

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, June 15, 1971

Senate called to order by the President.

Prayer by Brigadier Alfred C. Davey of Augusta.

Reading of the Journal of yesterday.

**Papers from the House
Non-concurrent Matter**

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

In the Senate June 8, 1971, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-456) in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Communications

State of Maine

House of Representatives

Office of the Clerk

Augusta, Maine 04330

June 14, 1971

Hon. Harry N. Starbranch

Secretary of the Senate

105th Legislature

Sir:

The Speaker today appointed the following Committee of Conference on the disagreeing action of the two branches of the Legislature on:

Bill "An Act to Provide an Alternative Method of Enforcing Orders of Support of Minor Children" (H. P. 1390) (L. D. 1812)

Messrs. NORRIS of Brewer

LUND of Augusta

KELLEY of Caribou

Respectfully,

Signed:

BERTHA W. JOHNSON

Clerk of the House

Which was Read and Ordered
Placed on File.

Orders

On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, that the Speaker of the House, the President of the Senate and the Majority and Minority Leaders and Assistant Leaders of the House and Senate, be and

hereby are authorized during the current biennium to attend the conferences of the National Conference of State Legislative Leaders, and that their necessary expenses, and the dues of the State of Maine for membership, be paid from the Legislative Appropriation. (S. P. 647)

Which was Read and Passed.
Sent down for concurrence.

On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, that the Speaker of the House and not exceeding 4 members of the House, or 5 members if the Speaker is unable to attend, designated by him, and that the President of the Senate and not exceeding 4 members of the Senate, or 5 members if the President is unable to attend, designated by him, be and hereby are authorized to attend the conferences of the National Legislative Conference held during the 1971 calendar year; and be it further

ORDERED, that the Law and Legislative Reference Librarian, Edith L. Hary, be and hereby is authorized to attend the conferences of the National Legislative Conference held during the 1971 calendar year; and be it further

ORDERED, that the necessary expenses of the persons attending such conferences be paid from the Legislative Appropriation. (S. P. 648)

Which was Read and Passed.
Sent down for concurrence.

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that there be prepared after adjournment of the present session, under the direction of the Clerk of the House, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve, and that there be printed six hundred copies of the same. The Clerk shall mail a copy of the Register to each member and officer of the Legislature and the State Library shall receive

such number of copies as may be required.

(S. P. 649)

Which was Read and Passed.
Sent down for concurrence.

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that the State Budget Officer be and hereby is directed to furnish to the Legislative Finance Officer copies of all departmental budget requests and all information and data relating thereto submitted to him by all State departments, commissions and agencies as soon as same come into his possession.

(S. P. 650)

Which was Read and Passed.
Sent down for concurrence.

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that the State Librarian be directed to forward bound copies of the Legislative Record to members of the Senate and House and to the Secretary and Assistant Secretary of the Senate, and the Clerk and Assistant Clerk of the House, at their home addresses.

(S. P. 651)

Which was Read and Passed.
Sent down for concurrence.

Committee Reports Senate

Ought to Pass in New Draft

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 479) (L. D. 1594)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 641) (L. D. 1835)

Which report was Read and Accepted, the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Establish Stepparents' Responsibility to Support Stepchildren." (S. P. 429) (L. D. 1243)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot
HARDING of Aroostook

Representatives:

LUND of Augusta
ORESTIS of Lewiston
KELLEY of Caribou
WHEELER of Portland
WHITE of Guilford

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 640) (L. D. 1833)

Signed:

Senator:

QUINN of Penobscot

Representatives:

HEWES of Cape Elizabeth
BAKER of Orrington
CARRIER of Westbrook
PAGE of Fryeburg
HENLEY of Norway

Which reports were Read.

Mr. Tanous of Penobscot then moved that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

The **PRESIDENT**: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I hope that we would not accept the Ought Not to Pass Report of the Committee and, of course, the issue is extremely significant so I would request a roll call on the matter when we vote on the issue.

I think we are going to hear from those who favor Senator Tanous's view this morning considerable argument that we are hurting the deserving here and the unfortunate will be put upon if we do pass this legislation. I would hope that it would be possible to debate this on a very impartial plane, that we all recognize that we are only trying to rectify possible mistakes, that we are trying to take an objective view on a very, very serious matter, a burgeoning item in our state budget, and a matter which I am firmly convinced the public is extremely concerned with.

Let me emphasize, first, that there is a limit to how much money the state can put into the welfare program, and that to take away from those who are not

eligible makes it available for those who are eligible, and this is the purpose of the legislation.

Gross instances were given both to the Judiciary Committee and to the special committee investigating the Department of Health and Welfare citing instances where a stepfather has a large income and the stepmother is drawing A D C checks, the combined total far exceeding the welfare guidelines. It is only this problem that the proposed legislation will treat with.

I am sure the Senate recalls that this bill was referred to the Judiciary Committee in an attempt to remove the problem of court-ordered support for children in a divorce situation, and I want to assure the Senate that this is taken care of in the present legislation.

If this legislation passes, a stepfather would be placed in the same position as a natural father. Now, you will hear arguments from the opponents of the legislation that it will take cases off the rolls. This is the case, and the cases it will take off the rolls are cases - and this is an extremely important point - it will take cases off the rolls which, if there were a natural father involved, would not be on the welfare rolls. I think it is a very important point to consider. If you have a natural mother and father with children, they would not be on the welfare rolls. If you have a stepfather involved they are. There is one of the big inequities in the proposal.

Arguments will be made that a stepfather should not be required to provide for the family of his new wife. I suppose simple things like why people get married aren't germane to the issue. I personally think they are. And if a natural father and mother have children, be they two, nine or twelve, presumably they are not thinking in terms of welfare qualifications. Why should stepparents think in terms of welfare qualifications? So, I trust that you will review these points I have raised, and I want to assure you once again that this is an attempt to conserve our sorely tried welfare funds for those who really and truly need them. I hope when the roll is called that you will vote "No".

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and members of the Senate: Prior in this session people have gotten up and said that they should disqualify themselves because of their interest in these matters, and this is one bill that I ought to disqualify myself on because I am a lawyer and, if this passes, this will be the source of the greatest amount of litigation ever known in the history of Maine. I do say this with some degree of modesty, but I do do a lot of domestic relations practice, and I would expect that this would enrich me immeasurably if this bill were passed. So I am interested in it, I suppose, in that way because if you do pass this you will be helping me and many other lawyers in the immense litigation which will come about.

Let me explain to you how this will work. For example, under this a parent may get a divorce, but he can never divorce his stepchildren. So, I can just see the wedding announcements now where this woman has had trouble with various men and she has had the natural father and four stepparents. The announcement would go out: Mr. John Jones, Mr. Peter Smith, Mr. Eric Severeid, Mr. somebody else, and Sally Smith announce the engagement of their daughter. And I can understand the confusion which would result, but this is the fact. All these people then would be in the position of the natural parents. Now, in the case of giving away the bride, I can just imagine the problem then of those five, all being the natural father, standing in the position of who is going to decide - and this poor girl, I can just see the position she is going to be in of trying to decide which of these five fathers she is going to have give her away.

Of course, we get into the serious aspect of it, and there is a matter of inheritance. This, of course, is ex post facto, what we call that this goes back, and anybody who has been married years ago will automatically adopt the child or the stepchild. Of course, this will throw into pandemonium all of our

inheritance laws, all of our wills, and the litigation that will arise there is just unbelievable.

As far as support orders now, you see, under present law of a divorce which has nothing to do with ADC whatsoever there is a support order outstanding, and now under this, however, when a woman remarries, another person becomes equally responsible and so all of these support orders will have to be reviewed again. I can just imagine - I have hundreds in my office pending, which we can open up again.

So, if this thing weren't so serious, I mean, you could really call it a sick joke. That is really what it is, because most of the people who have stepchildren are not on ADC. This is a very, very small percentage. And this act throws all of these decent people, in the main, into this morass of litigation. And I realize that the good attorney from Cumberland - I mean the good Senator from Cumberland - Senator Berry, has given his views on this on the legal implications of it, but I am sure that if this were not at the end of the session I could get an order asking the Supreme Court to rule on this, and they would rule it unconstitutional in so many respects that it wouldn't even be funny, because this is not a bad law; as I say, it is a sick joke.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I suppose where I am not a lawyer it is hard for me to argue with the talented lawyer, the good Senator from Aroostook, Senator Harding, but I feel that when people are unfortunate and can't have children so they go out and adopt children that those children are just as dear to them as their own children would be.

I feel the same way, that if somebody married a woman, and that woman has small children, he should take the responsibility and love them as much as he does his own children. He shouldn't have any motive behind it that there might be a few dollars coming from the state. There are some

cases, maybe very few, but there are some cases where people marry somebody because they feel they have a little bit extra income. I feel that if somebody marries a woman and she has children, that he should try to love them and should try to take care of them. He shouldn't have any other avenues but his own responsibility to take care of them.

If we pass this legislation, it isn't how much money it will save the state, but I think it will give the person who marries this woman who has children, or the woman who marries a man who has children, it will give them a moral obligation of taking care of them and of loving them the same as it would his own children. If we don't pass this now, in a lot of cases some of them will feel well, I have got a few children so I have got a check coming, that he has got a little income out of it. So I think it should be changed so that instead of a little income it should be changed to a little love, understanding and care. Both children should be equal, his own children and the stepchildren. I think it would be a step in the right direction.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I served on that committee and heard all the testimony, and I disagree with my good friend from Aroostook, Senator Harding, that it will affect the wills. It will have nothing to do with wills.

After hearing all the testimony, it seemed to me that it was a good bill and it would serve a good purpose. So I would urge you to vote against accepting the Ought Not to Pass Report, to vote against it, in order that you can accept the Ought to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Graham.

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: There is so many things wrong with this bill, in my opinion, that I hardly know where to start. I am not going to bleed, so the

Senator from Cumberland, Senator Berry, need not shut his eyes.

I think it is a fact that this bill will tend to break up marriages. Families will find that they can live better if the stepparent splits the house. He can get a divorce or an annulment and then the family can be back on AFDC.

Another thing is that men will be less inclined to marry women on AFDC, and this will discourage marriage. Now, we know that psychologically it is a good thing for a family to have a man in the house. But let's be more practical and point out — let's say there is a family of four with a stepfather in the house present, a family of four, two children, they will receive at present, if they are needy, about \$86 a month. But if there was only the woman and the two children, they would receive from the state \$135 a month.

It is assumed, I think, that all these cases involving stepparents, namely, about 1,800 cases, that all these cases will automatically be swept off the rolls of the AFDC, the aid to families with dependent children rolls. But if that is true, many of them will simply wind up on local relief. Their needs will be so great that they will have to go for general assistance from their local municipalities.

There are several other factors. There is the factor of Medicaid. The children of these families receive Medicaid, and that results in a payment throughout the state of \$15,000 a month to our drug stores and so forth.

Then let us not forget also that in the case of AFDC families the Federal Government matches what money we spend two dollars for every dollar. So if all these 1,800 cases are thrown off the rolls that means that the state is going to lose about \$2 million in federal funds. So, all told, either from the humanitarian point of view, or the practical financial point of view, this bill, in my opinion, would be a grave mistake.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Chick.

Mr. CHICK of Kennebec: Mr. President and Members of the Sen-

ate: I rise in support of this bill and I hope you will not accept the Ought Not to Pass Report.

I can't help but feeling, as I listen to the good Senator from Aroostook, Senator Harding, that we evidently don't look at things the same way at all times. He made the statement, for instance that he was sure that very few stepfathers were taking advantage of this thing. When I see the savings that could accrue to the State of Maine of \$2½ million, I reach a different conclusion. It seems to me that a substantial amount of stepfathers are taking advantage of this situation.

Now, if this bill is passed, no needy family will not be taken care of. If a stepfather has married a woman and there are several children in the family, and if his income is not great enough to take care of the family, there are other sources of income to support the family. And I, for one, would grant that they should be taken care of. However, this will only take off the rolls those stepparents that can well afford to take care of the children, where their financial situation is such that they can afford to take care of them.

Now, I don't know just what the good Senator from Cumberland, Senator Graham had in mind, but in listening to his discussion I got the impression, at least, that he was concerned that maybe some of these people who were marrying widows with two or three children perhaps were marrying them because they did have ADC payments, and he was concerned that they might not marry them. I believe that if a person is considering entering into matrimony, and if they do have two or three children, that he should be willing to accept the obligation if he is going to be married in the first place. So I hope that the Senate will eventually accept the Ought to Pass Report, because I think there is a potential saving of \$2½ million to the state on welfare programs, and I feel that money is needed to spend in other areas of welfare where it can be doing a good deal more good than we would do by continuing this stepfather clause in our present program. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I just checked the Revised Statutes, Title 19, and these definitions we are talking about go the whole gamut of the parent-child relationship. By your act here, if this bill were passed and was signed by the Governor, you would, in effect, be adopting, or this bill would be an adoption by the parents all over the State of Maine of all of the stepchildren all over the State of Maine, because this is what it says in the act. And in Title 19, included in that is adoption. If a child is adopted, in this act, in Title 19, it tells what his rights are by inheritance. There is no question about it, that this legislation would, in effect, attempt to be an adoption procedure for thousands of children in the State of Maine.

Now, for whatever interest it may be to you, when you adopt a child, even if it is a stepparent who adopts a child, it isn't done by the court automatically. There is a court hearing on that to determine whether the adoptive parent is a suitable person, if the child had ought to be adopted, and what have you. This clearly is unconstitutional. You just can't do this type of thing. In other words, when these people did get married, the ceremony was that this man would take this woman to be his true and lawful wedded wife. He did not say that he would also take these children to be his lawful children, and we cannot go backwards on this.

Some have asked if we couldn't by legislation amend our marriage laws so that when a woman has children you would make him pledge that he would take the woman to be his lawfully wedded wife, and then "Will you take Mary to be your lawful child and John to be your lawful child?" If you did that, if you did it in the future, possibly this would be constitutional. But this is a ridiculous exercise we are going through. If anyone else wants to check Title 19 to see what I have just said, the book is right here and you can read it.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I wish that I could rise this morning on this particular bill and discuss it as orderly as my good friend, Senator Berry from Cumberland, and my good friend, Senator Chick from Kennebec. I wish I could also rise and perhaps speak on this bill with some humor, as I usually do, as my good friend, Senator Harding from Aroostook, has done but I find it impossible. I find it impossible because I feel this morning, I feel somewhat the same way I have felt when I have gone into a court of law to defend a person for murder. You know, you have got a great big bunch right here, and that is just the way that I feel right now.

I am going to try not to get emotional, although it is difficult not to get emotional when the lives of thousands of children in the state are involved. And they are involved. They are involved because we are talking about dollars and cents, and we treat this just as it is, dollars and cents.

You know, we have spent money foolishly in this body, in this legislature. We have built great memorials like you see across the way out here for some millions of dollars. We have spent millions in other areas perhaps where we could have saved, and now we are going to try to save by depriving some of our children in this state of food in their mouths, clothes on their backs and medical care. And I don't care how you argue this particular matter, it all boils down to dollars and cents. To these children dollars and cents represent food and the basic necessities of life.

We talk of dollars, but we fail to talk about the social aspects of a bill like this. And there are many social aspects related to a particular bill of this type. I have heard bills described as being bad bills, terrible bills, but I can't find a word in the dictionary that would describe this bill, in my opinion, and the effect it would have on a vast part of our society in this state.

I was at the hearing. In fact, I was Chairman at the hearing on this particular bill. We tried to find a solution to answer the problem. We tried, we tried for four months to find a solution, and we haven't been able to. Senator Dunn, who introduced this bill, was in hopes that we would come out with a bill that would merely permit the Health and Welfare to take into consideration the earnings or income of a stepparent. Unfortunately, this was not constitutional, so that the bill that we have before us today apparently is the only bill that we could come out with that has a constitutional aspect to it. Yet I am not sure that it is.

Somebody has mentioned that we are going to save money. I don't doubt that. If we are interested in saving money then why not do away with welfare entirely? I mean, we would save all the money we are spending on welfare. But it goes deeper than this. We do have a responsibility to our people. We do have a responsibility to the children deserted by their parents. And I don't think that we should shift this burden from a natural parent to a stepparent just by a vote or a stroke of the pen.

Socially speaking, we are going to deprive many, many children of the parent image in the home. It would be foolhardy for an individual to marry either a widow or a divorcee who has seven or eight children. So that by enactment of legislation like this we are merely going to prevent the father image from entering into a home, because these people aren't going to get married.

We are also, if this is enacted, going to create a greater problem. As an attorney, it would be my guess from my experience, that many, many stepparents today would have to seek a divorce for the sake of being sure that the children have something to eat. I know this will happen. I know that many, many stepparents will end their matrimonial stage because the children's health and welfare will be affected. In many instances one income, the income of a stepparent, would not be sufficient to handle the bare necessities of a

family. We had many mothers before our committee with seven or eight children who have a stepfather who is earning \$100 a week, and you are just not going to be able to support a family on that. We may well send these people to the local welfare rolls so that they will be burdens on your local municipalities. We are just going to shift the burden from one area to another.

It is difficult to find words to express how I feel about this bill, but I do feel that if we do enact this bill that we are going to cause one of the greatest harms to a vast number of children in our state. I hope and pray that you will join me in accepting the Majority Ought Not to Pass Report of the Committee. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I have listened to the argument of the good Senator from Penobscot, Senator Tanous, but I feel a little bit different about it. I am not voting for this bill to just merely save money. I feel that the money we save should go maybe to raise the amount that mothers get now so they can take care of their children a little bit better.

I think by passing this legislation the only thing it will do is that parents who can afford it - and I call parents a man who marries a woman with children, I feel, he becomes a parent of the children - if he doesn't want to become a parent to the children then I think it is morally wrong for him to marry that woman. That is the way I feel, and I feel strongly about it.

We could save \$2½ million. That money could go instead to a woman with two children who, I think, gets \$139, which I call starvation, so maybe she would get \$160 or \$170 a month. So by passing this legislation we will really be helping small children instead of hurting them. Of course, a lot of stepfathers can take care of them. They have the means of taking care of them, so why should the state have to take care of

them? Why don't we use this same money to help those who need it the worst, who are just getting enough now to exist? I would urge you all to vote for this legislation. I think it is good legislation and, in the long run, it will help the mothers with needy children. There might be more money left for them, and the stepparents who can afford it should pay and should try to use their stepchildren, as I mentioned before, like their own children. There should not be two classes of children. Children are all alike. When God gave them life he wanted them to be used as equals. They shouldn't be used as stepchildren for just an avenue for somebody to get a few extra dollars.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I sponsored this bill as a member of the Appropriations Committee. As you all know, when we came into session this last January we were faced with about a \$5 million deficit in this account.

I would like to call your attention to this sheet which was passed out. If you will look at the figures for 1961 and '62 you will find that \$935,000 was raised from the state appropriation for this purpose. If we go ten years from then to '71 and '72, the amount is \$8,799,000, and on top of that in our supplemental budget is another \$2½ million, which makes a total of \$11,299,000. Somewhere along the line I think some steps have to be taken to give this a real hard look and try to make some corrections.

There is one other point. I would say that up until two or three years ago this was a common practice, that when the stepfather came into being the family was automatically dropped from the rolls.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Graham.

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: As legislators we are all naturally much concerned about the great rise in welfare costs, but

let us not forget that this country is in the throes of a recession. These families are in great need. Maine has a very high unemployment rate and so, sad as these figures are, let us face the facts about our citizens being in dire need, especially the children.

Let us also not avoid the fact that if this bill passes all AFDC families with stepfathers or stepmothers will be thrown off the rolls. We aren't just going to toss off people who are millionaires, if there are any millionaires married into these families, but we are throwing off the entire load, which is 1800 cases.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I would merely like to make a slight statement relative to this bill and confirm what the good Senator from Aroostook, Senator Harding, has already told to this body.

I know that Senator Harding is sort of light-tongued at times and maybe we may not take him as seriously as we should, but Title 19 does cover about 150 or 175 pages in the statutes and it does cover a wide range of subjects. And when you change the definition of "child" in relation to that title you change it for all the various purposes which the good Senator from Aroostook has stated. That reason and that reason alone, I believe, is sufficient for us to defeat this particular bill.

The bill itself, I believe, is probably the very poorest way of attacking a problem such as this, since when you start changing definition you may very well change a definition to create a problem much larger than the one you feel you are going to solve.

It would seem to me that if there is some desire to give direction to the Department of Health and Welfare that it could much better be done in some other way without going into all the various laws relative to marriages, adoptions, support and various items. I think we should just defeat this bill for that reason, and also, of course, I think the merits of the bill on the financial basis are really quite nebulous.

I would say that even if the bill were effective to do only the things that the sponsor wants to do, it would still probably not be the wisest legislation. But, as I say, I would support the good Senator from Aroostook, Senator Harding, and I would concur with him completely in his decision as to what this bill actually does relative to the meaning of the word "child".

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I don't think I can add much to what has been said with regard to this bill, both for or against, but I oppose the bill and I hope that the Ought Not to Pass Report would be accepted.

I question in toto whether or not the objectives which are sought here with regard to a saving of money on welfare will achieve the results that are sought to be achieved. I think the implications on the social as well as on the financial parts of this bill are very, very serious and I think, on balance, that we ought not to adopt this law.

Secondly, to try to achieve this by upsetting and changing the nature of our entire law with regard to the relationship of step-parents and children and, in effect, making any stepchild, so to speak, a natural child of the parents, with the resulting consequences with regard to responsibility, with regard to the rights of inheritance, I think it is far too broad-reaching for us to enact.

We have a lot of our people, completely outside of the matter of welfare rolls and the welfare consequences, we have a lot of people today who marry who have children, women and men who have been formerly married, who have been divorced or whose husbands or wives have died, and who marry, a vast number, marry for reasons other than the question of welfare and the receiving of welfare. The vast majority of these cases involve many people who are more advanced in age, with many of them there is no question at all of welfare, and they have their inter-relationship of the properties of the natural parents, and many,

many times, in fact most of the time, these people do not take the steps to consult attorneys as to what is going to happen to their properties or what is going to be their responsibilities in these areas.

I just cannot see that in order to try to achieve something here that, in my judgment, is questionable to begin with that we ought to enact a law which is as far-reaching as this one is in respect to the legal relationship of parents who are marrying for a second time and the resulting consequences of these marriages as it will affect the responsibilities in their lives. I think this is not a good piece of legislation and it should not be enacted.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I hate to disagree with the good Senator from Aroostook, Senator Violette. But one of the things he brought out was that if somebody marries a woman and she has children that if something happens to the person that that child, the stepchild, so-called, would get some of the property that the person owned before he died. I feel a little bit different about it. I feel the stepchild should be entitled, if a man married and the woman had children, just like I said before, they should be treated just like his own children. And if you have got the man who doesn't want to use his stepchildren as good as his own children, there is a way out for him: he can make out his will leaving them one dollar and that would be legal. So we wouldn't have to change our court system or change our laws. Any person knows that. If a man has twenty children of his own, if he wants to go and make his last will, he has got the right to leave any portion of his money to any of his children.

But I don't agree with that system. I feel that if somebody marries and they have stepchildren that they should be treated just as good as his own children, and we should expect society to be decent enough so that most step-fathers wouldn't want to use their

own children better than their own children and that if something happens to him to see to it that the stepchildren don't get any of his money or property or whatever he has left.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act to Establish Stepparents' Responsibility to Support Stepchildren."

A roll call has been requested. In order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair will state the question once again. The pending question is the motion of the Senator from Penobscot, Senator Tanous, that the Senate Accept the Majority Ought Not to Pass Report of the Committee. A "Yes" vote will be in favor of accepting the Ought Not to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Bernard, Carswell, Clifford, Conley, Danton, Fortier, Graham, Greeley, Harding, Johnson, Kellam, Marcotte, Martin, Minkowsky, Peabody, Tanous, Violette, and Wyman.

NAYS: Senators Berry, Chick, Dunn, Hichens, Hoffses, Katz, Levine, Moore, Quinn, Schulten, Sewall, Shute, and President MacLeod.

ABSENT: Senator Anderson.

A roll call was had. Eighteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, with one Senator absent, the motion to Accept the Majority Ought Not to Pass Report of the Committee prevailed.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the

Senate: I move that we reconsider our action whereby we accepted the Ought Not to Pass Report of the Committee, and I ask that you vote against my motion.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, moves that the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report of the Committee. As many Senators as are in favor of the motion to reconsider will please say "Yes"; those opposed will say "No".

A viva voce vote being taken, the motion to reconsider did not prevail.

Sent down for concurrence.

Second Readers

The Committee on Bills in the second Reading reported the following:

House - As Amended

Bill, "An Act Relating to Water Quality Standards." (H. P. 971) (L. D. 1331)

Which was Read a Second Time and Passed to be Engrossed, as Amended, in non-concurrence.

Under suspension of the rules. Sent down forthwith for concurrence.

Senate

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

Which was Read a Second Time.

Mr. Sewall of Penobscot then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-272, was Read.

the PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I dislike taking exception to the good Chairman of the Appropriations Committee on this particular amendment. I oppose it primarily because of what I understand is now a re-assessment of priorities by the trustees at the University.

Now, originally the moneys that are now being put into the \$1.3 surplus L.D. were incorporated

within the bond issue that, if it had been passed, would have gone to the people to be voted on at the general election in 1973. Because of the fact that there was a difference in adopting Reports "A" and "B" on that particular L.D., we find ourselves now in concurrence with the other body by accepting Report "A" of L.D. 1802, plus the reason for this particular amendment being offered by the Senator from Penobscot.

The bond issue that would have gone to the people, as I stated, had within it the moneys that are now being offered in this amendment. Therefore, I cannot understand how all of a sudden we get a change in direction from the trustees who say that they need this money in such a great hurry when, in fact, they could have waited had there been a separate bond issue going to the people, waited until 1973 for the allocation that they needed. Now, all of a sudden because of the fact that we find ourselves with moneys coming out of surplus, there seems to be emergency of some nature whereby the money is transferred and the priorities are shifted.

Mr. President, I feel that if the need is there, that we are going to be back here in January at a special session, and I think at that time we could give consideration to the amendment that is now here before us. Therefore, Mr. President, I move the indefinite postponement of Senate Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that Senate Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President, would the Secretary give us the filing number of that amendment?

The SECRETARY: This is Filing No. S-272.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I rise to oppose the pending motion by my good friend, Senator Conley. I have no pride of author-

ship as far as this amendment is concerned and frankly, I feel that these priorities are a matter of trustee decision. I simply offer this as a result of a trustee meeting which was held after some of the alternative funding issues had been defeated.

I think it is perfectly understandable that they had some question in their minds as to how much moneys would be made available to the University. Certainly many of us in here had grave questions, so I can understand, and I hope the members of the Senate will go along with their changes in direction on some of these relatively smaller items. When they finally knew what they could reasonably expect for money, I think it was fair and logical for them to maybe change some of these priorities. I do oppose the motion of the good Senator from Cumberland, Senator Conley, and hope that the Senate will support this amendment.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: It seems strange to me to hear the good Chairman of the Appropriations Committee asking us to go along with the recommendations of the trustees today when only last week the trustees were asking for the support of an additional two million dollars for increased salaries for the employees at the University. However, I take no exception really to the remarks of the good Senator from Penobscot.

I do find though that it seems to me that the trustees can apparently sit down and talk with particular legislators around and all of a sudden come up with a change of priorities without any great difficulty. My true feeling is as I certainly expressed my position last week as to what those feelings were in relationship to the trustees when I supported the bond issue that came from the Appropriations Committee.

I take exception, and perhaps it is a wee bit parochial, but the fact is that I realize we have a very high number of students within the

Portland-Gorham Campus, and when I see that because someone, I feel, is flexing a little muscle, that \$125,000 or \$100,000 is being taken out for the renovation of the Corthell Hall at the P.G. Campus, then I become a little bit disturbed about it. That is one of the main reasons that I move for the indefinite postponement of the amendment.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Conley, that Senate Amendment "A" be indefinitely postponed.

The Chair will order a division. As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Conley, that Senate Amendment "A" be indefinitely postponed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Sixteen Senators having voted in the affirmative, and eleven Senators having voted in the negative, the motion to Indefinitely Postpone Senate Amendment "A" prevailed.

Thereupon, the Bill was Passed to be Engrossed in concurrence.

Under suspension of the rules, sent forthwith to the Engrossing Department.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act Revising the Laws Relating to the Deposit of Oil, Forest Products Refuse and Potatoes in Waters of the State. (H. P. 1076) (L. D. 1468)

Which was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution Classifying Certain Bailable Offenses. (H. P. 852) (L. D. 1165)

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr.

President and Members of the Senate: I hope that you will vote against the enactment of Legislative Document 1165 which we are now concerned with.

This is a Constitution Amendment and we have done a lot of research work on this particular bill. Frankly, we can't come up with arguments as to its constitutionality because this item has never been answered by any court in the country. There is only one state that has adopted such a measure. No one has tested that particular law in that one state, so that we actually are not sure, or at least we should have some evidence before us, some certainty, that this bill is constitutional.

When you talk about the due process of law, this runs smack right dead center with due process of law. You have heard arguments in this body before, I have heard them on Judiciary Committee, on how our courts presently are clogged, how it takes months and sometimes years for an individual to get a hearing in court and to be tried. Now, the Supreme Court of the United States has ruled that you can't leave an individual in jail an unreasonable length of time without giving him a trial. We have one of our counties in the State of Maine, namely York, they have five hundred criminal cases pending on their docket. In fact, that group was up here last week and pointed this out, they were asking for more judges and more reporters so that they can clean up their docket. Well, in effect, in some areas of our state, if this was enacted, we would be depriving the people of due process of law because they would not be permitted bail.

This is very important. When you talk about bail, or when you say an individual has been charged twice, it doesn't mean that he was guilty in either instance; he could well be innocent in both instances. And yet this individual would be in jail waiting for a trial on his first and second offense. Let's not prejudice or pre-guilt anyone until this matter has been proven in courts. I certainly hope that you will vote against the enactment of this bill. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: As Senator Tanous of Penobscot has said, this bill was very carefully and fully debated, and I am certainly not going to repeat the very cogent arguments for the passage of it.

The Attorney General's Office, in a letter to Senator Tanous, dated June 8, has this to say: "You requested an opinion as to the constitutionality of L. D. 1165, and a careful and extensive examination of relative authorities indicates that the proposed amendment is constitutional and sufficient in terms of both the Maine and the United States Constitutions."

I think this was an extremely important thing for the promulgation and enforcement of law and order, and I would think that each one of us would like to have the privilege of voting yes and no, so I would request a roll call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I will be very brief because we have talked this over before, and I think I have discussed this personally with each one of you. In my six years of service in the Maine Legislature no bill ever presented has frightened me like this one does. I ask you all to vote against its enactment.

The PRESIDENT: A "Yes" vote will be in favor of final passage; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Bernard, Berry, Carswell, Chick, Dunn, Greeley, Hoffses, Katz, Minkowsky, Moore,

Sewall, Shute, and President MacLeod.

NAYS: Senators Clifford, Conley, Danton, Fortier, Graham, Harding, Hichens, Kellam, Levine, Martin, Peabody, Quinn, Schulten, Tanous, Violette, and Wyman.

ABSENT: Senators Anderson, Johnson, and Marcotte.

A roll call was had. Thirteen Senators having voted in the affirmative, and sixteen Senators having voted in the negative, with three Senators absent, being less than two-thirds of those Senators present and voting, the Resolution Failed of Final Passage in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President, I move that we reconsider our action on this matter and I ask everyone to vote against me.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, moves that the Senate reconsider its action whereby Resolution, Proposing an Amendment to the Constitution Classifying Certain Bailable Offenses, failed of final passage. As many Senators as are in favor of the motion to reconsider will please say "Yes"; those opposed "No".

A viva voce vote being taken, the motion to reconsider did not prevail.

Thereupon, under suspension of the rules, went down forthwith for concurrence.

Orders of the Day

The President laid before the Senate the first tabled and specially assigned matter:

Bill, "An Act to Provide for the Taxation of Pulpwood and Logs in Place Where Situated." (S. P. 622) (L. D. 1805)

Tabled — June 11, 1971 by Senator Wyman of Washington.

Pending — Passage to be Engrossed.

Thereupon, on motion by Mr. Wyman of Washington, retabled until later in today's session, pending Passage to be Engrossed.

The President laid before the Senate the second tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on Taxation on Bill "An Act to Relieve Certain Elderly Householders from Extraordinary Property Tax." (H. P. 1193) (L. D. 1663) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass as Amended by Committee Amendment "A" — Filing H-447.

Tabled — June 14, 1971 by Senator Violette of Aroostook.

Pending — Motion by Senator Marcotte of York to Accept Minority Ought to Pass Report as Amended by Committee Amendment "A", Filing H 447.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Marcotte.

Mr. MARCOTTE of York: Mr. President and Members of the Senate: We have heard a multitude of bills before this body in the last five months, and some have been called bad, good, indifferent, a number of labels were attached to them. This bill here to relieve our elderly people on low income from their personal property tax burdens is, in my estimation, paramount to the success of the 105th Legislature.

I know in the past we have been extremely sympathetic to the needs of our youth and our working people, but somehow we have found it fit to chastise our elderly people on low income, those very people that are no longer in a position to help themselves.

Last session a bill was introduced, one designed to help these people, but I think from the Committee on Aging we have proved conclusively that this bill did not in any way meet the needs of these people. There were a number of features that were obnoxious, but mainly the lien feature. These people, at the risk or the expense of a tax increase, would eventually lose their homes, something for which they perhaps saved for a life time.

Now, I elected to support this L.D. 1633 because, in my estimation, it more closely fits the need of these people in that it is based on certain qualifications, namely

the person has to be sixty-five years old or above, and his income must be lower than \$4,000. The formula for this particular program is on a sliding scale basis that incorporates both the income and the taxes. For instance, a couple today earning \$2,000, and paying taxes to the tune of \$400 a year, would be reimbursed \$198, hardly the cost of heating his home. Nonetheless, the program would help these people, and I sincerely urge the Senate to support me in accepting the Minority Ought to Pass Report. I think it is a responsibility that we have to help these very people preserve their dignity. Our youth can recover, our working people can recover, but these people, let's face it, are on the way out, and there is no hope for them whatsoever. Again, I hope that this body would support me in this motion.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from York, Senator Marcotte, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act to Relieve Certain Elderly Householders from Extraordinary Property Tax". As many Senators as are in favor of accepting the Minority Ought to Pass Report of the Committee will please say "Yes; those opposed "No".

A viva voce vote being taken, the motion to Accept the Minority Ought to Pass Report of the Committee was Accepted and the Bill Read Once.

Committee Amendment "A" was Read and Adopted and, under suspension of the rules, the Bill given its Second Reading.

The PRESIDENT: Is it now the pleasure of the Senate that this bill as amended be passed to be engrossed in non-concurrence?

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. Wyman of Washington then moved that the bill be tabled until later in today's session, pending Passage to be engrossed.

On motion by Mr. Marcotte of York, a division was had. Fifteen Senators having voted in the affirmative, and thirteen Senators

having voted in the negative, the motion to table prevailed.

The President laid before the Senate the third tabled and specially assigned matter:

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

Tabled — June 14, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

On motion by Mr. Berry of Cumberland, retabled until later in today's session, pending Passage to be Engrossed.

The President laid before the Senate the fourth tabled and specially assigned matter:

Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973 and Raising Revenue for Funding Thereof." (H. P. 1388) (L. D. 1811)

Tabled — June 14, 1971 by Senator Berry of Cumberland.

Pending — Enactment.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: Before the Senate takes action on this Part II Budget, I believe there should be a clear understanding of the significance of the action we take.

Number one, I know there has been a lot of rhetoric with regard to the University of Maine employees and the question of the possibility of pay increases to some of those employees. We have had a lot of information fed to us, some of which seems to contradict other information we received, and at various times I think at least some of us have been confused as to the ability of the University to grant the proper salary increases to its employees.

I think it can be safely said that if the University were to provide salary increases to its classified employees, which would bring them to a comparable position with

the state employees, as well as to grant the remainder of the employees of the University a reasonable pay increase, that we would require an additional \$2.2 million.

Now, generally we have talked only of classified University of Maine employees and we have not talked about the other employees. In the salary increase which we have in Part II for our state employees, we are granting all of our state employees a salary increase, not only the lower range employees but all ranges, starting with a greater percentage of increase in the lower range classifications and then going upwards and granting a smaller percentage increase to all of the employees of the State of Maine, regardless of their salaries.

Certainly the matter of providing adequate salary increases to the classified employees of the University, I think, would be extremely important, but I think also important would be the ability of the University to grant perhaps not as large increases to the upper range of their employees, such as professorial and administrative employees as there would be to their classified employees. Nevertheless, it certainly would be proper, I think, for them to grant these if they are to be given the same advantages of increases that we have given our state employees. I personally think it is unfair.

If we are going to ask the University to do just this, to grant comparable salary increases to their classified employees as we have given to our state employees, well, it would mean that they would have to divert funds which would be employed in other programs of the University, and I am very fearful that if they did this, which they undoubtedly may have to, that other programs will suffer and we may well see the result of a lesser number of students being admitted to the University. So this is one item that I question in this budget.

Number two is that this budget simply ignores the second year of the biennium for the Health and Welfare program. It also, according to information provided us by

Dr. Fisher, contained a seriously inadequate appropriation for the first year of the biennium in the AFDC category which will almost necessitate a seven to ten percent reduction in AFDC grants after the beginning of the first year of the biennium. Now, I do not believe that it is fair or just to deprive qualified AFDC recipients of the level of assistance which is already extremely inadequate.

Now, we are doing this apparently because of the belief that the welfare rolls are filled with cheaters or free-loaders. This is an argument that is used every time that we consider welfare budgets. I will concede that there certainly are some people receiving welfare who should not be receiving it, but we should expend all our efforts in weeding these out so that the deserving ones do not suffer. I am convinced, and this has been the experience nationwide, that the number of people receiving welfare who do not need it and who do not deserve it comprises a very small minority of the total recipient population.

This Part II Budget with its inadequate welfare appropriation, I think, will punish thousands of needy and deserving welfare recipients because of abuses of a few.

Under ordinary circumstances, I would not cast my vote in favor of this Part II Budget, but I am aware of the mood of this legislature, I also am aware of the very real possibility that if the Democrats today deny the votes necessary for enactment of this Part II Budget that the entire Part II Budget, with the few worthwhile items it contains, might possibly be lost. There is also the danger that other important programs before this legislature would be jeopardized. So I am, therefore, going to vote for enactment of this Part II Budget, but I do so only with great reluctance. And I, for one, hope that the Governor, before he permits any reduction in grants to our deserving, needy people, will call us back into special session to confront directly the problem that we are ignoring today.

The PRESIDENT: The Chair

recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I am going to vote against this Part II Budget primarily for the reason that in the raising of revenue clause, under Section D, Page 13, this will increase the state rate from 15 to 20 mills. This means, as you know, that it is an additional five mills on the unorganized territories. It will generate only \$550,000 a year, and it will give the members of this body and the powerful lobbies of the large landholding companies the feeling that they have gone through a rate increase, and the other bills that are coming before us will possibly go under. This, of course, will also add an increase to the cigarette tax, which I am not against. But I feel that an increase of only five mills on the unorganized territories is insufficient.

We have before us another bill that will increase it by ten mills. We have another bill that will increase the tax on the unorganized territory under its productivity sources. We have another bill that will increase the taxes on the unorganized territories based on the median of the tax rate in the organized territory which, to my way of thinking, is the fairest bill of all. The bill which effects the ten mill increase would generate \$1,100,000. The bill that calls for using the median tax rate of the organized territory would generate \$2.9 million and, in my way of thinking, this is the bill that we should use to equalize the taxes on the unorganized territories.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I also accept the mood of the legislature and I shall support this supplemental budget with very great reluctance. I would like to tell specifically, after reading all the information, what I consider the basic issue with the University of Maine employees. I was very deeply involved in creating the University system, and at that time the employees of the state

colleges at Farmington, Gorham and the other three campuses were told that their interests would be protected if they would transfer from the status of state employees to University employees. We haven't protected them.

Right at the moment the difference in pay between the University employees and former state college employees and the state employees right now varies from 3.4 percent to something over 23 percent. And in the process of "taking care" of these people to whom we made a commitment, they now earn an average of something like 12 percent less than state employees. That is before the 11 percent increase to state employees. Now we are going to raise the state employees by another 11 percent. No matter how you slice it, the difference in pay is going to be substantial, far, far beyond the ability of the University within its budget to make any adjustments comparable to need.

Even if there was enough money within the budget to take care of the classified employees, what do you do about the 1,100 professionals on the University's staff? Can you upgrade the classified employees and ignore the professional employees? If half of your employees get substantial increases, what do you do with the other half who aren't going to get anything?

Also we have within our budget accounted for a two percent inflation allowance for the University. Well, I don't know who in this country is lucky enough to get by with a two percent inflation allowance when the costs are going up something around six percent.

I think that we are very, very obviously damaging the future of the University. I would like to say that I have no feeling for the University as an inanimate object. I don't have any tradition of the University of Maine in my family, but in the process of damaging the University there is no question that the expansion of opportunities for youngsters is going to come to a grinding halt and be rolled backwards. Knowing this, you can understand my reluctance, but I shall vote for it.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Levine.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I feel that the trustees of the University of Maine must have gotten the message from the legislation, and I will make it a little bit harder: I don't think they will abuse any more the classified employees.

They gave a raise of between 20 and 30 percent to their professors and the upper class a year ago, but they didn't do so for the lower class. If we had followed their footsteps now and given them \$2 million I think we would be leading in the wrong direction. I think what we are doing now is telling them that we are not satisfied with the way they are doing things, that we want them to give the classified employees a raise without giving them any more money. They found money to give the others between a 20 and 30 percent raise, which is a very good raise.

It is unfortunate that any low paid employee should be existing in the State of Maine, and I think it is unfortunate for the University to have people working for sixty or seventy dollars a week. I think the trustees should know better and on their own, without the legislature having to tell them, on their own, they should give them an increase which is equal to the state employees.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY of Androscoggin: Mr. President and members of the Senate: I have been listening very attentively to the debate, and I concur with the remarks made by Senator Violette of Aroostook and Senator Katz of Kennebec, but one thing I will do is vote against Part II whereas they will concur and go along with Part II.

As you may recall, in the Part I Budget we had a \$237,000 increase in the fuel adjustment account. I notice on Page 7 of this

document 1811 that now we are faced with a \$1 million increase and, I think, before we go any further, it might be worthwhile to pose a question through the Chair, Mr. President, to the Chairman of the Appropriations Committee as to what the explanation would be for this million dollar increase, outside of what it does explain right here that it just is an increase in fuel oil costs?

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has posed a question through the Chair to the Chairman of the Appropriations Committee, who may answer if he desires.

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: In answer to Senator Minkowsky, the good Senator from Androscoggin, on his query on the fuel item in the Part II Budget, it is as simple as it appears. The cost of fuel has been increasing faster than the Budget Office or the various departments could keep up with it, so we insisted that rather than do this on a catch-as-catch-can basis we would face up to the fact that fuel does cost more, and other supplies, and put this item in the Part II Budget so it won't be necessary at some time during the biennium for some department to come before the Governor and Council or the Appropriations Committee on a deficit situation.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, this being an emergency measure and having received the affirmative vote of twenty-six members of the Senate, with two Senators having voted in the negative, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President laid before the Senate the fifth tabled and specially assigned matter:

Bill, "An Act Regulating Roadside Clear Cutting Practices." (H. P. 1354) (L. D. 1770)

Tabled — June 14, 1971 by Senator Schulten of Sagadahoc.

Pending — Adoption of Senate Amendment "A" Filing S-261.

On motion by Mr. Johnson of Somerset, retabled and Tomorrow Assigned, pending Adoption of Senate Amendment "A".

The President laid before the Senate the sixth tabled and specially assigned matter:

Bill, "An Act Creating a Medical Advisory Committee for Medical Criteria and Vision Standards for Motor Vehicle Drivers." (S. P. 414) (L. D. 1230)

Tabled — June 14, 1971 by Senator Hoffes of Knox.

Pending — Enactment.

Which was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President laid before the Senate the seventh tabled and specially assigned matter:

Bill, "An Act to Provide Mandatory Penalties for Commission of a Crime with a Dangerous Weapon." (S. P. 332) (L. D. 983)

Tabled — June 14, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

On motion by Mr. Berry of Cumberland, retabled until later in today's session, pending Passage to be Engrossed.

On motion by Mr. Hoffses of Knox, Recessed until 2 o'clock this afternoon.

(Senate in Recess)

Called to order by the President.

Out of order and under suspension of the rules, the Senate voted to take up the following:

Papers From the House Non-concurrent Matter

Bill, "An Act to Create the Office of Ombudsman." (H. P. 139) (L. D. 194)

In the House June 11, 1971, the Majority Ought to Pass in New Draft report Read and Accepted and subsequently the Bill, in New Draft (H. P. 1405) (L. D. 1825), was Passed to be Engrossed.

In the Senate June 14, 1971, the Minority Ought Not to Pass report Read and Accepted, in non-con-

currence.

Comes from the House, that Body having insisted, and asked for a Committee of Conference.

On motion by Mr. Berry of Cumberland, the Senate voted to adhere.

House Paper

Bill, "An Act Relating to Petitioners' Committee under Municipal Home Rule Law." (H. P. 1414) (L. D. 1841)

Comes from the House, referred to the Committee on Legal Affairs and Ordered Printed.

On motion by Mr. Berry of Cumberland, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

Committee Reports

House

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act Increasing State Tax in Unorganized Territory." (H. P. 440) (L. D. 575)

Reports that the same Ought to Pass.

Signed:

Senators:

HICHENS of York
FORTIER of Oxford

Representatives:

MORRELL of Brunswick
ROSS of Bath
COTTRELL of Portland
DRIGOTAS of Auburn
CYR of Madawaska
McCLOSKEY of Bangor
COLLINS of Caribou

The Minority of the same Committee on the same subject matter reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-462).

Signed:

Senator:

WYMAN of Washington

Representatives:

FINEMORE
of Bridgewater
TRASK of Milo
DAM of Skowhegan

Comes from the House, the Reports and Bill Indefinitely Postponed.

Which reports were Read.

On motion by Mr. Wyman of Washington, the Minority Ought to

Pass as Amended Report of the Committee was Accepted in non-concurrence and the Bill read once.

Committee Amendment "A" was Read and Adopted.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President, a point of information: The Majority Report provided for five mills, and was that included in the package in Part II?

The PRESIDENT: The Chair would answer in the affirmative.

Mr. WYMAN: Mr. President, then I move that this bill be indefinitely postponed.

The PRESIDENT: The Senator from Washington, Senator Wyman, now moves that Bill, "An Act Increasing State Tax in Unorganized Territory," be indefinitely postponed in concurrence. Is this pleasure of the Senate?

The motion prevailed.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on, Bill, "An Act Relating to Public Utility Transmission Lines." (H. P. 918) (L. D. 1264)

Ask leave to report: that the House Recede from its action whereby it passed the Bill to be engrossed; adopt Conference Committee Amendment "A", and pass the Bill to be engrossed as amended by Conference Committee Amendment "A"; that the Senate Recede from its action whereby it Indefinitely Postponed the Reports and Bill and concur with the House in accepting the "Ought to pass" Report, Adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" in concurrence.

On the part of the House:

WILLIAMS of Hodgdon
MOSHER of Gorham
HARDY of Hope

On the part of the Senate:

SCHULTEN of Sagadahoc
BERRY of Cumberland
VIOLETTE of Aroostook

Comes from the House, the report Read and Accepted and the

Bill passed to be engrossed as amended by Conference Committee Amendment "A" (H-453), in non-concurrence.

Which report was Read and Accepted in concurrence.

The Senate then voted to recede from its prior action whereby the Bill and Reports were Indefinitely Postponed and, subsequently, the Ought to Pass Report of the committee was Accepted in concurrence.

Thereupon, Conference Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in concurrence.

Second Committee of Conference Report

The Second Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Increasing Minimum Salaries for Teachers." (S. P. 162) (L. D. 484)

Ask leave to report: that they are Unable to Agree.

On the part of the House:

BITHER of Houlton
LUCAS of Portland
TYNDALE

of Kennebunkport

On the part of the Senate:

KATZ of Kennebec
GREELEY of Waldo
DUNN of Oxford

Comes from the House, the report Read and Accepted.

Which report was read and Accepted in concurrence.

Senate

Mr. Johnson for the Committee on State Government on, Bill, "An Act Relating to a Department of Natural Resources." (S. P. 490) (L. D. 1440)

Reports that the same Ought to Pass in New Draft Under Same Title (S. P. 646) (L. D. 1840)

Which report was Read and Accepted and the Bill in New Draft Read Once.

Thereupon, under suspension of the rules, the Bill was given its Second Reading and Passed to be Engrossed.

Under further suspension of the rules, sent down forthwith for concurrence.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Size Limit of Trout." (S. P. 548) (L. D. 1687)

Ask leave to report: that they are Unable to Agree.

On the part of the Senate:

HOFFSES of Knox
BERNARD

of Androscoggin

On the part of the House:

BOURGAIN of Fort Kent
FINEMORE

of Bridgewater

BITHER of Houlton

Which report was read and Accepted.

Sent down for concurrence.

The President laid before the Senate the matter tabled earlier in today's session by Mr. Wyman of Washington:

Bill, "An Act to Provide for the Taxation of Pulpwood and Logs in Place Where Situated." (S. P. 622) (L. D. 1805)

Tabled — June 11, 1971 by Senator Wyman of Washington

Pending — Passage to be Engrossed.

Mr. Wyman of Washington then moved that the Bill and accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I would like to explain to you what this bill does. Of course, it has the paper company lobby against it, and when the vote is taken I am going to ask for a roll call to identify the members voting against this bill.

As you know, at this time, under the statute, the pulpwood and logs are taxed where the owner resides or where the mill is located. What this bill will do is make pulpwood and logs taxable in the town where the pulpwood and logs are located as of April 1st.

The intent that I had when I presented this bill was to attempt to cover the concentration areas that we have in the state. This is a new method of storing pulpwood, we are five concentration

areas, and I maintain that these concentration areas are adding costs to the towns in which they are located and, thereby, they should pay a tax on the personal property or the pulpwood that is located in those concentration areas.

I have checked the towns in which the mills are located, under the existing statute, as to what is done regarding pulpwood and logs, mostly pulpwood, and find that the towns do not tax pulpwood as such. I have not checked only one or two; I have checked several of them. So you have an item of personal property that is going away without paying a tax. I feel that this is personal property, the same as any other item of personal property and they should pay its just and fair tax according to its value.

I will not argue this bill any longer. I think most of you understand what the problem is, but again we are fighting an issue here dealing with the large paper companies and, as I mentioned before, Mr. President, I want the roll call to identify the voters against this bill.

The PRESIDENT: The Chair would inform the Senator that a roll call identifies voters both for and against a piece of legislation. A roll call has been requested.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: At first glance this bill may appear all right. It has been indicated that it is aimed at the so-called concentration yards where wood is assembled for shipment by rail. However there are few of these yards. If I remember correctly, the good Senator from Piscataquis mentioned five concentration yards, and that is apparently what this bill is aimed at.

Nevertheless, this wood would be easy to locate, measure, and the municipality in which the wood yard is located would have no trouble in collecting the tax. So much for the five yards.

From there on, however, it would create a hodge-podge of assessment and taxation. For example, the town line of towns which are

separated by a river is generally the channel of the river, and who is to know how much wood is located on each side of the channel? After 1976, when the river driving of wood is ended, this may not be a valid argument, but at present it certainly is a valid argument.

There are other problems which can and will arise if this bill should be enacted, exempting from the general property tax pulpwood and logs due to the movability of these items, and also because of the problem in locating them, with the result that many could go unassessed and uncollected. I think the good Senator from Piscataquis just said that a lot of these small lots of wood, if I understood him correctly, were escaping taxation. So, it would not only produce confusion in the taxation of wood and lumber, but it might result in an over-all tax which is less than at present, the present law providing that the tax be assessed by the town in which the owner has his principal place of business.

Now, until a few years ago we taxed boats where found, and it caused so much trouble that the legislature, in its wisdom, provided for boats to be taxed where owned.

Again, since it has been my privilege to serve on the Taxation Committee we have had bills to tax road-building equipment where found, and again the legislature, in its wisdom, has rejected these bills. Finally, through an oversight, this bill never did have a public hearing when it was before the Taxation Committee, and was reported out through error as Ought to Pass. A little more than a week ago the Senate passed an order recommending that all bills should have hearings. This bill has not had a hearing and, for that reason, added to many other reasons stated, there should certainly be justification to indefinitely postpone this bill at this time. If the sponsor feels it worthwhile to take it up again at the next regular or special session, then it can be properly considered. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and Members of the

Senate: I will agree with Senator Wyman from Washington that this bill did not have a hearing. However, I will also state that the sponsor, which was myself, was present for the hearing and it was through no fault of mine that the bill did not have a hearing; the hearing was adjourned before hearing this bill.

This bill came out of committee, without a public hearing, with a unanimous Ought to Pass Report. I maintain that it is a good bill. It gives the towns a chance to receive tax contributions which they are not now receiving. It gives a chance to the towns to place an assessment on this pulpwood and logs where it is located within that particular town. It takes in the pulpwood that is known as the pile-down pulpwood. This is wood that is hauled in the wintertime whereby the cars don't come in often enough, they have an insufficient number of cars, and the pulpwood is piled down on location within that particular town. On April 1st this wood would be taxable in the town where it is located if this bill goes through.

As it now stands, this wood escapes taxation, as readily admitted by my good friend, Senator Wyman from Washington, and again this is a measure that these large paper companies have an interest in because it is going to cost them some money. But I maintain that whether they are large holders or not they have an item of property that is taxable the same as any other item of property that we all pay taxes on, and this should be taxed as such.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I would like to pose a question to Senator Martin from Piscataquis. I will make my statement and, if I am wrong, I wish he would correct me on this. I understand that under the present law the logs that are delivered to a particular mill, that they keep track of all the logs that they receive or the pulpwood that they receive, and then they are taxed on an average of the period of

the taxable year, so that in this way they don't only tax the pulpwood that is there on April 1st, but rather they get a tax on all of the pulpwood that is delivered to that particular mill over a period of a year. This is my understanding of the present law.

I know in my area on April 1st the pile of pulpwood, so to speak, is at the lowest possible ebb, so that we would be losing money, as far as we are concerned, in the Millinocket-East Millinocket area. They pile it up for the winter and use it all winter, and then come April 1st that pile of pulpwood is at the lowest ebb. So I would think that the assessment would be lower on April 1st than it would be over a period of twelve months of the logs that were delivered to the mills in Millinocket and East Millinocket.

In fact, I ran into this very problem in Sherman last year when I represented the town on a similar problem when they were trying to pay the taxes on April 1st, on that particular date, and instead they had to pay for the average delivered to that mill over a twelve-months period.

Maybe I am confused, but I would like this cleared up. This is my understanding of the present law and how it would apply. Thank you.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, has posed a question through the Chair which the Senator from Piscataquis may answer if he desires.

The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President, I am very happy to answer the question posed to me by Senator Tanous of Penobscot. The taxable date is April 1st. It isn't the average over the year; the taxable date is April 1st at this particular time.

I have checked in the area that Senator Tanous is concerned with, East Millinocket and Millinocket, not with the paper company itself, but I have checked with the assessors as to how much revenue you receive from pulpwood in Millinocket under the existing statute, that is, pulpwood that is located

in St. Francis, Van Buren, Fort Kent, Houlton or anywhere, it is all taxable to Millinocket or East Millinocket, as the case may be. I was told by the assessors that they do not bother with this type of property, that they say to Great Northern that you are here and you shall pay 80 percent or 85 percent of our commitment. So they could not give me any figures whatsoever.

I have checked with other companies. I checked with one company whose mill is in one town and the pulpwood is piled in another town. I have checked how much tax contribution is paid to the town where the mill is located for these huge piles of pulpwood, and the answer was that it isn't being taxed. This particular town is the Town of Mexico, one of the ten highest tax rate towns in the state. I am sure it would help Mexico a great deal to receive some tax contribution from the huge piles of pulpwood that are stored and owned by Oxford Paper within the Town of Mexico, if my bill goes through. At present it is not being taxed. I hope I have answered Senator Tanous's question.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE of Franklin: Mr. President, I would like to pose a question to Senator Martin or anyone else who might care to answer. I represent two small communities barely incorporated: one is Dallas Plantation and the other is Copeland. They both are at headwaters of streams that feed into Kennebec River, and on April 1st both of these streams are usually lined with piles of logs ready for the spring drive. My question is that if they are not in piles, but are still back in the woods, does the assessor from each one of these incorporated places stagger shoulder - deep through the snow and try to make an assessment as to the number of logs or pulpwood in this area so that he may properly assess whoever may be the owner of the pulp at that point, or just what procedure does take place under your proposal?

The PRESIDENT: The Senator

from Franklin, Senator Shute, has posed a question through the Chair which the Senator from Piscataquis may answer, if he desires.

The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President, in answer to the question of Senator Shute from Franklin, in the case of pulpwood in the water comprising the town lines of both towns, that pulpwood would be assessed, I would assume, by the assessors in both towns who would have to get together. If there is 100,000 cords of pulpwood in the river within the two towns, they would have to get together and arrive at a solution as to how much would be assessed by each town. The boundary line would be the river. This would be a mutual agreement between both of them. I assume they would contact the owner and find out how many cords of pulpwood were standing or lying in the water and, under my bill, they would be assessed half and half in each town.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE of Franklin: Mr. President, that wasn't exactly my question. I think you explained fully and completely what would happen, I believe, to the question posed by Senator Wyman in a situation in the Kennebec River between Carratunk and Pleasant Ridge, shall we say. You would make an assessment and it would be divided roughly in half. But I am thinking of the area of Copeland Plantation and Dallas Plantation, headwaters of the south branch of the Dead River and Nash Stream respectively. Is it the assessor's responsibility on April 1st to stagger around on snowshoes or snowmobile, or whatever, and try to find out how much pulpwood is in their township at the headwaters of these streams, or just how is it handled?

The PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President, I would say that it is the assessor's responsibility to find the item of property within

the town, just as it is their responsibility to find boats or anything else within the town. In the past, I have even assessed with a motorboat. I have even assessed by walking on the ice of a lake to cross it where there was no road leading to cottages on the other side. I have done assessing on snowshoes. It would be the responsibility of the assessors within each individual town.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I think the previous debate has brought out the difficulty with assessment of this kind and the possibility of loopholes in it, and this is the problem to which I am objecting. In order to get these five concentration yards, it is going to cause a great many more problems.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that Bill, "An Act to Provide for the Taxation of Pulpwood and Logs in Place Where Situated", be indefinitely postponed.

A roll call has been requested. In order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that Bill, "An Act to Provide for the Taxation of Pulpwood and Logs in Place Where Situated", be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, Chick, Dunn, Greeley, Hichens, Hoffses, Johnson, Katz, Levine, Moore, Peabody, Quinn, Schulten, Shute, Tanous, Wyman and President MacLeod.

NAYS: Senators Bernard, Carswell, Clifford, Conley, Danton, Fortier, Graham, Harding, Kellam, Marcotte, Martin, and Minikowsky.

ABSENT: Senators Anderson, Sewall and Violette.

A roll call was had. Seventeen Senators having voted in the affirmative, and twelve Senators having voted in the negative, with three Senators absent, the motion to Indefinitely Postpone the Bill prevailed.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President, I move reconsideration and I hope everyone votes against me.

The PRESIDENT: The Senator from Washington, Senator Wyman moves that the Senate reconsider its action whereby this bill was indefinitely postponed. As many Senators as are in favor of the motion to reconsider will please say "Yes"; those opposed "No".

A viva voce vote being taken, the motion to reconsider did not prevail.

Sent down for concurrence.

Mr. Levine of Kennebec was granted unanimous consent to address the Senate:

Mr. LEVINE: Mr. President and Members of the Senate: I just voted, and I didn't vote for the paper companies. It looked like I voted for the paper companies, so I wanted to explain my vote. Every other product, when it is taxed, is taxed in two ways: there are raw materials and there is finished material. The way we are doing it now is by taxing the landowners for the timber that is growing. I voted to increase that tax, and I feel that we should increase the tax, that they should be paying more. No other product is taxed when it is in transfer. It is taxed the second time in the place where it is permanently supposed to be. I feel that is the same way we should do it as far as pulp is concerned. We have a paper mill in Winslow in my district, and I would hate to see the Town of Winslow lose the revenue, and they can adjust it more honestly; they know how many cords they

are using and, if they want to do a good job, that is the only way you can do a good job, because you know how many cords they are using in a mill and they can't lie about it, they can't deny it. You go out and tax them according to the use.

According to this bill now, and I respect very much the good Senator Martin, according to his bill, you would have to get police officers to go and find the pulp first and then tax it. Under our system now we can do a better job, if the towns want to do it, and I wish all the town would go and do it and assess, because that would be the proper way to do it.

The President laid before the Senate the matter tabled earlier in today's session by Mr. Wyman of Washington:

Bill, "An Act to Relieve Certain Elderly Householders from Extraordinary Property Tax Burdens." (H. P. 1193) (L. D. 1663)

Pending — Passage to be En-grossed.

Mr. Wyman of Washington moved that the Bill be Indefinitely Postponed.

Mr. Marcotte of York then moved that the Bill be tabled and Tomorrow Assigned, pending the motion by Mr. Wyman of Washington to Indefinitely Postpone.

On motion by Mr. Berry of Cumberland, a division was had. Thirteen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the motion to table did not prevail.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I would rise in opposition to that motion and would ask for a roll call, and would hope that you would vote "No."

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that Bill, "An Act to Relieve Certain Elderly Householders from Extraordinary Property Tax Burdens," be indefinitely postponed.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: Since I came over here I have voted for practically every bill to provide for some kind of tax relief for the elderly, and I am still going to this session because we have another bill coming. This is a good bill but we have a better bill coming. I have a long analysis on it here but under one section it says: The simpler formula proposed under the bill which is coming would be much more understandable to the claimant, would result in substantial equity, and would contribute to ease of administration. It also says that this bill gets involved in a possible income tax credit, which the other bill doesn't.

The older people appeared before the Taxation Committee and they laid down five requirements that they wanted in this bill. We have met all five requirements, and I think that this is a better bill, the bill that is in the other branch now. So, when I vote against this bill, it is not voting against tax relief for the elderly; it is just making a choice between a good bill and a still better bill.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I would pose a question to the good Senator from Washington, Senator Wyman. The other bill that you speak of, Senator, is there any unlimited number of assets that the elderly could have under the other bill?

The PRESIDENT: The Senator from Cumberland, Senator Conley, poses a question through the Chair which the Senator from Washington, Senator Wyman, may answer if he desires.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I would have to read the bill, I don't think so; I think it just refers to income.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I would like to pose a question to the good Senator from Washington, Senator Wyman, about this other good bill that you mentioned — I am sorry — the other better bill. Under the other better bill will these payments go directly to the town or will they just be made directly to the recipient who, as I understand it, may have unlimited assets?

The PRESIDENT: The Senator from Aroostook, Senator Harding, has posed a question through the Chair which the Senator from Washington, Senator Wyman, may answer if he desires.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I can see that somebody wants me to read a complete analysis on the comparison of these two bills so, with the permission of the Senate, I will.

Both of the drafts provide for monetary relief to certain elderly persons, aged sixty-two in the case of females, and sixty-five in the case of males, where household income does not exceed \$4,000, in recognition of the burden of the property taxes. The same persons would be eligible under either proposal, and the definition of income, household, and household income, are virtually the same under either proposal.

The principal differences between L. D. 1663 and the proposed new draft are these: Under L. D. 1663 the relief would be based upon a percentage of the amount by which property taxes, or twenty percent of the rent paid, exceed a variable percentage of household income with no minimum payment, while under the proposed new draft the relief would be based upon a fixed percentage of the difference be-

tween household income \$4,000, with no payments of any claim of less than five dollars.

The simpler formula proposed would be much more understandable to the claimant, would result in substantial equity, and would contribute to ease of administration. Under L. D. 1663 the relief would be in the form of an income tax credit, if there were income tax liability; otherwise, in the form of a direct payment, while under the new draft the relief would in all cases be in the form of direct payment. I think maybe this answers the question of the good Senator.

It is estimated that eighty percent or more of eligible claimants would have no income tax liability, and it is probable that few, if any, of the balance would have sufficient income tax liability to cover the credit allowable. Hence, even under L. D. 1663 most claims would result in direct payments. If this is the case, there would be no merit in complicating income tax procedures by attempting to provide for such a credit.

Under L. D. 1663 the application of a claimant would be filed on or before July 1 annually, while under the new draft the application of the claimant would be filed between August 1 and October 15. Filing on or before July 1 would result in filing such claims during the period when the processing of income tax returns is at its peak. Filing between August 1 and October 15 would permit the handling of such claims with a minimum of delay and a minimum of extra assistance, and at the same time would get the grants into the hands of the claimants in time to apply to current property tax bill.

Under L. D. 1663 payments would be made in the first year of the biennium, while under the proposed new draft payments would first be made in the second year of the biennium.

Finally, certain minor changes in the language of 1663 have been made. These do not affect the substance of the bill. The following cross reference table will enable anyone to compare the language of L. D. 1663 with that of the proposed new draft section by section.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: Might I inquire of the action of the House on this particular bill.

The PRESIDENT: The bill was indefinitely postponed by the House of Representatives.

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: If I could, I would like to pose a question through the Chair to the good Senator from Washington County, Senator Wyman, as to if there is a number on this better bill that he has discussed, so I could find the bill to look at and, if there is, could he also tell what the prospective cost of the better bill is?

The PRESIDENT: The Senator from Cumberland, Senator Kellam, has posed two questions through the Chair which the Senator from Washington, Senator Wyman, may answer if he desires.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I don't have the number of the other bill here; I have read it. But I do know that the amount of money for both bills is about the same. I know that in comparison on the cost, this 1663 is to a certain extent misleading, because it gives a maximum but it doesn't say how much lower than the maximum these payments may be.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Marcotte.

Mr. MARCOTTE of York: Mr. President and Members of the Senate: First of all, I would like to inform the Senator from Washington, Senator Wyman, that one does not have to be a mental giant to make out this chart here as to the payments. So his argument as to the difficulty in administering it really isn't valid.

Number two, I would like to bring up that at the last reading I got on this particular bill, un-

numbered to date, it is now up to \$5.4 million or \$5.7 million, and they haven't even figured the married couples yet. So, again his argument that this bill would run about the same as the other one is unfounded at this time. As a matter of fact, I would consider it erroneous, because this bill cost \$3.4 million on the first year or \$6.7, I believe, or \$6.4, somewhere in that neighborhood, for the biennium. So neither of the arguments have been valid as to the better of the two bills.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President, the number of the bill to which I was referring is L. D. 1817.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I would hope that we would not indefinitely postpone this bill. I have talked to several members on the other side, and I think there is some starting recognition that they are running into some rather serious problems with the bill that has been adopted there, and it may either require some very, very major changes or perhaps going to this one which we are considering now. I had hoped that this one would be kept alive. According to some of the figures that have been recited here, and perhaps somebody may smile a little bit when I say that it would appear that this particular bill, whether it might be costing a heck of a lot more than has been anticipated, and I don't know who has figured this, but I have heard figures down the other end that we are close to something like \$5.7 million annually under this so-called better bill.

I think there is a significant difference in the formula which is applied under these two bills which I think, in a sense, indicates that the bill that we are now considering goes much more directly to assisting the people who need the assistance instead of opening it up considerably wider.

I would hope that we would vote against indefinite postponement, that we would keep this bill alive and see what better product we can make out of these two bills. So, I hope we don't indefinitely postpone. I hope we can go along with this bill to some certain stage and keep working on both of these, and eventually come out with something that is going to be satisfactory to all parties concerned. I think we are trying to achieve a common goal here, I think we are all committed to giving assistance to our elderly householders with regards to their burdens of housing or property tax, and I would like to see these two bills kept alive to see what we can do to work out these differences.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Of course, what we are talking about here today is pride of authorship, and there is no need of fooling ourselves with all the polite questions and other little things that we are doing here.

I recall with a great deal of interest as I was passing on Route 1, I think I was going from Bath to Brunswick, sometime last year, I was listening to the local radio station, the Brunswick radio station, and the author of this bill that we are talking about was quoted on the station as saying that she was going to introduce a bill to provide aid to the elderly so that the Republicans could put their money where their mouths were. That is just as simple as it is.

Some people here are playing with a pretty serious question. And when we say that we have worked hard and we have come up with a bill that we think is better, that is an honest statement, and I know that we did work hard. And people have worked hard outside the legislature to come up with this bill. So those are some of the facts, and let's face it. I think it was a terrible thing to say what was said over the radio. This is not a partisan

matter and it never should be. And I regret to see that many members in the Minority Party are up here defending this particular bill. We are going to give you a chance to vote for a good bill.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: As a member of the Minority Party, and also being very concerned with the bills which are currently before us, I would inform the Majority Floor Leader that I, for one member here of the Minority Party, would be very willing to take the sponsor of the so-called Republican Bill and amend the Watson bill if that would settle the problem, because I think - honestly that the Watson bill is a far better bill.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that Bill, "An Act to Relieve Certain Elderly Householdors from Extraordinary Property Tax Burdens", be indefinitely postponed. A "Yes" vote will be in favor of the indefinite postponement of the bill; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, Chick, Dunn, Greeley, Hichens, Hoffses, Johnson, Katz, Moore, Peabody, Quinn, Schulten, Sewall, Shute, Tanous, Wyman, and President MacLeod.

NAYS: Senators Bernard, Carswell, Clifford, Conley, Danton, Fortier, Graham, Harding, Kellam, Levine, Marcotte, Martin, Minkowsky, and Violette.

ABSENT: Senator Anderson.

A roll call was had. Seventeen Senators having voted in the affirmative, and fourteen Senators having voted in the negative, with one Senator absent, the bill was Indefinitely Postponed in concurrence.

The President laid before the Senate the matter tabled earlier in today's session by Mr. Berry of Cumberland:

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

Pending — Passage to be Engrossed.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

The President laid before the Senate the matter tabled earlier in today's session by Mr. Berry of Cumberland:

Bill, "An Act to Provide Mandatory Penalties for Commission of a Crime with a Dangerous Weapon." (S. P. 332) (L. D. 983)

Pending — Passage to be Engrossed.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.