

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth*

*Legislature*

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Tuesday, February 6, 1973

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

Prayer by the Rev. Mr. Sam Henderson of Norway.

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

The journal of the previous session was read and approved.

The SPEAKER: The Chair is pleased to note in the rear of the House the gentleman from Van Buren, Mr. LeBlanc, and the gentleman from Windham, Mr. Peterson, neither of whom has been sworn in as yet. The Chair will appoint the gentleman from Eagle Lake, Mr. Martin, and the gentleman from Dover-Foxcroft, Mr. Smith, to escort the gentlemen to the Governor's office where they may be sworn in in the presence of the Council.

**Papers from the Senate**

From the Senate: The following Order: (S. P. 212)

ORDERED, the House concurring, that the Secretary of the Senate and Clerk of the House jointly prepare the Senate and House Registers, and that 15,000 copies be printed for the use of the Legislature.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

From the Senate: The following Order: (S. P. 214)

ORDERED, the House concurring, that there be paid to Vivian Massey, Representative of the Penobscot Tribe of Indians and to Albert Dana, Representative of the Passamaquoddy Tribe of Indians, from the legislative appropriation the sum of \$250 per month, paid on a monthly basis until the amount authorized for such Representatives by statute is exhausted.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

Bills from the Senate requiring reference were disposed of in concurrence, with the following exceptions:

**County Government**

Bill "An Act Relating to Fees of Clerks of Courts" (S. P. 171) (L. D. 426)

Came from the Senate referred to the Committee on Judiciary.

In the House: On motion of Mr. Dyar of Strong, referred to the Committee on County Government in non-concurrence and sent up for concurrence.

**County Government**

Bill "An Act Relating to Probate Fees" (S. P. 172) (L. D. 427)

Came from the Senate referred to the Committee on Judiciary.

In the House: On motion of Mr. Dyar of Strong, referred to the Committee on County Government in non-concurrence and sent up for concurrence.

The following Communication was taken up out of order by unanimous consent:

Office of the Secretary of State  
February 6, 1973  
To E. Louise Lincoln, Clerk of the House of Representatives of the One Hundred and Sixth Legislature:

In compliance with the Constitution and Laws of the State of Maine, I hereby certify that a Special Election was held in the Towns of Stockholm and Van Buren and the Plantations of Caswell, Cyr and Hamlin on January 29, 1973, for the purpose of electing a Representative to the One Hundred and Sixth Legislature to fill the vacancy caused by the resignation of Representative-elect Allen J. Ouellette of Van Buren; that at said election Armand A. LeBlanc of Van Buren, having received a plurality of all votes cast in said election, as contained in a report submitted to the Governor and Council under date of February 6, 1973, appears to have been elected a Representative to the One Hundred and Sixth Legislature.

IN WITNESS WHEREOF, I have caused the Great Seal of the State of Maine to be hereunto affixed this sixth day of Febru-

ary in the year of our Lord, one thousand nine hundred and seventy-three and of the Independence of the United States of America, the one hundred and ninety-seventh.

Joseph T. Edgar  
Secretary of State

The Communication was read and ordered placed on file.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: It is my pleasure to report to you that we have discharged the duty with which we have been charged, and that the gentleman from Windham, Mr. Thomas Peterson and the gentleman from Van Buren, Armand LeBlanc, have been duly sworn in by the Governor, before the Executive Council, and are ready to take their seats.

Thereupon, Mr. Peterson of Windham was assigned to seat number 15, and Mr. LeBlanc of Van Buren was assigned to seat number 104. (Applause, the Members rising.)

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

Report of the Committee on Business Legislation on Bill "An Act Providing for Rest Rooms in Laundromats" (S. P. 41) (L. D. 97) reporting "Ought not to pass"

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

#### **Non-Concurrent Matter**

Bill "An Act Providing for Financing Operating Costs of Public Schools" (H. P. 279) (L. D. 357) which was referred to the Committee on Appropriations and Financial Affairs in the House on January 24.

Came from the Senate referred to the Committee on Education in non-concurrence.

In the House: The House voted to recede and concur.

#### **Non-Concurrent Matter Tabled and Assigned**

Bill "An Act to Authorize the Creation of the Maine Inland Fisheries and Game Acquisition Fund and the Issuance of Not Exceeding

\$2,000,000 for the Financing Thereof" (H. P. 288) (L. D. 362) which was referred to the Committee on Appropriations and Financial Affairs in the House on January 24.

Came from the Senate referred to the Committee on Public Lands (Joint Special Committee) in non-concurrence.

In the House:

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

Mr. BRAGDON: Mr. Speaker, I would ask that this be tabled for one legislative day.

Whereupon, on motion of Mr. Simpson of Standish, tabled pending further consideration and tomorrow assigned.

The SPEAKER: The Chair requests the Sergeant-at-Arms to escort to the rostrum the gentleman from Bangor, Mr. Kelleher, for the purpose of presiding as Speaker pro tem.

Thereupon, Mr. Kelleher assumed the Chair as Speaker pro tem and Speaker Hewes returned to his seat on the floor of the House.

#### **Petitions, Bills and Resolves Requiring Reference**

The following Bills, Resolves and Resolution were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

#### **Appropriations and Financial Affairs**

Bill "An Act to Appropriate Funds to Continue Nutritious Meals to Older People" (H. P. 501) (Presented by Mr. Kelleher of Bangor) (Ordered Printed)

Sent up for concurrence.

#### **Business Legislation**

Bill "An Act Relating to Expenses for Examination of Insurer" (H. P. 492) (Presented by Mr. Lawry of Fairfield)

(Ordered Printed)

Sent up for concurrence.

#### **Tabled and Assigned**

Bill "An Act Expending Aroostook County Funds for Presque Isle Airport" (H. P. 496) (Presented by Mr. Dunleavy of Presque Isle)

The Committee on Reference of Bills suggested the Committee on County Government.

(On motion of Mr. Haskell of Houlton, tabled pending reference and tomorrow assigned.)

**Judiciary**

Bill "An Act Raising the Maximum Age of a Juvenile Offender" (H. P. 489) (Presented by Mr. Whitzell of Gardiner)

Bill "An Act to Impose a Surcharge on Fines and Penalties for Operation of the Maine Law Enforcement and Criminal Justice Academy" (H. P. 495) (Presented by Mr. Carey of Waterville)

Bill "An Act Amending the Uniform Flag Law" (H. P. 500) (Presented by Mr. Henley of Norway) (Ordered Printed)

Sent up for concurrence.

**Legal Affairs**

Bill "An Act to Revise Laws Relating to Dance Hall Licensing" (H. P. 487) (Presented by Mr. Hunter of Benton)

Bill "An Act to Revise the Maine Passenger Tramway Safety Board Law" (H. P. 490) (Presented by Mr. Whitzell of Gardiner)

Bill "An Act Repealing the Law Requiring Municipalities to Remove Worthless Trees within the Limits of Ways and Streets" (H. P. 491) (Presented by Mr. Hunter of Benton)

Bill "An Act Relating to Fire Protection Requirements in Construction of Certain Buildings" (H. P. 493) (Presented by Mr. Churchill of Orland)

Bill "An Act Relating to the Design of Buildings Constructed by the State or Political Subdivisions" (H. P. 494) (Presented by Mr. Carey of Waterville) (Ordered Printed)

Sent up for concurrence.

**Tabled and Assigned**

Bill "An Act to Permit Commissioner of Sea and Shore Fisheries to Suspend Licenses for Violation of Private and Special Laws and Assault on Coastal Wardens" (H. P. 504) (Presented by Mr. Tyndale of Kennebunkport)

The Committee on Reference of Bills suggested the Committee on Marine Resources.

(On motion of Mr. Henley of Norway, tabled pending reference and tomorrow assigned.)

**Natural Resources**

Bill "An Act Relating to Outdoor Advertising" (H. P. 498) (Presented by Mr. Simpson of Standish)

Bill "An Act to Amend Municipal Regulation of Land Subdivision Law" (H. P. 502) (Presented by the same gentleman)

(Ordered Printed)

Sent up for concurrence.

**State Government**

Resolution Proposing an Amendment to the Constitution Repealing the Prohibition Against Initiating Legislation to Amend the Constitution (H. P. 486) (Presented by Mrs. Najarian of Portland)

Resolve Authorizing the Commissioner of Parks and Recreation to Convey by Sale the State's Interest in Certain Real Property at Lubec (H. P. 499) (Presented by Mr. Donaghy of Lubec)

Bill "An Act to Establish a State Housing Rehabilitation Program" (H. P. 503) (Presented by Mr. Dunleavy of Presque Isle)

Bill "An Act Requiring Constructed Public Buildings Be Made Accessible to the Physically Handicapped" (H. P. 505) (Presented by Mr. Shaw of Chelsea) (Ordered Printed)

Sent up for concurrence.

**Taxation**

Bill "An Act Prohibiting the Exemption of Certain Property from Real Estate Taxes" (H. P. 488) (Presented by Mr. Dow of West Gardiner) (Ordered Printed)

Sent up for concurrence.

**Transportation**

Bill "An Act to Authorize the Construction of a Bridge Across the Kennebec River Between the Municipalities of Gardiner and Randolph" (H. P. 485) (Presented by Mr. Whitzell of Gardiner) (Ordered Printed)

Sent up for concurrence.

### Veterans and Retirement

Bill "An Act Amending the Retirement Law Relating to Certain Employees under the Department of Mental Health and Corrections" (H. P. 497) (Presented by Mr. Simpson of Standish)  
(Ordered Printed)  
Sent up for concurrence.

### Orders

On motion of Mrs. McCormick of Union, it was

ORDERED, that Robert N. Soulas be excused for the duration of his illness.

At this point, Speaker Hewes returned to the rostrum.

The SPEAKER: The Chair commends the gentleman and thanks him very much.

Thereupon, the Sergeant-at-Arms escorted Mr. Kelleher to his seat on the floor, amid the applause of the House, and Speaker Hewes resumed the Chair.

### House Reports of Committees Ought Not to Pass

Mr. Haskell from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act to Pay for One Hundred Percent of Health Insurance Plans for State Employees" (H. P. 182) (L. D. 224)

Mr. Fraser from the Committee on Transportation reported same on Bill "An Act Relating to Loading of Vehicles to Prevent Dropping of Load on Public Way" (H. P. 110) (L. D. 130)

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

### Leave to Withdraw

Mr. Evans from the Committee on Agriculture on Bill "An Act Relating to the Licensing and Regulation of Stables for Horses" (H. P. 125) (L. D. 149) reporting Leave to Withdraw.

Mr. Carey from the Committee on Legal Affairs reported same on Bill "An Act Changing Name of Main Rescue Service" (H. P. 63) (L. D. 75)

Reports were read and accepted and sent up for concurrence.

### Consent Calendar First Day

#### Tabled and Assigned

(H. P. 20) (L. D. 20) Bill "An Act Changing Name of Pine Tree Warriors, Inc." (Committee on Legal Affairs reported "Ought to pass" as amended by Committee Amendment "A" H-12)

(On motion of Mr. Simpson of Standish, tabled pending acceptance of Committee Report and tomorrow assigned.)

#### Tabled and Assigned

(H. P. 50) (L. D. 57) Bill "An Act Relating to the Wearing of Fluorescent Orange Clothing While Hunting During Hunting Season" (Committee on Fisheries and Wildlife reported "Ought to pass" as amended by Committee Amendment "A" H-11)

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

Mr. BRAWN: Mr. Speaker, I now move that this be taken from the Consent Calendar so after the amendment has been added we may debate it upon the floor.

The SPEAKER: The Chair will rule that item 2, because there has been objection to it, the question before the House is the acceptance of the committee's unanimous "Ought to pass" report, which includes the Committee Amendment. If the gentleman wishes to debate the committee's "Ought to pass" report as amended, he may do so at this time, otherwise it will be voted upon.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: This has come up many years, as you know, this fluorescent clothing bill, and I have been opposed to it.

I have nothing against anyone wearing fluorescent clothing if they so desire, but after I listened to the safety expert, he tells you only of those that did not have it on and got shot. But I did go to this safety expert and I checked his record, and many of these that did have it on were shot. So it does prove that this is not the truth.

Now many of these were in a one-holer that were shot, some were upstairs in bed shot, some

were in a restaurant shot, and these are considered hunting fatalities. I don't think they should be entered into it because I don't think it would make any difference what color clothes they had on. Some of these people were shot in a distance of 60 to 100 feet. One man was shot in the town of Palermo that had on a fluorescent hat, fluorescent vest, and he was shot within 100 feet right in the clothing which he had on, and it was broad daylight.

I say this is taking the rights away from you. But the one thing I object to most is the duck hunter and the goose hunter who are pushing this bill the most don't want to wear it. Now I maintain, when they go through the woods they are just as vulnerable to be shot as I am if I am hunting or anything else.

We have many woods operators in the northern woods; they do not wear fluorescent clothing. We have many Christmas tree cutters in the last part of November that are cutting during deer season; many of them don't wear it either.

Now all we are doing when we say you must wear this, we are taking away your Constitutional right, and we are saying to every hunter, shoot everything that doesn't have on fluorescent, it is fair game. So I am asking at this time that you vote against this bill.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I think the gentleman has just covered this subject very adequately. He lives in a neighborhood similar to the one I live, and he pointed out about everything that is to be said.

We have a lot of hunters in our area, but a lot of other people go in the woods for other purposes, and a lot of our people work in the woods and we survey and we are in there for many other purposes, and this would make these people free game. My people feel very strongly that in our area we don't want any such bill as this. We are satisfied that they have it in the southern end of the State if they think they can save any lives. My people that I represent don't feel

as though this would save lives, it would be a hindrance, because they are not all able—a lot of them are poor people that are not able to buy this expensive clothing because they have to wear warm clothing. They work in the woods and unfortunately they have to work on some days that are cold and some days that are rainy, and this fluorescent material, what we have seen of it, is not suitable for a man that has to work. It is suitable for a sportsman, a jolly boy, but a man that has to work it is not suitable for.

We do hope that you will accept this as "ought not to pass." I hope someone has made the motion, and if they haven't, I do move that this bill be indefinitely postponed.

The SPEAKER: The gentleman from Enfield, Mr. Dudley, moves that this Report and Bill be indefinitely postponed.

The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker and Members of the House: I have a question in regard to this amendment that was placed on this. I understood at the time we amended this bill in the committee — perhaps the House chairman, Mr. Good, can answer this. I thought it meant any article of clothing. The way I interpret this amendment, you have to wear all orange clothing. I was under the impression that a cap would serve the purpose.

The SPEAKER: The gentleman from Orland, Mr. Churchill, poses a question through the Chair to anyone who may answer if they wish. The Chair recognizes the gentleman from Westfield, Mr. Good.

Mr. GOOD: Mr. Speaker, I move this item be tabled for one legislative day.

Whereupon, Mr. Brawn of Oakland requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Westfield, Mr. Good, that this Bill be tabled for one legislative day, pending the motion of Mr. Dudley of Enfield to indefinitely postpone. All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken, 102 having voted in the affirmative and 29 having voted in the negative, the motion did prevail.

#### Consent Calendar cont'd.

(S. P. 51) (L. D. 105) Bill "An Act Appropriating Funds for the Maine Commission on Drug Abuse" (Emergency) (Committee on Appropriations and Financial Affairs reported Ought to pass)

No objection having been noted, was assigned to the Consent Calendar's Second Day list.

#### Tabled and Assigned

(H. P. 97) (L. D. 118) Bill "An Act Relating to Authority of the Legislative Finance Officer" (Committee on State Government reported "Ought to pass" as amended by Committee Amendment "A" H-13)

(On motion of Mr. Simpson of Standish, tabled pending acceptance of the Committee Report and tomorrow assigned.)

(S. P. 58) (L. D. 141) Resolve, Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans (Committee on Appropriations and Financial Affairs reported "Ought to pass" as amended by Committee Amendment "A" S-3)

(H. P. 131) (L. D. 155) Bill "An Act Relating to Lights on Motor Vehicles of Baxter State Park Rangers" (Committee on Transportation reported "Ought to pass")

(H. P. 149) (L. D. 182) Resolve, to Reimburse R. B. Swan & Son of Brewer for Loss of Beehives by Bear (Committee on Legal Affairs reported "Ought to pass")

No objection having been noted, were assigned to the Consent Calendar's Second Day list.

#### Tabled and Assigned

(H. P. 151) (L. D. 184) Resolve to Reimburse Edgar W. Tupper of Madison for Loss of Beehives by Bear (Committee on Legal Affairs reported "Ought to pass" as amended by Committee Amendment "A" H-14)

(On motion of Mr. Simpson of Standish, tabled pending acceptance of the Committee Report and tomorrow assigned.)

(S. P. 74) (L. D. 191) Bill "An Act Relating to Collection of the Blueberry Tax" (Committee on Taxation reported "Ought to pass")

(H. P. 175) (L. D. 217) Bill "An Act Appropriating Funds for an International Arrivals Building at Bangor International Airport" (Emergency) (Committee on Appropriations and Financial Affairs reported "Ought to pass")

No objection having been noted, were assigned to the Consent Calendar's Second Day list.

#### Second Day

(H. P. 136) (L. D. 159) Bill "An Act Relating to Manner of Transferring Investment Securities Under Uniform Commercial Code"

(H. P. 137) (L. D. 160) Bill "An Act Relating to the Holding of Securities by Fiduciaries and by Custodians for Fiduciaries"

No objection having been noted, the Bills were passed to be engrossed and sent to the Senate.

#### Passed to Be Engrossed

Bill "An Act Repealing the Prohibition Against Mobile Home Sales on Sunday" (H. P. 39) (L. D. 46)

Bill "An Act Exempting Fuels to Burn Blueberry Fields from the Sales Tax" (H. P. 86) (L. D. 106)

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

#### Passed to Be Enacted

##### Emergency Measure

An Act Creating a Second Assistant County Attorney for Kennebec County (H. P. 88) (L. D. 108)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 140 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

##### Emergency Measure

An Act Relating to Fees Received by the Clerk of the House of Rep-

representatives and Secretary of the Senate (H. P. 94) (L. D. 115)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 137 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act to Correct an Error in the Reorganization of the Department of Civil Defense and Public Safety (H. P. 111) (L. D. 131)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 138 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act Making Additional Appropriations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1973 (S. P. 190) (L. D. 394)

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

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of L. D. 394 and strongly urge and recommend that you do likewise. I admit that I have some reluctance in supporting this measure, but after complete evaluation of the program and the problem, I fully appreciate its significance, realizing that we should accept our share of the responsibility of these programs and support legislation in the best interest of all Maine people.

My reluctance is shared by some of you, I know, as many of us realize that we could be opening Pandora's Box by supporting programs which are local and not statewide in nature. However, I

hope you will seriously consider the complexities of this problem and support what I feel is a very sensible compromise and solution to a very delicate, complex and controversial matter. However, let's not pass this bill without taking full aim at the parties involved. Let's also be sure that Maine's taxpayers are made aware of a few facts and above all let's put our cards completely on the table for the municipal officials of this state to become cognizant of.

It is time all of us, especially municipal officials, realize that federal revenue sharing was not meant to be a panacea of all our ills. It was not given to us as a gift to do as we would like. It has got strong strings attached and let's not forget it. Our cities and towns get \$20 million from the federal government and \$5 million from us in revenue sharing. If they want to use it for swimming pools, golf courses, lowering of property taxes or fire truck, then let them do it, but they had better beware because an avalanche is about to bury them.

Along with revenue sharing came some direct responsibilities; namely, the responsibility to evaluate all the federal programs at the local level which recently have been cut due to their incontrollability and mismanagement. In short, local municipalities were told to look at them, kill them, or fund them with their revenue sharing money. Therefore, let all the municipalities of this State take heed right now and completely understand the wording in the preamble of this legislation because we are not about to bail them out in the future.

We were asked to fund this program for \$1 million for six months. We are saying we will fund it until March 15 and then it's your ball game, not the State's. Meanwhile, we will direct our staff to evaluate the programs to determine any role we might play in the future. Come March 15 you will not find me standing here fighting for localized, poorly managed and inadequate programs. I will support only programs which are entirely statewide in nature and avail-

able to all Maine people, not a select few. So I repeat, let the cities and towns beware. These programs are yours so plan to take them over or bear the heat from the people involved. In short, my party, and I hope this entire legislature is not about to gather under its wing all or any of the so-called great society programs which are no longer controllable or justified by Washington.

Let us also serve notice on the Department of Health and Welfare and the recipient agencies involved. These funds will be monitored and audited by this Legislature and full compliance with the Preamble and Act will be expected. 29,000 Maine citizens, mostly proud senior citizens, are involved here. These are non-welfare recipients but who are close to it. No present welfare case-loads have been discontinued or are they affected. Actually all we are seeking here is a little time while not slamming the door closed on Maine people. We need time for our staff to completely review and evaluate each and every one of these fifty or so social service programs.

Ladies and gentlemen of the House, in conclusion let me remind you of one thing. There will be arguments here today that this is for the cities only, so why should I support it. True, cities are getting a major portion of it, but people are people no matter where they live and this program involves 29,000 Maine people. Some of this money is going to all but one county . . . all counties but one. In fact, if I want to take a personal view, none of my five towns would receive a portion of this money at all.

However, I was elected to represent all of Maine, rural and urban, especially when a need arises. I hope you feel likewise. Don't ever forget that sooner or later you will be on your feet on this floor looking for statewide support on a local bill or one of special importance and interest to you. We are here to represent these people, therefore I urge you to fully support this sensible compromise and solution to a very delicate matter. Who knows, we

might have been here voting for the entire million.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I, too, rise in support of L. D. 394. I do it with mixed emotions, primarily because I know some of the problems that some of us are going through in determining whether or not something ought to be continued or discontinued.

I feel very strongly that the people who have been hurt, the twenty-nine thousand low income people, need our help at this time. It would be very simple for us to simply abandon them, to say let the municipalities who have gotten that revenue sharing do it for themselves.

Unfortunately, because of the way the law was written and because the time we come here, we find ourselves under the gun, so to speak. I suppose we could stand and blame Congress or blame the President but in final analysis, it has arrived. It is up to us to make the determination today to try to help the twenty-nine thousand people and then we hope that the Appropriations Committee will be in a position to evaluate the programs and to see whether or not the State ought to continue to fund any of those programs or portions thereof.

I don't feel that I or perhaps any other member of this Legislature is in any position to evaluate any single program at this time. It is that time, the time to evaluate, that we are looking for. I know that some of the members of the legislature will argue — perhaps the gentleman from Augusta, Mr. Sproul and the gentleman from Perham, Mr. Bragdon — that the time has arrived for us to cut everything. I don't feel that qualified to make that determination today. I wish I were. I cannot make the determination that twenty-nine thousand people who have been receiving funds are now to be disqualified.

Let me, just for a moment, transgress and point out what

transpired with the Revenue Sharing Act of 1972. Contracts that were serving low income welfare recipients had been negotiated with some fifty agencies of this state and on January 1, 1973 those particular programs that served other people than welfare recipients had to be dropped from the roll. So if we want to help those people that are not on welfare that don't want to get on welfare that have some desire to stand up for themselves — and this is an opportunity to do it. However, if we argue that we don't want to help non-welfare recipients, then we ought not to vote for this thing today.

Remember that welfare recipients will continue to receive the assistance. What we are, in effect, doing if we don't help those people that are so-called marginal individuals is forcing people to go on welfare, for them to lie, for them to somehow maneuver the figures so that they will get on welfare and then they qualify for the beautiful federal money. If we don't, if we forget them, that is exactly what is going to happen. If we want to help and to help them from going on welfare, then this is an investment that we ought to make. So I hope that we will help them and I hope that when the vote is taken that you will be voting yes. Mr. Speaker, when the vote is taken, I request it be taken by the yeas and nays.

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

Mr. BRAGDON: Mr. Speaker, Members of the House: I rise at this time to attempt to explain our reasons, and I am referring to the two members of the Appropriations Committee who came out with a minority report "Ought not to pass" on this L. D.

We felt that the appropriations committee did not have sufficient knowledge of the problem involved at the time we were considering it in Executive Session to warrant committing the State to finance these projects on a temporary or any other basis. We felt more time should be taken to investigate. The majority was reluctant to wait any longer and it seemed our only al-

ternative was to sign a dissenting or "Ought not to pass" report. I do not need to tell you this is not an easy position to take.

Since the committee reported to the legislature we have had opportunity to explore further into the problems which this bill is supposed to correct. I can emphatically say to you now that I am pleased we had the courage to take the position we did.

The gentleman from Augusta, Mr. Sproul, has been in contact with those in Washington who administer the funds involved. I am sure he has information for you which will be very helpful and informative to all of us in arriving at a correct solution. Presently it seems to be particularly popular with some people to be very critical of anything that comes out of Washington, whether it is something the Congress has done as is the case in the problem before us, or whether it is something the President has done or has not done, I cannot believe Mr. Wyllie of Health and Welfare is addicted to this popular malady and purposely slanted his presentation to the committee in this direction. It would appear from Mr. Sproul's report from Washington that this might be the case. Obviously, Washington's version does not agree with the impression Mr. Wyllie left with some members of the committee.

At this point let me digress a little to say that we who signed the minority report did not disagree materially with the majority of the committee, nor do we question the worthiness of most of these programs. We recognize that they are good and are promoted by some of the most sincere and dedicated people you could find anywhere. Another thing in their favor is that these programs are largely financed by federal dollars. We are deeply critical of the fact that in Maine we are not making use of the full \$12 million which appears to be available to us from Washington. This present biennium we used only a little over \$6 million or one half of the funds available to us. It appears we are only requesting the same amount for the coming two years. We believe

that with sufficient publicity we could and should be making use of all the funds available, not only in a few counties and centers of population but all over the entire state. We believe they can be used substantially to relieve both the state and local welfare and quasi-welfare costs.

This bill, LD 394, which we are discussing, is a committee redraft of a bill calling for an emergency appropriation of \$1 million to finance at the state level an alleged cut of federal funds to some 40 or 50 quasi-welfare programs set up under this so-called title 4A act. These programs were, generally speaking, set up on a 3 to 1 matching basis; 75 per cent federal to 25 per cent local money. As presented to the committee by Mr. Wyllie of Health and Welfare, the bind comes because the federal act has been amended so that only 10 per cent of these funds can now be used for other than welfare cases. Apparently this is not enough and I would agree.

The word went out to those operating these programs as early as October or November to cut their activities accordingly. It would appear that they understood the directive to mean that only 10 per cent of the total funds involved could be used for other than welfare cases with some exceptions mentioned.

I believe we are going to be able to prove to your satisfaction that the amendment applied only to the federal 75 per cent of the fund and did not affect in any way the local share. To verify this position, I have submitted this question to the Attorney General. I have his reply. He said,

“Dear Representative Bragdon: This responds to your letter of January 31, 1973 regarding Legislative Document No. 394: AN ACT Making Additional Appropriations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1973. Specifically, you ask whether the 10% regulation for non-welfare expenditures applies to the total of federal and local funds, or to federal participating funds only?”

The Emergency Preamble of L. D. No. 394 recites among other

things: Whereas, Public Law 92-512 (Revenue Sharing Act) recently passed by Congress contains provisions restricting the use of federal funds for social services resulting in the curtailment of certain services for the elderly and for children; — and then he makes other references — P. L. 92-512, Section 301(a) added a new section 1130 to Title XI of the Social Security Act.

The language limiting funds for certain social programs is as follows: not more than 10 percent thereof are paid with respect to expenditures incurred in providing services to individuals who are not recipients of aid or assistance (under State plans approved under titles I, X, XIV, XVI, or part A of title IV), or applicants (as defined under regulations of the Secretary) for such aid or assistance. He says, the 10 percent limitation only applies to the federal funds.

I don't think I will read further on that. That bears out the contention the minority members of the committee have made.

It would appear that this verifies our position that the federal amendment limiting these funds applies only to the 75 per cent contributed by them and does not in any way restrict the use of the local share. Also, as we stated before, there are many categories including child care that are not affected by the amendment at all.

It would now appear to us that a thorough understanding and correct interpretation by Health and Welfare's Mr. Wyllie is all that is needed to correct the whole problem.

It is our further contention that there is no necessity now for those emergency funds or later for permanent funding by the state. It is a good and workable community federal program and can and should continue to operate as such.

In the light of this information, ladies and gentlemen, and the additional information Rep. Sproul will give you, it is my sincere hope you will refuse to give final passage to this emergency measure.

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

Mr. SPROUL: Mr. Speaker and Ladies and Gentlemen of the House: I think my colleague, Mr. Bragdon, has pretty well summed up our case. These were federal programs; they were not properly thought out. They were three to one matching, open-ended funds with no limitations whatsoever. They got completely out of hand. I believe the gentleman from Bar Harbor will give you some statistics on this from the print out I received. The Congress had no choice other than cutting them off, but I fail to see why that makes it an emergency for the State Legislature. If these program directors have an emergency, they should contact the three members of the Maine delegation who were serving last October when these funds were cut off; namely, Senator Muskie, Senator Hathaway, and Congressman Kyros.

Originally my contention was that if we funded them at all at this time that we would be getting ourselves into a deeper problem come March 15, one which would be much more difficult to stand up to, and we would be the ones that would be blamed for cutting off these programs that originated in Washington. With whatever homework we have been able to do, I am very happy now to tell you that I believe we do not need these funds at all.

Let me explain just a little bit what Mr. Bragdon's decision from the Attorney General means to us. It is pretty obvious, if you follow this through, that there is 25 percent of all of the local funds plus 10 percent of the seventy five, which is 7.5 percent more. So we have 32½ percent minimum that is available for welfare cases. Now this has been misquoted, and distorted to you. You have heard the arguments this morning. Welfare people are being cut off. Ladies and gentlemen, they are not being cut off. It appears to be quite a good federal program.

In addition to the 32½ percent, there are five categories that do not even have that limitation, child care, family planning services, services to the mentally retarded, services provided to drug addicts or alcoholics, services to

children in foster care. Now this comes from a program instruction that was given out or sent out November 21, 1972. I think there has been adequate time to understand this.

It seems to me that we not only do not need these funds now, but I am also happy to say that we will not need the funds that have been requested in the budget. It would more than match all of the funds that are setting on the table down there in Washington, nearly \$6 million that are not being used. So I submit to you that our problem is an understanding by the Administration of our existing law rather than a cut off of welfare recipients. I could add for your information that the people in Washington advised me that at their last two State administrator's meetings in Washington, which I think certainly you must agree with me critical at the time of such transition in these programs, we have not had a representative from the State of Maine there at the last two meetings. So it is little wonder that they do not understand the program.

I would like, for one, to appropriate some money to get a coordinator or someone who could dig into the facts and we use the programs that are available, that Maine taxpayers have already spent dollars to Washington, leaving them setting on the table there while they come in here and ask Maine taxpayers to put up more through State appropriations.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: A couple of comments that I think are necessary at this point to perhaps either confuse you more or to try to make it a little easier for all of us to understand.

I guess I have always been one to think, and of course I am sure that that was a wrong assumption, that only Democrats could use money twice. And I find that the gentleman from Augusta this morning almost took me through that theory that it was all right

to use it twice and I kind of agree with him if he would show me how to handle it both ways.

Let me illustrate the problem. Congress passed a law which said that we had to spend 10 percent of the money we got for non-welfare recipients. The law is very specific. At the present time the allocation to the State of Maine is \$12.3 million. The State or local share to generate this amount necessary is \$4.1 million, therefore implying that we have a potential of \$16.4 million annually to be spent.

At the present time Health and Welfare is using that 10 percent for its own in-house service, for on-welfare recipients. And I know this gets awfully confusing. Anything above that amount, that must be spent or that we want to spend for non-welfare recipients must be spent by someone else. What has transpired is that if we are to spend beyond that level, it must be spent by you as a legislative body in combination with the towns. That is what we are talking about this morning.

The gentleman from Perham, Mr. Bragdon, indicates that these are not statewide programs. Let me use just one. The gentleman and I were on the Appropriations Committee together and we allocated funds to the Department of Health and Welfare to spend money in four or five counties to set up a State-operated homemaker service. In those areas where there are no State-operated services for the homemaker services they are handled by private agencies in a federal contract with the State of Maine. For example, Aroostook and Washington, York and a number of others are handled by the Bureau of Human Relation Services. Those people in those counties that had contracts with private agencies as of January 1 could no longer take non-welfare cases. What I am telling you, therefore, is that in those counties where a statewide or a state-operated homemaker service is being carried forth, that non-welfare recipients are still being cared for, that where contracts had been negotiated with a non-public

agency it is not. I know that it is terribly confusing and I know that it is a real problem to understand.

The gentleman from Standish, Mr. Simpson, and myself just got back from a two day conference in Washington. We met with federal officials on this very question. I spent a whole afternoon with the Assistant Comptroller at H.E.W. and if you think what I told you is confusing you ought to sit down in one of those sessions. And if you think this is bad you ought to see what is coming later, because there is more and we will have more problems.

I hope this explains the problem. I agree with the gentleman from Pernam, Mr. Bragdon, that if he wants to make homemaker services a statewide operated program, I am with him one hundred percent. If he introduces a bill tomorrow morning, I will be the first to sponsor it and to vote for it and speak for it and whatever he wants me to do. At this point we have not got that vehicle, but we do have that service being provided and let us not cut it off. That is what we are asking.

The SPEAKER: The Chair recognizes the gentle lady from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Ladies and Gentlemen of the House: This bill deserves passage for two fundamental reasons. First, it fills a genuine need. Second, it saves the State money in the long run. That is to say, it simultaneously meets human and economic needs in this State.

Let us look first at the human need. As you know, this State ranks fourth in the Nation in the percent of its population over sixty-five years old.

Many of these people refuse, out of simple human dignity, to apply for welfare, even though they are truly poor. L.D. 394 would provide for elderly non-welfare recipients, homemaker services and hot meals.

A second need is adequate pre-school education and nutrition for children. A healthy child interested in learning is our surest guaranty of an improvement of the quality

of life for the next generation. Surely this deserves a high priority in our thinking.

A third need met by this bill is the provision of a community assistance to the mentally ill. These unfortunate people are unable to fully care for themselves and they need our assistance.

All of these programs take care of citizens unable to fully care for themselves, and that is, after all, the main purpose of government, to take care of those who cannot care for themselves. But this bill also makes sense in economic terms. The assistance it provides helps people off welfare, with all that this entails.

Homemaker services keep many elderly people out of hospitals and nursing homes. Not only do many recuperate more fully in their home surroundings, but the comparative cost is remarkable, \$8 for a homemaker visit, at least \$40 for a day in the hospital, better for the old person, better for the State.

Day care should produce in the long run more productive citizens. Healthy and educated kids are sure to make a greater contribution and a more constructive one, even those who have not escaped the cycle of poverty.

And again with the mentally ill, the per capita cost of institutionalization is far higher than for community care. Quality control has been established for these 68 programs. The Federal Government, the State Department of Health and Welfare, the Governor and Executive Council have all approved these particular programs. Thirty-thousand elderly and children non-welfare recipients throughout the State need this assistance that only we can provide.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker and Ladies and Gentlemen of the House: I rise this morning to support the gentleman from Perham and the gentleman from Augusta. My feelings on this is that we have two very emotional subjects here this morning, the elderly and children. There are no two areas in

our State that is ever discussed that there isn't a lot of feeling when we bring up these two categories. I hate to bore you with figures but in supporting Mr. Sproul's speech this morning, we find that in the re-written act, as you know in the beginning this bill was an open end with a matching fund, three dollars and one dollar, one dollar from the communities. Now I say that any program that is going to be of benefit to all of us throughout the State should have been reaching out into the rural areas and some of our small towns. I will try to be unbiased in this. I happen to be from that one lone county down there that does not get anything. However, in agreeing with my leader, Mr. Simpson, that his towns do not, I am not basing what small argument I have this morning on this feature of the bill.

We feel, and if Mr. Martin feels that he wants to spend his time in Washington investigating their health and welfare, I feel that the two leaders might spend a little more time right here in the State of Maine investigating our huge ball of wax called the Health and Welfare Department. I think with a little coordination amongst all of us, that Mr. Wyllie, the Director, and the other people involved, that we might save a dollar here. If we think that we have something next year to contend with this morning, what will we have a month from now? If this emergency existed, why didn't we tackle it in October? No, we are asked here this morning to take a bill for around \$350,000, watered down from a \$1 million.

Now, there are a group of us that feel that we have to face the reality and say no here sometime in this Legislature and future spending amounts that will be coming in. We would rather bite the bullet now and take this out at this present time. We do not feel that this emergency exists. I would just for the sake of information like to quote what some of the State's heads put in in asking for amounts on the federal allocations for social service which is part of your revenue sharing act.

We go to the State of New Jersey which under the revenue sharing act as it is rewritten now with its two billion, five hundred million dollar ceiling, they were allocated eighty eighty million, four hundred forty-six thousand. They had sought from this one State, \$415 million.

We go along to New York State. I realize that these are heavily populated states and we certainly cannot compare with them in size and population in any other way. However the New York was to be allocated \$220-odd million. They had asked for \$854 million.

We come down to Tennessee. Forty-eight million was allocated and they had asked for \$227 million. The State of Georgia, allocated \$56 million asking \$206 million. And we come down here in the little State of Mississippi. They must have thrown all of their budget into the hopper there. To try to get some matching funds because we understand that about 75 percent of their state budget was applied to the allocated act in order to try to get them \$415,721,000.

And as Mr. Sproul has said, and I would like to repeat, that if we could get a better coordinating effort between our own Health and Welfare in Washington and some of the officials involved, we might just pick up this money that was left on the table.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: Speaking for the majority on the Appropriations Committee, I think that the arguments that you have heard here this morning, very clearly demonstrates the problem that the Committee faces; namely, none on the Committee, including the people who signed the minority report have the hard information that we need in order to make a responsible decision in this area.

Now they raise questions regarding whether or not our State agency is using available funds properly. I don't know whether they are or not. This is an additional reason why I think it is sensible and it is responsible to buy the time that is proposed in this

piece of legislation in order to get the hard information that we need, in order to make a responsible decision. Now the facts of the matter are that non-welfare people are being terminated on these programs and the emergency nature of this bill is to continue these programs for these people, and there are some twenty-nine thousand of them in the State, to try to continue these programs without dismantling the program or without disrupting continuing relationships that these people have with the programs until this body can make a responsible decision.

I would think if you look at the statement of intent that covers the legislation you will see that we have tried to give a very clear signal to the municipalities that those programs that are largely local in nature, if the communities want to continue them, that they better be about the business of arranging the financing. Because very obviously, I think from the tenor of the debate here this morning, most of these programs are not going to be funded on the State level. However, the committee is extremely anxious that they do not do a disservice to people on these programs until we are able to make a responsible decision. Because it is my feeling that we are going to find one or two programs in this whole package that are programs that properly should be funded on a statewide basis. And to buy the time to get the responsible information is the purpose of the bill.

Now we very sensibly and in the very first hours of this legislature appropriated a significant amount of money for research assistants. And we talked with Mr. Frates who has been a long time employee of the Department, who is now a legislative assistant for the Legislature. We asked him how long it would take him to make an evaluation of these programs and to bring back hard information for the Appropriations Committee so that we can make a responsible judgment. And his reply to that was that he could have this information for us by the first weeks of March. So we keyed this

bill for the time period he indicated would be necessary to complete the research.

So in effect, all we are asking here is to allow the Appropriations Committee the time to make a responsible investigation of this whole area and to bring back a responsible decision in this whole area based on hard and good research. And so I hope that you will go along with the recommendation of the leadership in this instance.

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

Mr. EMERY: Mr. Speaker and Members of the House: I also rise in opposition to the majority "ought to pass" report and I have basically two reasons for doing so.

The first is the matter of financing. I don't think it makes a bit of sense to spend \$350,000 for only five weeks and ignore something like \$6 million which is available for us for these very services in Washington, if we would only pass enabling legislation or provide whatever vehicles may be necessary in order to accept this money and put it to use. I think we have got to plan for the long term, and I am very much in favor of these programs. They have done a lot of good in many areas of the State. I think they ought to be funded and I think that they ought to be continued. But I want to see it done on a statewide basis. I want to see all the towns, large and small, rural and urban, and all the counties, not just two of them considered.

We can't fund this out of our own budget. It is too darned expensive. The only way that we are going to be able to is to qualify for the federal funds that are available to us in Washington. And I feel that we as a Legislature and our State government and maybe even our Congressional delegation has been rather remiss in not making sure that we have the necessary information, to find these federal funds when they are available and show us how we can put them to use. And I think that we ought to bite the bullet right now, pass some legislation that would enable us to bring this \$6 million

and any other federal money that is available into the State of Maine and put it to the use for which it was intended.

I am also very concerned, as I said a few minutes ago, about the many small cities and towns around the State that are being completely left out of this ball of wax. I know my own county and many other counties in my area are not getting much more than a bone tossed to them. And I think that you will find the most severe problems with poverty, with old age assistance, and with problems of many older families in the rural areas, because these people do not live near the large hospitals, they do not have the benefit of the service clubs and the charitable organizations that are found in the cities. This is where your big problem is. You have people living in these rural areas that have not had high paying jobs, that have low Social Security payments, these people are really deserving of some of these services and I think that as a Legislature we have got to consider the entire State of Maine, including the rural areas.

I certainly, in good conscience, cannot support a piece of legislation that serves 11 percent of the people with 73 percent of the money. Let's bite the bullet and do the job the way it should be done, provide enough funds to continue the programs on an equitable statewide basis and see that the people that we are trying to serve get equitable treatment.

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

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: L. D. 394 is perhaps best described as a stay of execution for many social service programs affecting nearly thirty thousand low income children and elderly citizens of Maine.

My hope is that we will not be as short sighted as Congress and just arbitrarily cut these people off from the services they so desperately need. L. D. 394 asks only that you keep the programs alive long enough to see if some of them or all of them deserve to be funded by the State of Maine in part or in total.

I would like to take issue with some of the contentions of Mr. Sproul and Mr. Bragdon. Mr. Bragdon said that we had used only \$6 million of the \$12 million we are entitled to. The figures Mr. Bragdon you are using are over a year old and are based on the old law. Current estimates by the Department of Health and Welfare are that we will be using the entire appropriation available to the State of Maine. I am not sure where Mr. Bragdon got his information, but the 25 percent state share may be used in any way in which we want to. In the past, the Federal Government has always required that State seed money be under the same rules and regulations and restrictions as the matching Federal money. If not, it would be possible for the Department of Health and Welfare to build a little office building for themselves with the 25 percent and then use the entire 75 percent of Federal money for the program. Also, Mr. Sproul pointed out that there are six categories in which this 10 percent non-welfare restriction does not apply. This is very true. What he did not point out, however, is that programs for the elderly are not included in these six categories. Most elderly people ask for help only when they are desperate. And some of them won't even ask for it then, I believe that it is imperative that we do all we can to allow them to live with some measure of comfort and dignity. And I plead with you this morning to vote yes for L. D. 394.

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

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a few comments concerning the comments made by the gentleman from Eagle Lake, Mr. Martin. He said that this law says that 10 percent of these funds must be spent on non-welfare people. I would like to point out this is not the case. The restriction is that they must spend 90 percent of the federal funds on welfare cases. There is no terminology on the 10 percent, that could go anywhere.

Now, concerning the figures that the gentleman from Bath questions, the people, be responsible to our

these came from Washington on a printout and the total sought by the State of Maine for the fiscal year 1973, which is ending in June, comes out to \$6,665,000.

Mr. Martin says that they do not have any of this matching money. Now it seems rather logical to me, ladies and gentlemen, this program was started over eight months ago and they had to have their matching money locally before they could request the \$6,665,000. Now they have money from the diocese, they have money from the appropriations from this legislature and they have many other sources of funds raised locally and those were being used. They had to be used to match these federal funds to apply for them in the first place, and when the Congress restricted this to 90 percent of the federal funds and said nothing about the State share, it certainly could not have any affect on the monies that were already in operation in the current biennium.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: At this point I am thoroughly confused with my friend, Mr. Sproul, Mr. Bragdon and I think that is probably what our whole problem is, we are confused.

Now I voted with the majority report in the committee because I felt that we needed time to study and find out just exactly which one of these programs could be cut and those that we would need. There were twenty - nine thousand non-welfare, low income people. Now if you want to speak of fiscal responsibility, and I guess that is what my two colleagues who I disagree with are talking about, if you take 10 percent of these twenty - nine thousand people and through this this morning by not passing this we force them on welfare, that is going to cost you, at approximately a hundred dollars a head, \$290,000 a month or \$3,480,000 a year.

Now let's look this thing over. Let's look before we leap. Let's be responsible, be responsible to our

constituents and don't listen to this folderol about we want to help you with one hand and pull it back with the other and wait for federal aid. Let's take a responsible position this morning and not discriminate against the working poor.

I hope these people, when this roll call is taken, take due notice of the way the people in this House vote this morning.

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

Mr. HODGDON: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning in opposition to the L. D. that we are considering, 394. I do not wish to belabor the question we have before the House. I realize that the numbers game is fair game and a game of politics. And since it is on two or three occasions this morning brought up that we are talking about twenty-nine thousand people, let's follow that for just one moment. It is my understanding that at the present time we have about fifty programs in the State of Maine that we have under this category. These fifty programs are affecting twenty-nine thousand of our Maine people.

Now, ladies and gentlemen, I have heard no speaker this morning either pro or con who is willing to state that as of March 15 all of these fifty programs will be continued. Much to the contrary, everybody speaks that some of them will be done away with. Now, if we do away with fifty percent of these programs, how many of these twenty-nine thousand people who are in such dire need at this time, how after March 15 will they be taken care of?

Ladies and gentlemen, the gentleman from Standish spoke at some length in regards to federal revenue sharing. I have to agree with the gentleman in all respects. I think most of us here would agree that as time goes on and Washington freezes or does away with funds, that we at the state, county and local level will be expected to expend some of these revenue sharing funds to pick up these programs. At this time I have not found too many municipalities in the State of Maine that

think enough of these programs that they are including them in this year's budget.

So here we have at the low level the municipalities who apparently are not interested enough in most of these programs that they want to fund them. We have the top echelon, the federal government, who will not fund them because they are completely out of hand. Therefore, we at the state are in the middle and I don't see where we should be expected to pick up all these programs.

Ladies and gentlemen, before I go any further, I want to make it very clear that I am not opposed to all of the programs that we are considering. In fact, there are several programs that I would be most happy to vote for if they were brought in under a separate bill.

Continuing the numbers program just a little further, we are now being asked to consider the amount of \$350,000 for a period of ten weeks. The decision at the end of that ten weeks is anybody's guess. But may I remind you that this program will eventually come out with a figure for the biennium and I think we all realize if all the programs were funded, it is not \$350,000 we are talking about but a figure of \$4 million we are talking about.

I did not intend to bring up the subject, but since it has been approached, in answer to the gentleman from Brewer, in fiscal responsibility, the question has been brought this morning if we refuse these funds that we will be forcing people onto the welfare program and, therefore, we will have to pick up in its entirety the cost of these additional people on welfare. It is my understanding that the people on welfare are already funded. So if they are forced on welfare, I fail to see where the State will have to pick up the entire fund because the federal funds are there.

One last thought, ladies and gentlemen, if we are funding or attempting to fund fifty programs, I would ask anyone who might like to answer, how much of the total funds that we are considering is going for the administration of these fifty programs?

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

Mr. SMITH: Mr. Speaker, Members of the House: I would just like to respond to a couple of things that the gentleman from Kittery, Mr. Hodgdon, has said. I think he is trying to lead us to believe that if we don't vote on this measure today, that welfare people are not going to be served. The fact is that welfare people, regardless of what we do today, are going to continue to be served.

The question arises as to non-welfare people. I think there are two basic questions which the Appropriations Committee was not prepared to answer, could not answer, and which ought to be answered before we take any definitive final action. This is really just a holding action, that is all we are asking for today. First of all, whether or not it will cost the State more in the long run to terminate these programs. Therefore, perhaps putting many of these non-welfare people, who are presently non-welfare people, into the welfare category and boosting the cost per head to the State Legislature in two localities perhaps, boosting that total cost to support those people as opposed to their present status of non-welfare.

Second of all, where these programs should be funded at all. These were two very basic questions which the Appropriations Committee was not prepared to answer and we were very pleased to have Mr. Frates who thought that he could help dig up the information to help us answer those two questions. And what we are considering here today is whether or not this Legislature ought to have the time to gather the information to make a rational decision on these two questions.

Now, Mr. Hodgdon has alluded to several other things that I think we just might touch upon. It seems to me that he was saying when he mentioned that these programs weren't being included in local budgets that they weren't worthy of local consideration and that the localities were opposed to them. Well, the fact is, first of all, that I don't think most of the localities

realize what is happening and that this is going to be — many of these programs may be thrown back to them. I am sure that my town manager and my selectman is not aware of what is going on at the federal level and what is going on in the legislature entirely here today. The fact is that localities in many of these programs very strongly endorsed these programs by putting up as much as 25 percent seed money.

So I think there is a local concern here and I think it would be a mistake for this Legislature to act precipitously today, in effect terminating these programs when we don't know what the cause and effect is going to be or the effect rather and perhaps in the long run costing ourselves a great deal more money when all we ask for really is a few weeks to allow our staff people who we hired here a few weeks ago to dig out some of the really basic information that we need.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't really planning to get in on this discussion but I was challenged by my friend from Brewer. I do not like to be challenged regarding having the people know how I vote. I don't think I ever yet have voted here on this floor either in a roll call or otherwise when I wasn't fully aware that my vote could be scrutinized. A good many times it has been criticized.

In regard to this bill I am going to oppose it for various reasons. Mr. Hodgdon presented some of them; Mr. Bragdon, Mr. Sproul. I think perhaps one of the primary reasons is that I do not recognize the emergency. It has been stated by several speakers that this does not interfere with welfare. I think that probably there is no one direction that money goes across the face of this nation that is subject to more criticism than welfare money.

It had been considered that we are wasting probably from 30 to 50 percent of welfare money either poorly administered, too much

expense in administration and too much going to some people that are not entitled to it. Now, if it did involve serious critical shortages, it would be an emergency, but this fund that is being voted is supposedly to take up the slack in expenditures which I would call frosting on the cake. I realize I will be criticized because there will be elderly people perhaps, indigent and people who are not on welfare that have been receiving assistance and very worthy assistance. Nevertheless, they are not on welfare and I don't believe that many of the percentages will go on welfare even if this is cut off.

Again, I say that it is something that they have not been doing. It is a program which has picked up and financed and sure, it has been a wonderful program, but if our federal government has decided that it no longer is going to finance a lot of that program, I still think we should take a pretty close look at it. I still feel that we here at the state level should say, well let's wait and see. I still believe that a lot of the recipients of this specific program can get along without the frosting on the cake for a little while and see just what the repercussions will be. I certainly shall not vote for that \$350,000 upon an emergency basis today.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Just to briefly answer Mr. Hodgdon up here when he says that there are some of the programs he feels that are worthy and he would vote for them, this probably is the same stand that the committee is taking but they are not as knowledgeable as Mr. Hodgdon. They don't know which ones are and which aren't. This is what we are asking for. It is time enough to find out, so again I say don't be fooled by the fact that I can't vote for the bill because they are not going for the programs that I want. I don't think anybody can honestly and truthfully answer this morning which one of these programs is worthy and which one isn't.

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

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

The SPEAKER: This being an emergency measure, under the Constitution it requires a two-thirds vote of all the members elected to the House. All in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Barnes, Berry, G. W.; Berry, P.P.; Berube, Binnette, Birt, Bither, Boudreau, Brawn, Briggs, Brown, Bustin, Carey, Carrier, Carter, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Crommett, Curran, Curtis, T.S., Jr.; Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dunleavy, Evans, Farley, Faucher, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Haskell, Herrick, Hobbins, Hoffses, Huber, Jackson, Jacques, Kelleher, Kelley, Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, J.; Lynch, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Parks, Perkins, Peterson, Pontbriand, Ricker, Rolde, Rollins, Santoro, Shute, Silverman, Simpson, L.E.; Smith, D.M.; Smith, S.; Snowe, Susi, Talbot, Tanguay, Theriault, Tierney, Tyndale, Webber, Wheeler, White, Whitzell, Wood, M. E.; The Speaker.

NAY — Ault, Baker, Bragdon, Bunker, Cameron, Chick, Cressey, Dudley, Dunn, Dyar, Emery, D.F.; Farnham, Farrington, Henley, Hodgdon, Hunter, Immonen, Kelley, R.P.; Lewis, E.; Littlefield, MacLeod, McCormick, Pratt,

Shaw, Sproul, Trask, Trumbull, Walker, Willard.

ABSENT — Jalbert, Palmer, Ross, Sheltra, Soulas, Stillings.

Yes: 116; No, 29; Absent, 6.

The SPEAKER: One hundred sixteen having voted in the affirmative and twenty-nine in the negative, with six being absent, the motion does prevail.

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

Mr. CAREY: Mr. Speaker, I would move for reconsideration at this time and certainly hope that you vote against my motion.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves that the House reconsider its action. All in favor will say aye; those opposed will say no.

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

Signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

An Act Changing Name of Land Owners Association (H. P. 70) (L. D. 83)

An Act Changing Name of Promote Recreation and Industry Down East, Inc. (S. P. 38) L. D. 95)

An Act Relating to Procedure for Securing Specially Designed Motor Vehicle License Plates for State Officials. (H. P. 85) (L. D. 110)

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

#### Orders of the Day

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

HOUSE DIVIDED REPORT — Majority (7) "Ought to pass" as amended by Committee Amendment "A" (H-10)—Minority (6) "Ought not to pass" — Committee on Legal Affairs on Bill "An Act Permitting Municipalities to Regulate Bicycle Traffic by Ordinance" (H. P. 107) (L. D. 127)

Tabled — January 31, by Mr. Simpson of Standish.

Pending — Acceptance of either Report.

On motion of Mr. Emery of Rockland, the Majority "Ought to pass" Report was accepted.

The Bill was read once and tomorrow assigned.

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

Joint Resolution Memorializing Richard M. Nixon, President of the United States of America, to Lift the 18-Month Moratorium on Federal Housing Programs. (H. P. 339)

Tabled — January 31, by Mr. Martin of Eagle Lake.

Pending — Adoption.

On motion of Mr. Martin of Eagle Lake, retabled pending adoption and tomorrow assigned.

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

Bill "An Act Relating to Protection of the Public Water Supply" (H. P. 436)

Tabled — February 1, by Mr. Birt of East Millinocket.

Pending — Motion of Mr. Soulas of Bangor to refer to the Committee on Health and Institutional Services.

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

Mr. BIRT: Mr. Speaker and Members of the House: This was discussed with the gentleman from Bangor. Unfortunately he is in the hospital. It was his intention to withdraw his motion. I don't know exactly just what would be, being that he made the motion. Can this be withdrawn or would we have to vote on it.

The SPEAKER: There would have to be a vote on it.

Mr. BIRT: I would hope that the House would go along with defeating the motion and that it could be referred to the Committee on Natural Resources.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Soulas, that this Bill be referred to the Committee on Health and Institutional Services. All in favor will say aye; those opposed will say no.

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

Thereupon, on motion of Mr. Birt of East Millinocket, referred to the Committee on Natural Resources, ordered printed and sent up for concurrence.

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

Bill "An Act Relating to Administration of the State Income Tax" (H. P. 220) (L. D. 293)

Tabled—February 1, by Mr. Carrier of Westbrook.

Pending—Acceptance of Report.

On motion of Mr. Susi of Pittsfield, the unanimous "Ought to pass" Report was accepted.

The Bill was read once and tomorrow assigned.

Mr. McTeague of Brunswick was granted unanimous consent to address the House.

Mr. McTEAGUE: Mr. Speaker and Members of the House: As the members are undoubtedly aware, the gentleman from Lewis-

ton, Mr. Jalbert, is sojourning again in St. Mary's Hospital in Lewiston. He hopes to be back with us in a day or so.

He did ask that I inform you of what I think you are aware of, his position of support on the emergency L. D. 394 which we just passed.

At this point, the Speaker appointed Mr. Tyndale of Kennebunkport as the House of Representatives member to the New England Board of Higher Education.

The Speaker appointed Mr. Peterson of Windham to the Committee on Natural Resources and Mr. LeBlanc of Van Buren to the Committee on Education.

On motion by Mr. Birt of East Millinocket,

Adjourned until ten o'clock tomorrow morning.