, it is going to put it up where everybody that is interested in somebody else's business has got a chance to look at it.

Well, I am like the gentleman from Hope, Mr. Hardy, I am not ashamed to reveal any of my financial transactions. They are small enough so that they are not going to scare anybody, I am sure. I think the electorate in my district are presently well enough aware of my business interests so that they probably are not interested in this.

I am not afraid to vote my feelings either and I hope we stop now, at this point, fooling around as we have been for the last three or four days and go along with the motion of the gentleman from Casco, Mr. Hancock, to indefinitely postpone this bill and let's put it to rest for good.

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 am delighted that we are having a free and full discussion of this issue this morning. I think this is what the people of the state are sending us down here for, I think this is what they are paying us for, is to bring these things out in the open and discuss them, both sides of the fence, and there is no bill that comes in here that is 100% right or 100% wrong. They should be discussed, they should have consideration. So, I am all in favor of the debate from both sides.

I would like to comment on one remark that was made by the gentlewoman from Bath, Mrs. Goodwin, I didn't agree with her in the entirety of her speech, but she did say something that I did have to agree with very much. And that is, I can't quote her exactly, but to the effect that the press does not know exactly what a legislature does, a good legislature does, of what we in many respects are doing down here, our various fields of activities as legislators. With this, I could not help but agree. And I would like to quote to prove that point from the same editorial that was distributed by the gentleman from Caribou, Mr. Kelley, in the next to last paragraph.

The Press Herald editorial says, "The people should know by whom the lobbyists are employed." It's on file right out there, anybody in the press that wants to get it, can get it any time they want to. And editorial writers, sometimes smart and sometimes not so smart, should be aware of this fact, but apparently they are not.

The second point that I would like to make and the good Lord knows that I have spoken long enough this morning — this may

seem a little bit facetious at first, but actually, it is not. A couple of years ago, during the winter, it was about this time of the year, I went up to the bank, as I have mentioned business people do to borrow money, occasionally go up to pay it back even. And I went up and I said I would like to borrow \$2,000 for 90 days unsecured. It could have been \$3,000 so that it would have been reported here as this bill calls for. And they said, "Sure, Mr. Hancock, no problem at all, what do you want it for?" Standard question. I said, "to eat with." And they said, they couldn't think of a better reason in the world.

Now, my business is different from some of yours, but I expect people in the agricultural business that their income largely comes in the fall and the early part of the winter. Many, many people in the State of Maine, their income comes during the summertime and in the fall of the year. And during the slack time of the year, they have to borrow money to keep going, either businesswise or, as I said, to eat with. And we are going to have to constantly report this thing. What meaning does it have to us as legislators? What meaning does it have to our people back home? They are doing the same thing.

Again, I think that this bill, as it now stands, is meaningless. I think it will confuse the public, not help them. I am perfectly ready to disclose my own income. I am perfectly ready to vote, at any time, for a meaningful disclosure bill. But this thing that we are operating under today is ludicrous and I hope that my motion carries.

Mr. Dam of Skowhegan was granted permission to address the House a third time.

Mr. DAM: Mr. Speaker, Members of the House: Maybe I am wrong but I understood my good friend, Mr. Bragdon, from Perham, to say that these would not be filed until after the election. But when I read Section 391 of the bill, which in the first paragraph it says "Each candidate for the State Legislature and for the Governor at the time he files the required nomination petition shall

file therewith a statement of his economic interests as hereinafter defined."

So, the people would have this before the election, not after.

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

Mr. KELLEY: Mr. Speaker, I hope every member of the House will read Section 6A of the Constitution and call your attention to where it says, "Nor be denied equal protection of the laws, nor be denied the enjoyment of his civil rights, or be discriminated against in the exercise thereof."

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 Casco, Mr. Hancock, that Bill "An Act relating to Disclosure of Economic Interests by Legislators," House Paper 1572, L. D. 2029, 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, Bailey, Baker, Bernier, Berry, G. W.; Berube, Binette, Bragdon, Brawn, Brown, Bunker, Carrier, Churchill, Clark, Conley, Cote, Curran, Donaghy, Dudley, Dyar, Evans, Finemore, Fraser, Genest, Hall, Hancock, Hardy, Henley, Hodgdon, Immonen, Jalbert, Jutras, Kelley, K. F.; Kelley, R. P.; Keyte, Lebel, Lee, Lewin, Lewis, Lincoln, Lizotte, Maddox, Marsh, McCormick, McKinnon, McNally, Mills, Mosher, Murchison, Norris, O'Brien, Page, Parks, Payson, Rand, Rollins, Santoro, Scott, Shaw, Sheltra, Simpson, T. R.; Tanguay, Theriault, Trask, Webber, White, Wight, Williams, Wood, M. W.; Woodbury.

NAY — Ault, Barnes, Bartlett, Berry, P. P.; Bither, Boudreau, Bourgoin, Bustin, Carey, Carter,

Clemente, Collins, Cooney, Cottrell, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Dow, Emery, D. F.; Farrington, Faucher, Fecteau, Gagnon, Gauthier, Gill, Goodwin, Haskell, Hawkins, Herrick, Kelleher, Kelley, P. S.; Kilroy, Lawry, Littlefield, Lucas, Lund, Lynch, MacLeod, Marstaller, Martin, McCloskey, McTeague, Murray, Orestis, Porter, Pratt, Ross, Shute, Silverman, Simpson, L. E.; Slane, Smith, D. M.; Smith, E. H.; Stilings, Susi, Tyndale, Vincent, Wheeler, Whitson, Whitzell.

ABSENT — Bedard, Birt, Call, Crosby, Cummings, Doyle, Drigotas, Emery, E. M.; Good, Hayes, Hewes, Lessard, Mahany, Manchester, Millett, Morrell, Pontbriand, Rocheleau, Wood, M. E.

Yes, 70; No, 61; Absent, 19.

The SPEAKER: Seventy having voted in the affirmative and sixty-one in the negative, with nineteen being absent, the motion to indefinitely postpone does prevail.

Thereupon, the House voted to insist.

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

Mr. SUSI: Mr. Speaker, I move reconsideration.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that the House reconsider its action.

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

Mr. PORTER: Mr. Speaker, I move this motion be tabled for one day, please.

The SPEAKER: The gentleman from Lincoln, Mr. Porter, moves the reconsideration motion be tabled for one legislative day.

Thereupon, Mr. Norris of Brewer requested a vote on the tabling motion.

The SPEAKER: For what purpose does the gentleman arise? The gentleman may pose his question.

Mr. FINEMORE: Mr. Speaker, I would think that a member who is on the prevailing side, had to be on the prevailing side to ask for reconsideration.

The SPEAKER: The gentleman's question is well put. Did the gentleman vote on the prevailing side? The motion was not in order.

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

Mr. JALBERT: Mr. Speaker, I now move for reconsideration and when you vote I hope you vote against me.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert moves that the House reconsider its action whereby it voted to insist.

Whereupon, Mr. Simpson of Standish moved that the matter be tabled until tomorrow.

Mr. Norris of Brewer then requested a vote.

The SPEAKER: The gentleman from Standish, Mr. Simpson moves that this matter be tabled until tomorrow pending the motion of the gentleman from Lewiston, Mr. Jalbert to reconsider. 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. 50 having voted in the affirmative and 80 having voted in the negative, the motion to table did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert that the House reconsider its action whereby it voted to insist. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 51 having voted in the affirmative and 79 having voted in the negative, the motion to reconsider did not prevail.

Orders

Mrs. Payson of Falmouth presented the following Order and moved its passage:

WHEREAS, the provision and availability of health care is obviously dependent on health manpower and manpower licensure affects the problems of supply, quality, geographic distribution, and uses of personnel; and

WHEREAS, the shortage of health manpower, coupled with increased requirement for health care services, has resulted in a galaxy of new occupational titles; and

WHEREAS, it is estimated that nearly 200 such health occupations now exist and that there will be

20 to 25 supportive personnel for each physician in 1975; and

WHEREAS, it is recognized that needs exist to foster the growth and contributions of the various allied health personnel, to ensure high quality patient care and safety through careful employee preparation and performance and to allow employers to flexibly utilize existing manpower; and

WHEREAS, it appears that the licensing of additional health care occupations may fractionalize further the provision of health services, impede job advancement for employees and hinder management in utilizing new knowledge and technological advances; and

WHEREAS, the furtherance of health care services depends on a more unified approach for preparing, developing and using manpower in a safe and flexible manner; and

WHEREAS, no objective study of licensure and regulatory laws having an effect on health manpower utilization in Maine has ever been conducted by the Legislative Research Committee or by any other objective group representing the welfare of the people; and

WHEREAS, it is the responsibility of the Maine Legislature through the passage of legislation to protect the welfare of its citizens and to protect and promote the effective and safe utilization of health care personnel; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to conduct a detailed review of all state laws and regulations that relate to utilization of health manpower; and be it further

ORDERED, that the Legislative Research Committee shall report its findings and conclusions, together with any proposed legislation bearing upon the subject of this Order, to the next regular session of the Legislature. (H. P. 1586)

The Joint Order received passage and was sent up for concurrence.

On motion of Mr. Trask of Milo, it was

quested a vote on the tabling motion.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Farrington moves that this matter be tabled until tomorrow pending the motion of the gentleman from Lubec, Mr. Donaghy that the House accept the Majority "Ought not to pass" Report. All in favor of the motion to table until tomorrow will vote yes; those opposed will vote no.

A vote of the House was taken.

80 having voted in the affirmative and 19 having voted in the negative, the motion to table did prevail.

Passed to Be Engrossed

Bill "An Act to Grant Adult Rights to Persons Eighteen Years of Age" (H. P. 1581) (L. D. 2038)

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

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Just last session I voted against adult rights for 18-year olds, but this year at the public hearing I was one of the chief adult proponents. So naturally one of the committee members asked me why I had changed my mind, and the answer was simple to me. And I told him that once we had given them, the 18-year olds, one of the most important adult rights that they could possibly have, the right to vote, then we should probably change some of these.

We often hear that young people are more mature now than they were in my generation. Many of them are and many of them are not. They have had more exposure via the medium of television, that is certainly so. But many know less of the basics of reading, writing and arithmetic. However, these few added responsibilities might even hasten their maturity.

In this entire 17-page document really they are only talking about three things — drinking legally, signing contracts, and the right to get married at age 18. The rest they couldn't do anyway, because they would not have the educa-

tional qualifications or the training. The rest of these sections, if you would look them up in the law, says that they can't be chiropractors, dentists, funeral directors, pharmacists, accountants, physical therapists, social workers, executors of estates, or incorporate a religious society.

Now I think probably the drinking question will draw the most criticism, but we cannot legislate morality. These young people who want to are doing this now, but most of them don't want to feel they are guilty and don't want to feel like they are being a criminal in doing it. In every generation the younger people rebel against the authority of their elders. This present generation, partly to spite us I believe, have even taken to drugs. By lowering the drinking age this might help discourage this problem. As a matter of fact, it might even cut down on drinking itself because since the sweetness would be gone from the fruit, the fruit would no longer be forbidden.

Secondly, they want to be able to buy a car or a snowmobile or some other large item and sign their own contracts. This used to be my prime objection because I was afraid they would get into real trouble financially. We did lower the age to twenty, with no major repercussions.

Age alone has not much bearing on financial stability. Many persons in middle age have monetary problems also. If an 18-year old is conscientious enough to save a down payment, and if he has a job and can prove to the merchant his ability to keep up the payments, he is very apt to be as good a risk as an older person.

Now the third is the matter of marriage. I don't believe that very many 18-year old boys want to get married. I think this is the furthest thing from their minds. But, however, those who sincerely want to are now being discriminated against. I have never heard the Women's Lib Movement mention that they can get married at 18 but boys have to be 20.

In summary, a few may take advantage of this, but I believe the majority would soon learn the rights go hand in hand with re-

sponsibility. And surely as we get older we all learn from experience, but age alone does not bring wisdom. If we start this mature learning experience two years earlier, our whole society might be a lot better off.

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

Third Reader Amended

Bill "An Act relating to Penalty for Sale of Certain Drugs" (H. P. 1582) (L. D. 2040)

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: As I promised the membership yesterday, this bill has been amended on the giveaway problem, and I have even been told by one of the attorneys who spoke for the bill that it was a far better amendment than the bill was originally. I now present House Amendment "A" and move its adoption.

House Amendment "A" (H-571) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended and sent to the Senate.

Amended Bills

Bill "An Act Implementing the Reorganization of the Department of Public Safety" (S. P. 718) (L. D. 1991)

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.

Third Reader Tabled and Assigned

Bill "An Act Reallocating Funds for Professional Contractual Employees for the Joint Standing Committees of the Legislature and a Pay Raise for Members of the Legislature" (H. P. 1450) (L. D. 1893)

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

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

Mr. FINEMORE: Mr. Speaker and Members of the House: First off I want to assure you I am not going to do anything to hurt this bill. I have come along to agree with it and I hope it passes. But I would like to—I hope later somebody will table this for one day for an amendment.

I would like to explain, if I may, what the amendment would consist of. I hope you understand now that each member of this House receiving Social Security, including \$410 of Social Security to \$2,500 pay. With this new \$3,500 raise it will make every Social Security member in this House lose 910 additional dollars of Social Security worth a total of \$1,320, plus they are paying an income tax of \$1,000. This would affect some 50 or 60 members of this House.

What the amendment would consist of would be an amendment whereby \$2,500 could be paid the first year and \$1,000 the second year, plus your per diem for your special session. This way it would relieve the Social Security members to losing so much Social Security.

I believe Mr. Bither, the gentleman from Houlton and myself have contacted quite a few in this House, even the young members, and they are in agreement with this, and I hope you will allow someone to table this so that an amendment can be presented.

Thereupon, on motion of Mr. Gill of South Portland, tabled pending passage to be engrossed and tomorrow assigned.

Bill "An Act relating to Inherent Managerial Functions Under the Municipal Employees Labor Relations Law" (H. P. 1531) (L. D. 1974)

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

Mr. Marstaller of Freeport offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-569) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. MARSTALLER: Mr. Speaker and Ladies and Gentlemen of the House: Yesterday we voted to accept the original bill less the emergency clause. Many of us wanted to try to do something constructive different from the original bill. In spite of the fact that the committee could not agree what that should be, we voted to accept the original bill.

Now I see the problem somewhat like this. At the present time we have laws requiring children to go to school and we have laws giving the responsibility for operating these schools to school committees or district directors.

The Labor Relations law which we passed three years ago eroded this responsibility by a lack of a definition of what was negotiable, and this seems to be creating a very destructive relationship between teachers, school districts and the general public.

Now my interest in this is in good education and trying to restore better relations between the people involved in education. And I submit this amendment knowing that the law we passed three years ago wasn't perfect and this amendment will not make it perfect, but it may be a step in the right direction.

The amendment does two things. First, it strikes out the words "working conditions" and substitutes the words "terms and conditions of employment," as was recommended by the majority of the committee in its report.

Second, this amendment uses much of the wording in the original bill, except that it leaves out the vague and disputed phrase "inherent managerial policy." Now this amendment, if adopted, will identify some of the areas of educational policy and yet leave the teachers the right to negotiate and discuss educational policy in a meaningful way. I hope you will support the amendment.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I know that the gentleman from Freeport, Mr. Marstaller, has been very interested in trying to work out a solution that would be broad-

ly acceptable to this problem and I know that his intentions and motivations have been the best. However, in my perspective, at least, he has made it worse. He has made it worse in the following ways.

Number one, he has left in the bill, and if you refer to Mr. Marstaller's amendment, you will see the phrase down there, underlined, "shall include but not be limited to." This is the type language that is used on occasion, I guess, when there is a lawyer on one side of the transaction and not one on the other. It is what is called an open-ended phrase and it is an open end to difficulty. That is one of the key objectionable features in Mr. Haskell's bill as it was originally written and that is continued in the amendment.

Secondly, although it is not clear in either direction, I fear that there is at least the possibility that this amendment would, unintentionally, I am certain, harm not only the teachers but also harm all other public employees covered by the act. For example, fire fighters, police officers, public works department people and so on. Because, look at the amendment, it says public employers of teachers. Now, if you are from a town like mine where we don't have an SAD, the public employer of teachers is the town, or the city whatever you call it. If you get a chance, take a look at Title 26 of the Revised Statutes, Section 962, sub-section 7 and you will see a definition of public employers.

What you are saying is, I think, the possible effect at least of this amendment is not only that some of us are concerned about the teachers, perhaps a little bit adverse to them or some of their actions, and some of their leaders, but also that we want to throw in the other public employees in this thing too. We don't like policemen, firemen, public works employees and those servants of ours who pick up our garbage as well.

Now, I am certain this is not the intention behind it, but I fear this might be the language. Take a look at it and see what you think. Take a look at the Section in the Statute, 962, subsection 7. Public employer

of teachers. If you have an SAD, I guess the SAD is the public employer of the teachers, and you would only be harming the school bus drivers and custodians. But if you come from a town where there is not an SAD, is it possible that the language of this amendment applies to the whole town, because the public employers of teachers in some of the City of Portland is the City of Portland, the Town of Brunswick is the Town of Brunswick, and the City of Bath is the City of Bath, and so on.

This is not an easy problem. This amendment doesn't help, it may hurt even more. I would suggest that we not adopt the amendment and we go on to consider whether we want to do anything with the bill.

I do congratulate Mr. Marstaller on one thing though, at least he has gotten rid of that bug-a-boo phrase, "inherent." That is an improvement. But he has left one in there that is even worse, and that is "include but not be limited to." It is kind of like a saying of a fellow who is comparing the difference between say, a man of the Christian and Jewish faith and of the Mohammedan faith on the number of wives he has.

The Mohammedan says I can have four wives but no more. But perhaps if the Christian were tricky and were to use this type language, he would say my wives shall include but not be limited to one. You see, if you use that open-ended phrase like Mr. Marstaller's amendment does, then the Christian can have six, eight, ten or a dozen wives if he can afford it and meet the other requirements, then he would be better off than the Mohammedan.

I state that not to object to any man's religion but to show you the difficulty inherent in this open-ended language. "Include but not be limited to." This is language that lawyers are very often guilty of using, and it is language which, believe me, whether it is in a will, in a deed or in a law, will lead to litigation and strife.

I think it is particularly ironic that during this week when the President of this country, who was not known to be particularly friend-

ly to the Communist Party is over talking and negotiating with Mao Tse-tung and Chou En-lai that we are talking in this House about cutting back the scope of negotiation. We are saying we don't want to talk to our school bus drivers, about some things anyway, our teachers. Not talk — I am sorry, because we can confer but not negotiate, and those are different things.

And can you really meaningfully talk about something, when one side can, under the law, take a position, fine, we will sit here and listen to you, but we are really not going to get into a dialogue with you with the idea of reaching an agreement. All of the week we have got to him, to listen to him talk, but we won't do anything about it.

I think it is rather ironic, during this week, and coming back in particular to Mr. Marstaller's amendment, remember the little analogy about the Christian who, by his religion, had wives limited, or rather to include but not be limited to one. That is an open-ended phrase and it is a dangerous phrase, it is the height of ambiguity and it will lead to litigation and discord and possibly — this is my real fear in this whole concept, it will lead to something we haven't had in the State of Maine, strikes by public employees including teachers.

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

MR. ROSS: Mr. Speaker, I have a question I would like to pose through the Chair to the gentleman from Brunswick, Mr. McTeague. In our present law, the law we are operating under now, we say public employers of teachers. Do I understand that there is litigation in the Court about that?

THE SPEAKER: The gentleman from Bath, Mr. Ross, poses a question through the Chair to the gentleman from Brunswick, Mr. McTeague who may answer if he chooses. The Chair recognizes that gentleman.

MR. McTEAGUE: Mr. Speaker, because as I mentioned yesterday I suffer from the disadvantage of representing neither school com-

mittees nor teachers' associations, I don't have the answer to that question. I can suggest this though, if Mr. Ross would consider it. I think it would have been more precise, Mr. Ross, if we had said public employers and teachers in regard to their negotiations with teachers so that it was clear that we were excluding other public employees, school bus drivers, custodians and so on.

I think it is a bit ambiguous, at least, as it is now, sir.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday I was informed that there is a case under litigation before our State Supreme Court on this very subject. I would like to have some of our legal minded people here explain what that case really is before the State Supreme Court on this subject.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: I certainly don't qualify as a legal mind, but the case before the Supreme Court, as I understand it now, is an appeal from an arbitration decision in Biddeford regarding a decision there on contract between Biddeford and the teachers. Now the decision that comes from the court certainly will be important but it is not the overriding consideration as we attempt to legislate here, because regardless of the decision that the court makes, the fact remains that we have to improve the language in the law that we now use. There is no getting around it, there is no leaving it to the courts, the fact remains that we have to do it here.

My friend, Mr. McTeague, this morning has used the same tactic that he used yesterday. He has thrown up several smokescreens which do not get to the problem at all. First off, he has attempted to tie this to the rest of the public negotiation area, and I am sure that he knows that the language we are concerned with here deals only with the negotiation of teachers and their employers. It does

not affect the balance of the public sector.

He also goes into the fact that we are engaged in lawyers' language. The reason we are using lawyers' language is that we are getting into sophisticated negotiation here. I am sure that he realizes very well the reason for using the phrase "include but shall not be limited to" because there is a further gray area in policy which you can't define specifically but you can close the door on; so the escape phrase is in there of necessity.

He takes us on a trip with Nixon to Chou En-lai, which I fail to see the relevance of that because actually what we are attempting to do in this law is to improve the negotiation climate so that we have true negotiation over the important issues, which are wages, hours and working conditions or terms and conditions of employment.

The whole problem is that we have had a tendency develop in the state to use the negotiating table as an instrument or a method of changing educational policy. This tendency of professional people to attempt to do this was recognized when the law was written. It was spelled into the law that policy determination should be excluded from the bargaining process, and the only reason we are concerned again with it now is that it has developed that the definition we have is not adequate, a better definition has to be made, and that is the reason that we are engaged in making it.

Now as far as the amendment that Mr. Marstaller has offered the school board people, the superintendents, Maine Municipal Association, had indicated to the Labor Committee that they were in agreement with the changes that are included in Mr. Marstaller's amendment. So as the sponsor of the bill, I am completely satisfied with the amendment. The real thrust of the bill is still intact, which is the definition of educational policy.

This definition has had two years of experience in Pennsylvania. It is working in Pennsylvania, according to the Labor Relations Board that is charged with administering it. It is the best defini-

nition that is available currently in the United States. Nobody says that this is the final answer to it. However, it is a step in the direction of keeping negotiation in this state in the proper area.

One of my principal interests in sponsoring the bill was the fact that I feel if our teachers through their organization persist in their attempts to effect educational policies through the bargaining table, they are going to induce a severe reaction that is going to take the form of meat axe cuts in school budgets and our school system to the detriment of our whole educational policy. I think that it is extremely important that we return negotiation to its proper sphere, which is wages, hours and terms and conditions of employment.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Brunswick, Mr. McTeague, is continuing his scare tactics on this matter, and I was fast enough to jot down the title and chapter number that he was referring to, and let me read it to you.

This is Chapter 26, Section 962, paragraph 7, Public Employer. "Public employer means any officer, board, commission, council, committee or other persons or body acting on behalf of any municipality or town or any subdivision thereof, or any school, water, sewer or other district." I would point out to Mr. McTeague that that is exactly what this whole thing is all about.

We had occasion last night to spend some time in Augusta, away from the beautiful City of Waterville, and I was approached by an MTA lobbyist who quite arrogantly pronounced to me that the ultimate decision on this thing was going to be death, so why not just give up the fight and give in. Well I was sent here to represent the people of the City of Waterville, some of whom are teachers, and I represent these people, and I think all of you represent the people in your communities. I think you will also say that the minority of the people in your community in-

clude the teachers. We have some 160 teachers in Waterville, we have some 18,000 people in Waterville and I am here to represent the majority of those people, and the majority view was for the passage of this measure.

I was also approached — I made a little note here because it was quite comical — I almost lost my note — I was approached a little earlier last night again by a labor leader who had threatened me with failing to get reelected in the House if I don't yield on this matter. But if I yield on this thing then I couldn't live with myself and I don't belong in this House.

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

Mr. COLLINS: Mr. Speaker and Ladies and Gentlemen of the House: I would like to support the position of the Mayor of Waterville. I attended the public hearing on this bill and I noticed that someone that testified quoted a former head of the Department of Health, Education and Welfare as saying, "Education is too important a matter to be left in the hands of educators." And I think perhaps this is why we have developed in our educational system a policy of electing school boards of lay people to determine in substance educational policy.

Now it has been pointed out many times, school boards throughout the state find themselves at the bargaining table attempting to negotiate contracts, not only on the traditional items of wages and working conditions, but on matters that formerly were considered educational policy. Hence, the apparent need to define policy and to exclude it from negotiation.

Presumably the problem arises from a rather broad interpretation of the term "working conditions." And I note that the majority report has suggested changing the term to "conditions of employment." When I recognized the language is the same as in the National Labor Relations Act, it does appear to me to be a far broader term.

The role of school boards as representatives of the public in determining our educational policy

is not to be relegated to the back burner. They ought to know the area of their responsibility and what they may or may not negotiate. For example, the makeup of curriculum, the number of teachers' aides, matters of budget other than wages, ought not to be negotiable. At the same time, school boards under the present law, and as further spelled out in this amendment, do have the opportunity to meet and consult with teachers on school policy.

Now it seems to me if we are to have some degree of workability in our negotiations, we ought to define this policy and we ought to do it now. And I do support the amendment and the bill.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I guess we are dealing with an emotional topic and few of us can be as dispassionate in advancing feelings as the gentleman from Caribou, Mr. Collins has.

I would like to make a comment or two that shows that perhaps like the rest of you, even though I don't have ten wives, that I do share a passion of some kind.

In response to the comment regarding the smokescreen which the gentleman from Houlton, Mr. Haskell, the brand is Edgeworth tobacco. I use it for consolation on bad days and on good days it peeps me up. I am unable to regale the House with tales of derring do like my brother from Waterville, Representative Carey. He has been elected to this House, I understand from what he said that he is a candidate for reelection. On both of these things I congratulate him. I wasn't aware that there were many people in this House that hadn't been elected, and he feels that he has undergone particular threats and I think this is too bad. But I am confident if it has occurred, I think I have confidence though that he is a man of strong fiber and integrity and that he will nevertheless be resolute in his views.

Let's get down to talk about the type things that Mr. Collins

has, really the merits and the lack of them in the bill. Because there are many smokescreens that can be thrown, and perhaps Chou En-lai and China is properly characterized as a smokescreen; but so is discussing individual personalities rather than the merits or lack of them in the legislation.

The gentleman from Waterville, Mr. Carey, I congratulate at having the sagacity in the legal field of which I am lacking, certainly, and perhaps I am not much of a standard to go by, but he readily grasps with certainty and for certain knows the answers to questions that I understand that even our courts puzzle over and take awhile on and sometimes they even divide opinions on the courts. I don't claim to have that style of expertise or that great amount of certainty. And I think there are few people who have the experience, after having been licensed by the people in the state to actually go in on cases and lose some as well as win them, who have that great degree of self-confidence in themselves.

I would still maintain, and I think there is a possibility and one of significance that is worth checking, and indeed I have sent a note to the Attorney General to ask for an opinion from that office, that there may be certain ambiguity in the language, and I would stand by the answer to the question I gave the gentleman from Bath, Mr. Ross, that although I think the intention of the legislature in the 104th in talking about educational policy was to limit it to teachers, the language is capable of instruction. You go to other Education Department employees and possibly to other public employees.

At least I know from talking to some of them that this is a concern, the lack of clarity is a concern to certain other public employees. But what I wish someone would address themselves to and perhaps the gentleman who has demonstrated legal sagacity here can favor us with his thoughts on this. Perhaps someone can define with precision because that seems to be the objective of the whole thing, someone can define with precision what I characterized as the open ended

language in the bill and the amendment.

And knowing that the gentleman from Waterville, Mr. Carey, is very alert to keep things in front of him on his desk, I would refer him to the amendment on the first page, paragraph C, about the sixth or seventh line down, "include but not be limited to" and so on. I would ask that he would favor us with an explicit definition of that language because it is certainly beyond my power, and perhaps it is beyond yours. That strikes me as rather open ended ambiguous language. That strikes me as language that even men as learned and dedicated to law as the members of our Supreme Judicial Court might possibly divide on. Perhaps someone in this House could favor us with a response and perhaps all of us, and certainly I am as guilty as many of you, perhaps more than most, all of us can begin to consider legislation based on what is in it and what the merits of the legislation are. I am not even suggesting that it is the number of calls you get on one side or the other. I do not challenge the integrity of any member of this House regarding his dedication to the public interest as he sees it.

I think it is rather naive and contrary to our traditions to say that because a man differs with you he is, somehow, wrong. He may differ with you and share equally with you a dedication to the public good which certainly includes the education of children, and yet he may see fears that you don't. Other people can say, if we pass this law, everything will be fine. I can't say that if we do pass this law that it will necessarily be a tragedy, that there will be strikes. I can say I have the fear of that and I can say that we have not yet had that in Maine.

The gentleman from Houlton, Mr. Haskell, rightfully explained yesterday, and I don't differ with him a whit, that there are situations in the Commonwealth of Pennsylvania, both legally and practically that are different than Maine's, and there are. I think all of us prefer Maine. But there are different situations which may account, at least to some extent, for

the very high rate of strikes in Pennsylvania and the fact that we have not had any in Maine. There are many differences. But I still think the experience in Pennsylvania should lead us to exercise a certain degree of caution before we jump in to follow them.

I would be interested, Mr. Speaker, in a precise explanation of the what I view to be open-ended language in the amendment.

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

Mr. HASKELL: Mr. Speaker, I don't want to preempt the opportunities of Mr. Carey, but I did discuss this term in some detail with the Pennsylvania Board of Labor Relations, so I will pass on my knowledge of it.

Their explanation of the language is basically this. That the areas that are defined, the functions and programs of the public employer, the standards of services, its overall budget, the utilization of technology, the organizational structure, and the selection and direction of personnel seem to be the areas that could be precisely nailed down as management areas.

There seemed to be areas on which there could be little or no controversy over the fact that they were management areas. Therefore, they are the areas that are laid out in the language as policy areas.

Now, I think it is obvious to anybody who contemplates this for a moment to realize that there are also other areas in which there are policy decisions made, that should also not be subject to negotiation. For this reason, you have the phrase "which shall include but shall not be limited to such areas." This is the reason for the language and as you well indicate, it is legal language. It is language that is in there to prevent the friction that arises when you have disagreement over whether an area is working conditions or whether it is a policy area. And that is the reason for the term and it is the thing that we are accomplishing with the bill, we are defining precisely certain areas of management in

which there will not be negotiation.

We are going to have a gray area remaining, it may be working conditions or it may be policy. And that is the reason for the saving clause in here. But I do say that we reduce very substantially what is now all gray area with no precise definition, we do exclude a very substantial area from negotiation and we do allow the remaining gray area by the use of the phrase.

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

Mr. SIMPSON: Mr. Speaker, Members of the House: I made my argument yesterday so I will not repeat what I said then. All you have to do is look at our newspaper and see what I said. But I would like to call your attention to the new draft which was proposed as Report "A" which was signed by the majority of the committee.

I will read the thing for you. Paragraph C, "to confer and negotiate in good faith with respect to wages, hours, terms and conditions of employment and contract grievance arbitration except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession, and except that public employers of teachers shall meet and consult but not negotiate with respect to educational policies." And then it goes on, "For the purpose of this paragraph educational policies shall not include wages, hours, terms and conditions of employment or contract grievance arbitration."

We have simply left out a controversial language which is in the present law and which is being proposed in our modified form in this bill. I was hoping that perhaps this amendment could go through so that we could indefinitely postpone the bill and all its papers, because I feel that this is a restrictive bill and it would set up a condition that would make for unrest, to say the least, in our teacher-school board relations.

The SPEAKER: The Chair

recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, Members of the House: I have spoken on this quite lengthy yesterday so I am not going to bore you today. But I would like to inform Mr. McTeague and others here that what this bill does, this bill spells out the responsibility and rights of the teachers and also the rights and responsibility of the school boards who are elected by the people.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Marstaller.

Mr. MARSTALLER: Mr. Speaker, Ladies and Gentlemen of the House: My friend, Mr. McTeague, in his comments on this amendment, picked up the phrase, public employers of teachers. I would like to point out to the House, as has already been pointed out, that this is not a new phrase that was put into this amendment; this is part of the present law. This present law came out of the Labor Committee of which Mr. McTeague was a member so if there is some problem with that phrase, I think this is a different ball game that he is talking about.

Now, the other phrase that he criticized was this "not limited to such areas," and I submit to you that we are talking about negotiations between school committees and school directors, who are elected officials, who have the confidence of the people that put them in office. We are talking about teachers who are professional people, who are educated, who deal with the art of communication because that is their business to communicate facts to children. And I believe that these groups of people can work under this provision in the law and get together if the lawyers will let them alone.

I hope you will support the amendment.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker, in conferring with Representative Mills and the question as posed to Representative Haskell of Houlton, the question was, we asked for

clarification as to what the current law is and what the Supreme Court is now doing with the case that is before it.

In other words, the Court is coming out and clarifying language in the present law, would Mr. Haskell now address himself to that question. What will result if the Court does reach a conclusion now on the present law? If we pass this law — so I would now address a question to Mr. Haskell, if he wishes and if he would please stick to this question, what will happen to the existing law or what will happen if we are to pass this law today, to the Supreme Court judgment on the current test case?

The SPEAKER: The gentleman from Gardiner, Mr. Whitzell, poses a question through the Chair to the gentleman from Houlton, Mr. Haskell, who may answer if he chooses. The Chair recognizes that gentleman.

Mr. HASKELL. Mr. Speaker, Ladies and Gentlemen of the House: As I have indicated, I have no way of knowing what the forthcoming opinion of the Justice would be, so naturally I couldn't attempt to predetermine what effect it might have on the existing law.

However, as I have tried to point out repeatedly, regardless of the opinion of the judge, we have a legislative function that we must perform here of framing the legislation. A deficiency in the law has developed, we have to correct it, there is no attempt in this legislation to change the law.

The law that was written in the 104th very definitely attempted to exclude negotiations in the policy area. It developed that that phrase, educational policy, needed further definition. This bill is an attempt to provide a definition.

Now what effect the judge's opinion, nobody here could speculate on that because you don't know the form of the opinion or the particular phraseology that might be involved or the points that might be listed. So it is an impossible speculation and I surely would not attempt it. But the fact remains that regardless of the decision, we have to make

the legislation here. This is our duty and our obligation.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker, Members of the House: First of all, I can't resolve that this is any kind of an answer. I don't want to see the legislature pitted against the Court. The legislature makes the laws and the Court decides whether or not they are constitutional.

In this case, we are waiting for a Court decision and that Court decision, should we pass another law now, I am afraid that we are really coming in conflict with the other branch of the government. In this case, I would like to move, if it is proper, that we indefinitely postpone this bill.

The SPEAKER: The Chair would advise the gentleman that that motion is not in order, the only pending question is the adoption or rejection of House Amendment "A".

Mr. WHITZELL: I move that we put it to the question.

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

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

The SPEAKER: The question now before the House, is shall the main question be put now? This is debatable for five minutes by any one member.

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

Mr. PORTER: Mr. Speaker and Members of the House: When that motion was made, I saw two gentlemen standing. Evidently they wanted to say something on this bill. I certainly think they ought to be given the opportunity to say what they wish on this bill and I am opposed to putting the question at this time.

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

Mr. MARTIN: May I ask a parliamentary procedure?

The SPEAKER: The gentleman may pose his question.

Mr. MARTIN: Mr. Speaker, I do not believe it was the request of the gentleman from Gardiner, Mr. Whitzell, to move the previous question, and I don't know what position we are in now.

The SPEAKER: The Chair would advise the gentleman that it was not Mr. Whitzell who posed the question for the previous question.

Mr. MARTIN: Well, Mr. Speaker, I therefore hope that you would not vote for putting it to a vote now since I think there are people who wish to speak on the bill and ought to be given that opportunity regardless which side they are speaking on. And so I would ask you to vote no.

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

A vote of the House was taken.

29 having voted in the affirmative and 75 having voted in the negative, the main question was not ordered.

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

Mr. SMITH: Mr. Speaker and Members of the House: Very briefly. The gentleman from Brunswick, Mr. McTeague, in an innuendo of sarcasm that could not be missed, cast some doubt upon the ability of the gentleman from Waterville to make legal interpretations. It may be that Mr. Carey's interpretation of a legal matter does not agree with that of the gentleman from Brunswick, but one does not have to be a member of this House for very long before he understands that one legal opinion in this House is as good as another.

The business of the law as it is practiced in this House is not a science at all; it is an art, an art in the particular form of a montage. If I were to choose an expert

in the area currently under discussion I would have to choose the interpretation of Mr. Carey, who has followed the problems of negotiating school contracts for several years as a professional and competent public official of Waterville.

I support the amendment currently under discussion and I support the bill.

The SPEAKER: The pending question is the adoption of House Amendment "A". The Chair will order a vote. 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.

85 having voted in the affirmative and 26 having voted in the negative, the motion did prevail.

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

Mr. SIMPSON: Mr. Speaker, I now move the indefinite postponement of this bill and all of its accompanying papers.

The SPEAKER: The gentleman from Millinocket, Mr. Simpson moves the indefinite postponement of this bill.

The Chair recognizes the gentleman from Scarborough, Mr. Gagnon.

Mr. GAGNON: Mr. Speaker and Ladies and Gentlemen: I talked to two teachers since the last time this was before us. One of them refused to discuss it with me, just asked that I vote against it. The other one when I explained to him what the content of the bill was says he didn't understand it that way and he thought that it would be fine.

I think basically we have got to get down to the idea of what this is going to do if it doesn't go through. Presently because of the ambiguity of the law, or the reading of it, this thing is in the Courts where it should not be in the first place. And I think it also comes down to the fact of who we want spending our town taxes for the operation of schools.

We have superintendents, we have principals, and we have school boards that are supposed to oversee and manage these monies and the curricula and I think

where these people are hired for this particular job this is where the responsibility should lie; and not with the teachers who are hired to teach.

In reference to Mr. Whitzell's statement on the effect on the present ruling from the Courts, if I am not wrong, if the Legislature changes the wording, which is now the problem, the problem no longer exists and I believe the Court would no longer be involved.

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

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: I don't want to speak against teachers, who are a highly respected group of our profession, who have spent a considerable amount of time getting their education. Each one of them has a duty to do. I don't believe some of the teachers want the responsibility of having policies thrust upon them anyway. I think if they understood it, they would understand that this is a step in the right direction.

We talked about the Court decisions. I don't see that the Court decisions have much bearing on this legislation. We passed the law, we had no illusion about passing the law last session. It has some errors in it. It has got to be corrected. It might not have been in this particular field, but it happens to be. I don't see that that has any bearing at all. We have school boards that are elected to do a duty. I think that they are underpaid, they are well-intentioned. Sometimes they are teachers, in our area there are. And I know most of these people have two hats to wear; of course we have two hats to wear here.

The committee talked this over at length. I don't think there was any great height of difference in the committee actually; it is just a method of taking. I hope that we pass this law and not indefinitely postpone it.

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

Mr. KELLEHER: Mr. Speaker, I don't know if anyone has requested the yeas and nays, but I so move.

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 Millinocket, Mr. Simpson, that Bill "An Act relating to Inherent Managerial Functions Under the Municipal Employees Labor Relations Law," House Paper 1531, L. D. 1974, be indefinitely postponed. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

Mr. Millett of Dixmont and Mr. Bustin of Augusta did not vote because of a possible conflict of interest.

ROLL CALL

YEA — Albert, Bernier, Berube, Boudreau, Bunker, Clemente, Conley, Cooney, Cote, Cottrell, Curran, Farrington, Fraser, Gill, Goodwin, Hawkens, Jalbert, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lucas, Mahany, Marsh, Martin, McCloskey, McKinnon, McTeague, Mills, Murray, Orestis, Rollins, Santoro, Simpson, T. R.; Slane, Smith, D. M.; Stillings, Vincent, Webber, Wheeler, Whitzell.

NAY — Ault, Bailey, Baker, Barnes, Berry, G. W.; Berry, P. P.; Binnette, Bither, Bourgoin, Bradgdon, Brawn, Brown, Carey, Carrier, Carter, Churchill, Clark, Collins, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Dow, Dudley, Dyar, Emery, D. F.; Faucher, Fecteau, Finemore, Gagnon, Gauthier, Genest, Good, Hall, Hancock, Hardy, Haskell, Henley, Herrick, Hodgdon, Immonen, Jutras, Kelley, R. P.; Lawry, Lebel, Lee, Lewin, Lincoln, Littlefield, Lizotte, Lund, Lynch, MacLeod, Maddox, Marstaller, McCormick, McNally, Mosher, Norris, O'Brien, Page, Parks, Payson, Porter, Pratt, Rand, Ross, Scott, Shaw, Sheltra, Silverman, Simpson, L. E.; Smith, E. H.; Susi, Tanguay, Theriault, Trask, Tyn-

dale, White, Wight, Williams, Wood, M. W.; Woodbury.

ABSENT — Bartlett, Bedard, Birt, Call, Crosby, Cummings, Donaghy, Doyle, Drigotas, Emery, E. M.; Evans, Hayes, Hewes, Kelley, K. F.; Lessard, Lewis, Manchester, Morrell, Murchison, Pontbriand, Rocheleau, Shute, Whitson, Wood, M. E.

Yes, 41; No, 83; Absent, 24.

The **SPEAKER**: Forty-one having voted in the affirmative, eighty-three in the negative, with twenty-four being absent, the motion does not prevail.

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

Bill "An Act relating to Relocation Assistance and Land Acquisition in State Projects" (H. P. 1554) (L. D. 2015)

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.

**Passed to Be Enacted
Emergency Measure**

An Act relating to Breath-testing Equipment Used Under Implied Consent Law (H. P. 1530) (L. D. 1973)

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. 107 voted in favor of same and 10 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Bond Issue
Tabled Later in the Day**

An Act to Authorize Bond Issue in the Amount of \$8,360,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine (H. P. 1545) (L. D. 2001)

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

(On motion of Mr. Susi of Pittsfield, tabled pending passage to be enacted until later in today's session.)

Passed to Be Enacted

An Act relating to the Board of Registration in Medicine (S. P. 720) (L. D. 1993)

An Act to Revise and Clarify Laws Relating to Group Life Insurance Under Maine State Retirement System (H. P. 1518) (L. D. 1960)

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.

By unanimous consent, the foregoing matters acted upon in concurrence or requiring Senate concurrence were ordered sent forthwith to the Senate.

Orders of the Day

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

Bill "An Act Implementing the Reorganization of the Department of Secretary of State" (H. P. 1535) (L. D. 1978)

Tabled — February 23, by Mr. Silverman of Calais.

Pending — Motion of Mr. Porter of Lincoln to indefinitely postpone Committee Amendment "A" (H-557)

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

Mr. LEWIN: Mr. Speaker and Members of the House: I arise to oppose the motion of my friend from Lincoln, Mr. Porter to indefinitely postpone Committee Amendment "A" to L. D. 1978.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I also oppose the motion of the gentleman from Lincoln, Mr. Porter. I think that before this session is over, governmental reorganization is over, the gentleman from Lincoln and I are probably going to have some fun. This morning I am supporting really what I thought he was going to support, because in

effect I am supporting the position of the sportsman and he is opposing them. Which I am sure is not going to be the case the next trip around.

Basically the amendment that would be added would be to put the snowmobile exactly where they are now. His motion would remove the snowmobile from the Fish and Game Department. Needless to say after all that debate last week I am surprised at him, because I have lost track of what I am supposed to be doing I guess.

I got a letter today from the Maine Snowmobile Association, signed by Neal Fox, Jr., and you know this is the type of the individual who previously was supporting the support of his position on the bill, the Natural Resources bill, opposed me; and here I am this morning supporting Mr. Fox and opposing Mr. Porter. So if you think that there is going to be confusion on reorganization, I think you are just beginning to see the start of it.

The letter says, "The Maine Snowmobile Association and its affiliated clubs are in favor of Committee Amendment "A" to L. D. 1978. I would appreciate if you would speak and support the amendment. Sincerely yours, Neal Fox, Jr."

And so I would ask you therefore to oppose the motion of the gentleman from Lincoln, Mr. Porter, because I think, you know, in the long run he and I are probably going to be together on some issues, and I thought this one we were going to be on together. So I would certainly hope that you would oppose his motion.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I too oppose Mr. Porter's motion to indefinitely postpone. Yesterday I spoke briefly on it and I will try to be very brief, but I would like to read you parts from two or three letters to give you an idea of what has been going on in other states, and the Department of Transportation and the Coast Guard have a great deal to do with boating registration. One

paragraph out of a letter from them says, "We realize that some states feel that there are advantages to consolidating all the various licensing activities in one department in order to benefit from centralized data processing and financial accounting. However, we feel that in the case of recreational boats this benefit is outweighed by other considerations."

A letter from the Department of Natural Resources in Rhode Island. The first paragraph, "Wally Stone informs me that the State of Maine is considering the placement of boat registration in their Motor Vehicle Department. I personally feel that they are making a mistake, based on the experience we have had here in Rhode Island." And this signed by Charles G. Arnold, Chief, Division of Enforcement.

Forty-three states presently handle licenses on a centralized basis. The number of states who in past years didn't do so have reverted to central control of licenses. Now these states that recently went back to centralized control include Ohio, Alabama, Colorado, Rhode Island and I can go on here for an hour, but I imagine you are all about as hungry as I am and I urge you to vote against Mr. Porter's motion.

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

Mr. HODGDON: Mr. Speaker, Ladies and Gentlemen of the House: I realize that the longer we consider reorganization bills the more stupid the members of the committee will appear to some of you, and to allay any fears that the committee is giving away \$40,000, that Representative Porter reported to you yesterday, since the session yesterday I have checked my notes which are quite large.

The reason the committee put this amendment in, ladies and gentlemen, is the fact that the registration of watercraft as we have it in the State of Maine is merely, actually, an extension of the Coast Guard. And if we divide the registration into the Secretary of State and leave the enforcement with the Department of Natural Resources, we could run into very

grave difficulties. And that is the reason, ladies and gentlemen, that the committee amendment appears before you.

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

Mr. GILL: Mr. Speaker and Ladies and Gentlemen of the House: I was quite pleased with the remarks that were just made by the gentleman from Kittery. Now, as I understand it, our watercraft is an extension of the United State Coast Guard. The last time the United States Coast Guard appeared at a public hearing before State Government it was in regard to the Prince of Fundy issue. It ended up that the Rear Admiral flew out of our airport within two hours of the time he arrived with the direction from Washington to get out of the State of Maine and to stay down in his office.

So it is kind of amusing to see that now our licensing board for watercraft is an extension of the Coast Guard.

I am not speaking for the snow-mobilers or for Mr. Fox or for the Coast Guard or for the State of Rhode Island, but it is my understanding that there is a \$40,000 saving in the elimination of two posts — one Republican and one member of the other party. So it appears to me that they have got together and decided to stick together. We must stick together or we will all sink, they feel.

It was my understanding that not all committee members were completely aware of what was happening, and I will point out that if we do away with this amendment it will permit, strangely enough, a man to register his boat where he registers his trailer. And to me, this makes a lot of sense — to save \$40,000.

The SPEAKER: The pending question is on the motion of the gentleman from Lincoln, Mr. Porter, that Committee Amendment "A" (H-557) be indefinitely postponed. 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.

37 having voted in the affirmative and 72 having voted in the negative, the motion did not prevail.

Thereupon, Committee Amendment "A" (H-557) was adopted.

Under suspension of the rules, the Bill was given its third reading, passed to be engrossed as amended and sent to the Senate.

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

Bill "An Act to Correct Errors and Inconsistencies in the Education Laws" (H. P. 1468) (L. D. 1911) — Committee Amendment "A" (H-555) adopted.

Tabled — February 23, by Mr. Millett of Dixmont.

Pending — Passage to be engrossed.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: I notice the House Chairman is not in his seat today. He has an amendment that he would like to put on this bill, I have one, and I believe the committee is also working on one, and I would like to have it respectfully tabled for one day.

Thereupon, on motion of Mr. Lynch of Livermore Falls, retabled pending passage to be engrossed and tomorrow assigned.

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

Bill "An Act Establishing a Forest Lands Taxation Policy Using a Productivity Approach." (H. P. 1577) (L. D. 2034)

Tabled — February 23, by Mr. Ross of Bath.

Pending — Passage to be engrossed.

On motion of Mr. Martin of Eagle Lake, retabled pending passage to be engrossed and later today assigned.

(Off Record Remarks)

Mr. Carey of Waterville was granted unanimous consent to address the House.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: Not to give you the illusion on this labor leader who spoke to me, the gentleman was not Benjamin Dorsky; however, it is someone

else and we will settle this amongst ourselves.

On motion of Mr. Porter of Lincoln,

Recessed until two o'clock in the afternoon.

**After Recess
2:00 P.M.**

The House was called to order by the Speaker.

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

Divided Report

Majority Report of the Committee on Health and Institutional Services on Bill "An Act relating to Reporting Tumors and Establishing a State-wide Tumor Registry" (S. P. 714) (L. D. 1988) reporting same in a new draft (S. P. 766) (L. D. 2043) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. GREELEY of Waldo
— of the Senate.
Mrs. CUMMINGS of Newport
Mr. DYAR of Strong
Mrs. PAYSON of Falmouth
Mr. CLEMENTE of Portland
Mrs. DOYLE of Bangor
Mr. SANTORO of Portland
— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. HICHENS of York
MINKOWSKY
of Androscoggin
— of the Senate.
Mrs. BERRY of Madison
Mr. LEWIS of Bristol
Mrs. McCORMICK of Union
Mr. LESSARD of Lisbon
— of the House.

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

In the House: Reports were read.

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

**Divided Report
Tabled and Assigned**

Report "A" of the Committee on Transportation on Bill "An Act to Authorize the Issuance of Bonds in the Amount of Five Million Dollars on Behalf of the State of Maine to Resurface Certain Highways" (S. P. 728) (L. D. 2006) reporting same in a new draft (S. P. 765) (L. D. 2039) and that it "Ought to pass"

Report was signed by the following members:

Messrs. GREELEY of Waldo
KELLAM of Cumberland
JOHNSON of Somerset
— of the Senate.
Messrs. DUDLEY of Enfield
McNALLY of Ellsworth
BARNES of Alton
— of the House.

Report "B" of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. WOOD of Brooks
HALL of Windham
LEE of Albion
FRASER of Mexico
LEBEL of Van Buren
KEYTE of Dexter
— of the House.

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

In the House: Reports were read.

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

Mr. LEE: Mr. Speaker, I move we accept Report "B" "Ought not to pass."

The SPEAKER: The gentleman from Albion, Mr. Lee, moves that the House accept Report "B" in non-concurrence.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I have a few questions that I would like to ask in reference to this bill, and I would appreciate it very much if someone would table this until tomorrow, please.

Thereupon, on motion of Mr. Lizotte of Biddeford, tabled pending the motion of Mr. Lee of Al-

bion to accept Report "B" and tomorrow assigned.

Ought to Pass in New Draft

Report of the Committee on Agriculture on Bill "An Act relating to Clarifying Definitions Relating to The Potato Industry of Maine" (S. P. 686) (L. D. 1867) reporting same in a new draft (S. P. 762) (L. D. 2033) under same title and that it "Ought to pass"

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

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

Ought to Pass

Report of the Committee on Public Utilities, acting in accordance with Joint Order (S. P. 754) reporting a Bill (S. P. 758) (L. D. 2030) under title of "An Act relating to Interceptor Sewers and Pumping Stations of Waterville Sewerage District and Municipalities Within Kennebec Sanitary Treatment District" and that it "Ought to pass"

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

In the House, the Report was read and accepted in concurrence, the Bill read twice and tomorrow assigned.

Non-Concurrent Matter Tabled and Assigned

An Act Authorizing Town of Dresden to Vote on Certain Liquor Local Option Questions (H. P. 1494) (L. D. 1937)

which was passed to be enacted in the House on February 16 and passed to be engrossed as amended by House Amendment "A" on February 14.

Came from the Senate having failed passage to be enacted in non-concurrence.

In the House:

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

Mr. ROSS: Mr. Speaker, I move we insist and request a Committee of Conference.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that

the House insist and ask for a Committee of Conference.

Whereupon, on motion of Mrs. Lincoln of Bethel, tabled pending the motion of Mr. Ross of Bath to insist and ask for a Committee of Conference and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act Establishing a Tuition Equalization Fund for Maine Students Entering Maine Private Colleges" (H. P. 1575) (L. D. 2032)

which was passed to be engrossed in the House on February 22.

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

In the House: On motion of Mr. Haskell of Houlton, the House voted to recede and concur.

Passed to Be Engrossed

Bill "An Act Permitting Veterans with Medical Experience to Take the Licensed Practical Nurses Examination" (H. P. 1584) (L. D. 2042)

Bill "An Act relating to Discharge of Waste from Watercraft" (H. P. 1585) (L. D. 2044)

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 Bill

Bill "An Act Implementing the Reorganization of the Department of Agriculture" (S. P. 716) (L. D. 1989)

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 Senate Amendment "A" and sent to the Senate.

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

An Act to Authorize Bond Issue in the Amount of \$8,360,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine (H. P. 1545) (L. D. 2001)

Pending — Passage to be enacted.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: It is our hope and plan to have an open caucus on this item one, the University of Maine bond issue, and I would hope that someone would table this until later in today's session, so that we can take up item two and dispose of it prior to the caucus.

Whereupon, on motion of Mr. Martin of Eagle Lake, tabled pending passage to be enacted and later today assigned.

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

Bill "An Act Establishing a Forest Lands Taxation Policy Using a Productivity Approach" (H. P. 1577) (L. D. 2034)

Pending — Passage to be engrossed.

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

Mr. ROSS: Mr. Speaker and Members of the House: This entire subject is a very complicated situation. The last session passed a bill taxing forest lands on a productivity basis. The Governor vetoed this and he appointed a study committee under the chairmanship of Professor John Cope of the University of Maine.

Now in this session we had two bills before the Taxation Committee very similar to their report, one by Mr. Bragdon and one by Mr. Martin. The subject was so vital to the Maine forest lands that we completely put aside politics and we accepted the Martin bill as a vehicle to work on. We made several changes and most of them were minor, except in section 6 of the bill we spelled out the exact rates for six years. And in paragraph 4, section 576, we accepted a 10 percent capitalization plan, the wording of which was made by Mr. Johnson, the State Tax Assessor.

I would now present House Amendment "A" and move its adoption and talk to it briefly.

House Amendment "A" (H-556) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. ROSS: Mr. Speaker and Members of the House: House Amendment "A" takes care of a constitutional question which was raised by the Attorney General's department. If we are going to have a 10 percent differential in organized areas, we should set the same 10 percent differential in unorganized areas, and this amendment solves this one problem alone.

Thereupon, House Amendment "A" was adopted.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I too, wish to agree with the gentleman from Bath, Mr. Ross, that this is the most complicated area. Since last week when the bill came out of the Taxation Committee I have done literally nothing else evenings but try to understand the bill, try to figure out what is going to take place once the bill gets enacted, is signed by the Governor.

I have been concerned for some time by some of the contents of the bill. I have tried to work out a number of things which I hope will help us arrive at decisions which in the long run will prove for the benefit of everyone in the State of Maine.

I am going to offer three amendments today and to explain each one out. I will do so because I think it important, and I would appreciate it if you have questions that you ask them. I am not saying I have the answers, but I am going to try to answer them to the best of my ability.

I think none of us here can really tell you the long-range effects of a productivity approach because we really have no evidence at this point of how it is going to work in any and every detail. But I think all of us assume that the productivity tax is a better approach to taxing forest lands than what we are using today if we are going to preserve and have for any length of time woodlands to use, paper mills and other forest related pro-

ducts. And we know that what we have got now isn't working.

We also know this. The Department of Forestry and the Taxation Department have not yet really had adequate information to give you a case by case instance of what is going to transpire. I do know this and I can tell you this and I think we all ought to be made aware of it, that at the next session, if we come back, we are going to have to appropriate roughly, \$100,000 to the Department of Forestry to take care of finding out the types of trees that literally stand all over the state.

So, I want everyone to be aware that when we enact this bill, that it is going to cost the State of Maine some money to implement it. And it is also going to mean more revenue for us, at least we assume it is. But I don't want anyone two years from now, to say, well, Martin didn't tell us that it was going to cost us money. I am telling you now that it is going to. I am also telling you that it is going to bring us more money. So that obviously, it is hoped that we are going to get more revenue out of this than what it is going to cost us.

Now, with that preliminary introduction, Mr. Speaker, I offer House Amendment "B", move its passage and would speak briefly.

House Amendment "B" (H-567) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. MARTIN: Mr. Speaker, Members of the House: This particular amendment which is under filing number H-567, does the following.

Under the existing bill, it is assumed that a municipality is not going to suffer any more than ten per cent of a decrease of valuation. If, in any instance, someone comes in and says that the forest land is being overtaxed, my amendment, House Amendment "B", would say that after that first year, if the municipality loses money, which it might, no one really knows for sure, then they will have a way to get that money back, and that basically, will be a claim against the state.

This is important for all those of you who have paper companies or large land owners of 500 acre blocks or more because it could be that in certain municipalities in the state, that they are being overvalued and I think that is true, especially in organized municipalities. What this does, it guarantees a municipality that it is not going to be hit with all of a sudden losing 25% of its valuation.

I hope this is clear because it is important. The Maine Municipal Association endorsed the principle of the amendment and everyone has agreed to its adoption that has been involved in working with the drafting of the bill.

I think it is most important for those of us that represent any community that has wild lands or that has 500 acres or more in terms of preventing loss of revenue to the town treasury.

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

Mr. ROSS: Mr. Speaker, Members of the House: As the House chairman of the Taxation Committee, we are in favor of this amendment.

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

Mr. DYAR: Mr. Speaker, Members of the House: I address myself to the bill in the regular session, and I would like to address this amendment.

Now, Mr. Martin has pointed out the 10% differential. About five weeks ago, Mr. Ben Haug, Vice President of Scott Paper Company, was on channel five for 30 minutes on the follow-up program. At that time, he stated that Scott Paper Co. was paying 75 cents to \$1.00 an acre tax on their wild land interests. Scott Paper Co. in my district owns in excess of 600,000 acres and checking the state's valuation, it averaged out to \$8.90 an acre value.

Now, rounding that off to \$9.00 an acre at 50 mills, you are talking .45 at 50 mills. At the present time, in the organized towns that I represent, woodlands are being taxed from .60 to \$1.00 an acre. Now, with this 10% provision, if we go to 100% evaluation on this

land that now is \$9.00 we will call it, we would go to \$18, even at 50 mills. You are going to have to go up to 50 mills to keep within that 10%.

Now, I don't believe that the big land owners are going to go along with this, I don't think they are going to go with 50 mills taxation right off the bat. I would like to point out that also in my district there were two resolves you people passed during the regular session. When two of the paper companies sold their interests in public lots, to the lease holders, and they wanted .25 a square foot, this was in the public lots which are the unorganized townships, which are, on many occasions, taxed as wildlands. At .25 a foot, you are talking roughly \$11,000 an acre valuation.

Now, until we can set a reasonable figure on an acre of land, you can talk productivity, you can talk anything you want to, but you are not going to come up with a just answer. In my district, we have had an outside corporation, an out of state corporation coming in and buying entire townships, setting them up as R & R centers for their executives to come up and take in our fresh air and so forth and they are denying the taxpayers and the rest of the State of Maine access to these lands. And I am talking anywhere from 21,000 to 26,000 acre lots.

We, as citizens in the State of Maine, cannot trespass this law. I do not believe that any legislation that will pass in the line of productivity tax, will increase the confidence in the State of Maine to this proportion that should be increased and the present situation will bring in something like \$1.5 million. If you brought in anywhere near the value of these wildlands, you are going to be talking 10 and 20 times this amount based on what they are selling this land for to individuals.

There is a fallacy which will go along with this amendment on the productivity years, at a gross rate of 30 years, certainly, you can grow soft woods on these lands in 30 years and cut them 6 and 8 inches on the stump, I don't think this is conservation. If this land grows up to hardwood, you are talking a

productivity rate of 80 years or better.

My own experience on lands I have cut over this summer and winter, this land was cut over prior, the last time it was cut was 1910 through 1914. And I know for a fact that this particular land will not be a source of revenue to anybody for at least another 75 years.

So, I urge you people this afternoon, if you have any interest in the taxpayers of the State of Maine, look over these amendments very carefully, look over these bills very carefully. The intent of the Committee on Taxation, I am sure, is honorable, but the mistrust I have for the large land owners, but the advantages of taking over this system in Maine, leaves much in my mind to be ironed out.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: If you will bear with me a few minutes, probably it would pay us and the members of the Taxation Committee, to explain a little further this tax to you, why we arrived at this tax. All the evaluation of this land will be set by the United States Forestry Department. They will appraise this land every two years, that is productive growth.

We will start off with a value of annual growth of \$3.60 an acre. And they have an adjustment factor which is 70% retractable. In other words, we would start off with a value of \$2.52 per acre. We have also set up a 10% capitalization rate which Mr. Dyar has mentioned. We would multiply that by 10% which would give us \$25.20 per acre value of each acre of land. And in this bill we have started out, set up, the first year, 16½ mills, which would be ½ of the municipal rate. This municipal rate in the state at the present time, is 33 mills, so we would start off at one half of that rate, 16½ mills on April 1, 1973. Then we will go for the next five years at 1½ mills per year, which will bring it at the end of five years to 24 mills and it will remain there. And then in the future, we also have in this

bill, in the future, if this bill ever reaches the above to the amount of 33 mills which is the average municipal rate, it would change then and go no further because at no time can this rate go above the average municipal rate.

If the municipal rate comes down to 24 — why that is set in there I should say, there has been some talk of taking the school tax, the cost of schools from some other tax like the sales tax or income tax and by so doing you would lower your property rate, that is your real estate rate in each and every town and municipality.

Therefore, we never can go above that rate, this tax would always remain the same. And I think we have been very easy on this 10% capitalization rate. We have set it so that the Taxation Department cannot change it, we have worked together with the landowners and I believe, I think any member of the Taxation Committee here will say that the landowners were very pleased with this, maybe with the exception of the last one and one half mills. When we first set this up, we set it so that it would reach 22½ mills but later 1½ mills was added to make it 24 mills and it stayed there until the legislature changed it. But in the course of making it up, we did go to 24. We have checked this with the landowners, that is most of them anyway, and we find that they are much in agreement with it.

And the amendments that the gentleman from Eagle Lake, Mr. Martin has put on, and the gentleman from Bath, Mr. Ross, has been agreed upon by the committee and we find they are necessary to make the bill proper. I have checked this with Mr. Johnson, spent an hour and a half with him the other morning, and I believe we have got this to a point where the landowner would like to have it.

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

Mr. DYAR: I would like to pose a question through the Chair to Mr. Finemore.

The SPEAKER: The gentleman may pose his question.

Mr. DYAR: Is there any provision within this new statute being talked to this afternoon, to tax these people, or to penalize these people I might say, for paying this tax on a \$25 valuation when they sell these lots at \$5,000, \$10,000, \$15,000 an acre. Is there any provision in this statute to tax out of state corporations buying entire townships for the sole purpose of their own recreation and financial gain?

The SPEAKER: The gentleman from Strong, Mr. Dyar, poses a question through the Chair to any member of the Taxation Committee who may answer if they choose. The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, in answer to that, we have a law, it is a little different. We have a law that we passed last year in the regular session, and it doesn't include forest land unless that land is around a lake. If there is a lake where they improve that land, improve it with cottages and recreational facilities, it can be taxed higher.

Otherwise, I do not know of anything in this bill here that could change it. If any other member of the committee wishes to go further, I would be very pleased.

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

Mr. MARTIN: Mr. Speaker, I am as concerned about the problems as outlined by the gentleman from Strong, Mr. Dyar, as he is and I know he is referring in one instance of the township that International Telephone and Telegraph came in and literally bought, and they keep it for their own pleasure and their own executives and that has bothered me a great deal and I am not sure if we can ever solve that particular problem.

I resent the fact that this is being done. I resent the fact that the companies that own the land or sold it to them for really no useful purpose in the long run and I resent the fact that Maine citizens are going to be unable to use it. I don't think that this bill, in itself, is ever going to solve that

problem. But I would point out in terms of the recapturing penalty clause that there is one in this bill and it is on page 7, Section 581, in Withdrawal.

Now, I cannot explain the actual details of it, but I understand it is a relatively stiff penalty, if someone decides that they are going to play around with it from this day on. But as I point out, it does nothing in the case of IT&T.

Thereupon, House Amendment "B" was adopted.

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

House Amendment "C" (H-568) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. MARTIN: Mr. Speaker and Members of the House: This is on page two of a section entitled Assessments repealed, 4106, simply changing the wording in that amendment. It does nothing, I have been assured, about changing the meaning at all within the bill itself.

Thereupon, House Amendment "C" was adopted.

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

House Amendment "F" (H-573) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. MARTIN: Mr. Speaker and Members of the House: This amendment would add a section at the end of that very section which I earlier amended that would say, in effect, that the section would not apply to acquisition costs and initial construction of roads which were taken on or before January 1, 1973.

Let me tell you the background to this so that you have some idea of why it is being offered. At the present day, Aroostook County is in court in an action brought by the landowners and the County of Aroostook in reference to the construction of a road between Ashland and Daaquam, that's the Province of Quebec, Canada, and the attorneys for the county were concerned that if this section were passed without any proviso that they might find themselves out in the cold.

One other county commissioner commented to me that it might pose a problem if any other county might be interested in taking a road somewhere for useful purpose and that they had to take it. And so we finally arrived at this approach of solving the problem and I have been assured by everyone that it does solve that particular problem; it has nothing to do with the merits or demerits of building a road. It is merely to protect the rights of the county commissioners throughout the state basically dealing with six counties where there are unorganized territories, and I would of course move its passage.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen: I am delighted that the gentleman from Eagle Lake, Mr. Martin, did not offer his House Amendment "D" or "E" because they would have thrown the formula out of whack. But this "F" amendment we have checked out with the landowners and everybody concerned and they are perfectly agreeable with it.

Thereupon, House Amendment "F" was adopted.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Now that we have adopted those amendments, I would like to relate to you a few thoughts, and I think it has to do with not only this bill but many other bills.

For the past week I have been working on this bill and have literally tried to yank people to work on it. And if ever in my whole career in this Legislature there was demonstrated a need for legislative staff, this was it, because literally I had to depend on the lobbyists of the paper companies who did, I might point out, an outstanding job in doing what I wanted done. But I think it demonstrates the point that to me anyway, more than any other bill I have worked on, that from this day on we have got to acquire a staff to do the job for us rather than have someone else do it for

us. And this is not being critical, it is just stating a fact, and I at this point really want to thank the people who assisted me, because without their assistance there wouldn't have been this in front of us today.

Thereupon, the Bill was passed to be engrossed as amended by House Amendments "A", "B", "C" and "F" and sent to the Senate.

On motion of Mr. Susi of Pittsfield,

Recessed until three-thirty o'clock this afternoon.

After Recess
3:30 p.m.

The House was called to order by the Speaker.

The Chair laid before the House a matter tabled earlier and as-

signed for later in today's session:

An Act to Authorize Bond Issue in the Amount of \$8,360,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine (H. P. 1545) (L. D. 2001)

Pending—Passage to be enacted.

In accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a total was taken, 88 voted in favor of same and 23 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Mr. Porter of Lincoln,

Adjourned until nine o'clock tomorrow morning.