

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

Wednesday, April 11, 1973

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

Prayer by the Rev. Mr. P. Desmond Parker of Gardiner.

The journal of yesterday was read and approved.

Orders Out of Order

Mr. Henley of Norway presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the following be recalled from the Governor's Office to the House: Bill, "An Act Amending the Uniform Flag Law." (H. P. 500) (L. D. 653) (H. P. 1430)

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

By unanimous consent, ordered sent forthwith to the Senate.

Mrs. Clark of Freeport presented the following Order and moved its passage:

ORDERED, that Nancy Soule, Kim Felker, Bethany Potter, Nancy Potter, Pamela Rines, Candy White and Karen White of Freeport be appointed Honorary Pages for today.

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

Papers from the Senate

From the Senate: The following Order: (S. P. 573)

WHEREAS, one of the lovely moments which occurred during the 32nd annual Agricultural Trades Show at Augusta, came in the coronation of the Maine Apple Queen; and

WHEREAS, Her Highness, Miss Deborah Colpitts, daughter of Mr. and Mrs. Gus S. Colpitts of Farmington, received that time-honored title, crown and distinction; and

WHEREAS, she will be the apple of our eye for 1973 with all the rights, titles and privileges appurtenant thereto; now, therefore, be it

ORDERED, the House concurring, that we, the Members of

the 106th Legislature of the State of Maine now assembled, take this opportunity to commend her gracious majesty,

QUEEN DEBORAH COLPITTS on her achievement and offer our congratulations and best wishes to the success of her reign; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to Miss Colpitts and her parents in honor of the occasion.

Came from the Senate read and passed.

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

From the Senate: The following Communication: (S. P. 574)

STATE OF MAINE

Department of Transportation

April 9, 1973

To: Governor Kenneth M. Curtis and Members of the 106th Legislature

In accordance with the provisions of Chapter 89, Private and Special Laws of 1971, 'An Act Providing for a Feasibility Study for Future Highway Improvements in the U.S. Route 1 Corridor from Warren to Belfast', the State Department of Transportation herewith submits the report entitled "Warren to Belfast Bypass Feasibility Study—U. S. Route 1 Corridor" prepared for the Maine Department of Transportation by Edwards and Kelcey, Inc., of Boston, Massachusetts.

Respectfully,

Signed:

DAVID H. STEVENS

Commissioner of Transportation
Came from the Senate read and with accompanying papers placed on file.

In the House, the Communication was read and with accompanying papers placed on file in concurrence.

Bills from the Senate requiring reference were disposed of in concurrence.

**Reports of Committees
Referred to Committee on
Appropriations and Financial
Affairs**

Report of the Committee on Judiciary on Bill "An Act Relating to

Claims Against the State and Immunity of State Officers and Employees" (S. P. 232) (L. D. 668) reporting that it be referred to the Committee on Appropriations and Financial Affairs.

Came from the Senate with Report read and accepted and the Bill referred to the Committee on Appropriations and Financial Affairs.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Making Additional Appropriations from the General Fund for the Expenditures of State Government and for Other Purposes for the Fiscal Year Ending June 30, 1973" (S. P. 150) (L. D. 384) (Emergency) reporting same in a New Draft (S. P. 572) (L. D. 1735) under same title and that it "Ought to pass"

Report of the Committee on Fisheries and Wildlife on Bill "An Act Relating to Raptors for Use in Falconry" (S. P. 385) (L. D. 1131) reporting same in a New Draft (S. P. 571) (L. D. 1734) under same title and that it "Ought to pass"

Came from the Senate with the Reports read and accepted and the New Drafts passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the New Drafts read once and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act Relating to Bilingual and Bicultural Education" (S. P. 62) (L. D. 165) which was passed to be engrossed as amended by Committee Amendment "A" (S-12) and House Amendment "B" (H-161) on April 4.

Came from the Senate passed to be engrossed as amended by House Amendment "B", Committee Amendment "A" being indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Martin of Eagle Lake, the House voted to recede and concur.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Relating to Penalty for Death Caused by Violation of Law by Operator of Motor Vehicle" (H. P. 201) (L. D. 274) which was passed to be engrossed as amended by Committee Amendment "A" (H-165) in the House on April 9.

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

In the House: On motion of Mrs. Baker of Orrington, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act Relating to Certain Permanent Impairment Compensation under Workmen's Compensation Law" (H. P. 598) (L. D. 789) which was passed to be engrossed in the House on April 4.

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

In the House: On motion of Mr. Brown of Augusta, the House voted to recede and concur.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Relating to the Rights of a Person under Guardianship to Vote" (H. P. 723) (L. D. 929) which was passed to be engrossed as amended by House Amendment "A" (H-182) in the House on April 9.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

In the House:

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

Mr. NORRIS: Mr. Speaker, I move the House insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves the House insist and ask for a Committee of Conference.

The Chair recognizes the gentleman from Camden, Mr. Hoffses.

Mr. HOFFSES: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from Camden, Mr. Hoffses, moves that the House recede and concur.

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

Mr. NORRIS: Mr. Speaker, I see that the sponsor of this matter isn't in the House this morning. I would hope somebody would table it for one legislative day.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Wheeler.

Mrs. WHEELER: Mr. Speaker, I move this lie on the table for one legislative day.

Thereupon, on motion of Mr. Finemore of Bridgewater, tabled pending the motion of Mr. Hoffses of Camden to recede and concur and specially assigned for Tuesday, April 17.

Non-Concurrent Matter

Bill "An Act Establishing the Aroostook-Prestile Treatment District" (H. P. 1276) (L. D. 1748) which was referred to the Committee on Legal Affairs in the House on March 28.

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

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

House Reports of Committees Ought Not to Pass

Mr. Carrier from the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act Relating to Lands on Indian Township, Washington County, Acquired by the State" (H. P. 205) (L. D. 278)

Mr. McKernan from the Committee on Judiciary reporting same on Bill "An Act Relating to Actions for Money Due Indian Tribes and for Injuries Done to Tribal Lands" (H. P. 211) (L. D. 284)

Mr. Webber from the Committee on Transportation reporting same on Resolve Designating Lewiston-Auburn Bridge as 'Leslie E. Jacobs' Bridge (H. P. 583) (L. D. 773)

Mr. Bither from the Committee on Education reporting same on Resolve Appropriating Funds for Construction of Early Childhood Facility for the Passamaquoddy Tribe at Pleasant Point (H. P. 615) (L. D. 813)

Mr. Trask from the Committee on Business Legislation reporting same on Bill "An Act Relating to Place of Business of Real Estate Brokers and Salesmen" (H. P. 763) (L. D. 996)

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

Referred to Committee on State Government

Mr. Trask from the Committee on Business Legislation on Bill "An Act Relating to the Certification and Regulation of Geologists" (H. P. 608) (L. D. 805) reporting Referred to Committee on State Government.

Report was read and accepted, the Bill referred to the Committee on State Government and sent up for concurrence.

Ought to Pass With Committee Amendment

Mr. Bragdon from the Committee on Appropriations and Financial Affairs on Bill "An Act Providing Funds for Purchase of Tourmaline, Maine's Official Mineral" (H. P. 34) (L. D. 41) reporting "Ought to pass" as amended by Committee Amendment "A"

Report was read and accepted and the Bill read once.

Committee Amendment "A" (H-204) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act Relating to Personal Recognizances in Violation of Baxter State Park Laws and Regulations" (H. P. 624) (L. D. 822)

Report was signed by the following members:

Messrs. TANOUS of Penobscot
SPEERS of Kennebec
BRENNAN of Cumberland
— of the Senate.

Messrs. GAUTHIER of Sanford
PERKINS
— of South Portland

Mrs. WHITE of Guilford
Mrs. WHEELER of Portland
— of the House.

Minority Report of the same Committee reporting "Ought to pass" as Amended by Committee Amendment "A" (H-202) on same Bill.

Report was signed by the following members:

Messrs. DUNLEAVY
 of Presque Isle
 HENLEY of Norway
 McKERNAN of Bangor
 CARRIER of Westbrook
 Mrs. BAKER of Orrington
 Mrs. KILROY of Portland
 — of the House.

Reports were read.

On motion of Mrs. Baker of Orrington, the Minority "Ought to pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-202) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on State Government on Resolution Proposing an Amendment to the Constitution Repealing the Prohibition Against Initiating Legislation to Amend the Constitution (H. P. 486) (L. D. 640) reporting "Ought to pass" in New Draft (H. P. 1426) (L. D. 1765) with new title — Resolution to Permit Initiative Amendments to the Constitution

Report was signed by the following members:

Messrs. CLIFFORD
 of Androscoggin
 SPEERS of Kennebec
 — of the Senate.
 Messrs: COONEY of Sabattus
 CROMMETT
 of Millinocket
 CURTIS of Orono
 BUSTIN of Augusta
 Mrs. GOODWIN of Bath
 Mrs. NAJARIAN of Portland
 — of the House.

Minority Report of the same Committee on same Resolution reporting "Ought not to pass"

Report was signed by the following members:

Messrs. WYMAN of Washington
 — of the Senate.
 Messrs. FARNHAM of Hampden
 STILLINGS of Berwick

SNOWE of Auburn
 SILVERMAN of Calais

— of the House.

Reports were read.

On motion of Mr. Curtis of Orono, the Majority "Ought to pass" Report was accepted, the New Draft read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Education reporting "Ought to pass" on Bill "An Act Relating to School District Reorganization" (H. P. 1076) (L. D. 1398)

Report was signed by the following members:

Messrs. KATZ of Kennebec
 OLFENE of Androscoggin
 — of the Senate.
 Messrs. LaCHARITE of Brunswick
 LeBLANC of Van Buren
 MURRAY of Bangor
 FERRIS of Waterville
 GAHAGAN of Caribou
 TYNDALE

of Kennebunkport

Mrs. LEWIS of Auburn

— of the House.

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

Report was signed by the following members:

Mr. MINKOWSKY
 of Androscoggin
 — of the Senate.
 Messrs. BITHER of Houlton
 LYNCH
 of Livermore Falls
 LAWRY of Fairfield
 — of the House.

Reports were read.

On motion of Mr. Tyndale of Kennebunkport, the Majority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Consent Calendar

First Day

(H. P. 188) (L. D. 265) Bill "An Act Increasing Nonresident Hunting License Fee" — Committee on Fisheries and Wildlife reporting "Ought to pass" as amended by Committee Amendment "A" (H-201)

(H. P. 537) (L. D. 719) Bill "An Act Relating to Overinsurance Provision in Health Insurance Con-

tracts" — Committee on Business Legislation reporting "Ought to pass"

(H. P. 725) (L. D. 931) Bill "An Act Relating to Private Consumer Remedies" — Committee on Business Legislation reporting "Ought to pass" as amended by Committee Amendment "A" (H-199)

(H. P. 746) (L. D. 959) Bill "An Act to Require Certificates of Death to be Typewritten" — Committee on Judiciary reporting "Ought to pass" as amended by Committee Amendment "A" (H-203)

(H. P. 804) (L. D. 1053) Bill An Act Relating to Licenses for General Lines Insurance Agents" — Committee on Business Legislation reporting "Ought to pass"

(H. P. 659) (L. D. 1066) Bill "An Act to Create a Commission to Prepare a Revision of the Insurance Laws Relating to Insolvent or Delinquent Insurers" — Committee on Business Legislation reporting "Ought to pass" as Amended by Committee Amendment "A" (H-200)

(H. P. 925) (L. D. 1223) Bill "An Act Declaring Violations of Home Solicitations Sales Act to be Violations of Unfair Trade Practice Act" — Committee on Business Legislation reporting "Ought to pass"

(H. P. 1045) (L. D. 1373) Bill "An Act to Create a Commission to Prepare a Revision of the Probate Laws and the Administration Thereof" Committee on Judiciary reporting "Ought to pass"

(H. P. 1057) (L. D. 1381) Bill "An Act Relating to Deceptive Price Comparison Advertising under Uniform Deceptive Trade Practices Act" — Committee on Business Legislation reporting "Ought to pass as amended by Committee Amendment "A" (H-198)

(H. P. 1139) (L. D. 1474) Bill 'An Act Revising the Itinerant Vendor Law" — Committee on Business Legislation reporting "Ought to pass"

(H. P. 1238) (L. D. 1579) Bill "An Act Increasing Indebtedness of Calais School District" (Emergency) — Committee on

Education reporting "Ought to pass"

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

Consent Calendar

Second Day

(H. P. 438) (L. D. 587) Bill "An Act Relating to Powers of Ogunquit Village Corporation" (C "A" H-187)

(H. P. 351) (L. D. 466) Bill "An Act Prohibiting Hunting, Trapping and Fishing on Indian Lands by Non-Indians" (C "A" H-186)

(H. P. 986) (L. D. 1306) Bill "An Act Prohibiting Bringing Animals Into Food Stores" (C "A" H-188)

(S. P. 300) (L. D. 949) Bill "An Act Relating to Fees of Bail Commissioners"

(S. P. 352) (L. D. 1017) Bill "An Act Authorizing File of Abstracts in Registry of Deeds in Guardianship, Conservatorship and Intestate Estates"

(S. P. 164) (L. D. 419) Bill "An Act Creating the Maine Veterans Small Business Loan Authority Board and Establishing a Mortgage Insurance Fund" (Emergency) (C "A" S-60)

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

Order Out of Order

Mr. Farrington of South China presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Standing Committee on County Government report out a bill which would require the respective counties of the State to file with the Legislature the proposed budgetary expenditures of all federal revenue sharing funds. (H. P. 1428)

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: We have found in making inquiries that it is necessary for our counties to report their expenditures of revenue sharing funds to the legislature and have legislative approval. Therefore, this is the reason for this order,

and hopefully it will pass without any trouble.

Thereupon, the Order received passage and was sent up for concurrence.

Passed to Be Engrossed

Bill "An Act to Create a Committee to Study the Needs for a Traffic Court System" (S. P. 316) (L. D. 982) (C. "A" S-61)

Bill "An Act Providing Funds for a Study of Bicycle Traffic" (H. P. 1425) (L. D. 1763)

Bill "An Act to Increase the Salary of Court Reporters" (H. P. 328) (L. D. 446) (C. "A" H-189)

Bill "An Act to Establish a Cooperative Education Support Program" (H. P. 1101) (L. D. 1437) (C. "A" - H-192)

Bill "An Act Providing for Marine Resource Education by Department of Sea and Shore Fisheries" (H. P. 1127) (L. D. 1462) (C. "A" H-193)

Bill "An Act to Amend the Act Creating the Eastport Public Landing Authority" (Emergency) (H. P. 421) (L. D. 570) (C. "A" H-190)

Resolve Authorizing the Forest Commissioner to Convey the State's Interest in Lot in Codyville, Washington County, to Clarify Title (H. P. 988) (L. D. 1308) (C. "A" H-191)

Bill "An Act Increasing Certain Fees of Registers of Deeds" (S. P. 354) (L. D. 1018)

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

Second Reader Tabled and Assigned

Resolve Designating Lewiston-Auburn Bridge as "Louis Jalbert Bridge" (H. P. 366) (L. D. 481) (C. "A" H-196)

Was reported by the Committee on Bills in the Second Reading and read the second time.

(On motion of Mr. Ault of Wayne, tabled pending passage to be engrossed and specially assigned for Tuesday, April 17.)

Bill "An Act Relating to Fire Protection Requirements in

Construction of Certain Buildings" (H. P. 493) (L. D. 647) (C. "A" H-194)

Mr. Emery of Rockland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-208) was read by the Clerk.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: This is merely a simple amendment to correct an error that was made in our Committee Amendment. It had been our intention to leave a certain license fee at \$15 rather than raising it to \$20 and this amendment accomplishes that.

Thereupon, House Amendment "A" was adopted.

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

Bill "An Act Relating to Conveyance of Secondary Pupils" (H. P. 633) (L. D. 847)

Bill "An Act Authorizing Games of Chance at Agricultural Fairs" (H. P. 714) (L. D. 920) (C. "A" H-195)

Bill "An Act Relating to Release and Discharge of Persons Acquitted by Reason of Mental Disease or Mental Defect" (H. P. 336) (L. D. 454) (C. "A" H-166)

Bill "An Act Relating to Penalty for Recklessly Causing Death by Operation of a Motor Vehicle" (H. P. 202) (L. D. 275) (C. "A" H-167)

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

The SPEAKER: Will the Sergeant-at-Arms kindly escort the gentleman from Millinocket, Mr. Crommett to the rostrum?

Thereupon, Mr. Crommett assumed the Chair as Speaker pro tem and Speaker Hewes retired from the Hall.

**Passed to Be Enacted
Emergency Measure**

An Act Relating to Control of Outdoor Advertising (H. P. 274) (L. D. 380)

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. 109 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.

Passed to Be Enacted

An Act Converting Great Pond Plantation into the Town of Great Pond (H. P. 266) (L. D. 373)

An Act to Increase Examination and Registration Fees for the Board of Examiners of Psychologists (H. P. 789) (L. D. 1025)

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.

Mr. CROMMETT: Ladies and Gentlemen of the House: For your approval, the Pink Panthers of Millinocket. The Pink Panthers of Millinocket travelled 8,000 miles last year and won seven first-place trophies. They made appearances in Canada and throughout the State of Maine. There are 35 girls on the team between the ages of 12 and 16. The color guard captain is Darlene Pulsifer. They are here today, returning from Washington, where they participated in the Cherry Blossom Festival. Of the 165 competing groups, the Pink Panthers came in third.

In the gallery are the managers, Mr. and Mrs. Louis Babbidge directors, Mr. and Mrs. Kenneth Perrow, Mr. and Mrs. Robert Pulsifer (Applause)

The Pink Panthers of Millinocket have asked me to express thanks to you and through you to the people of Maine, to his Excellency, the Governor and the Executive Council, for the funds which made their trip to Washington, D.C., possible. (Applause, the members rising)

At this point, Speaker Hewes returned to the rostrum.

Speaker HEWES: The Chair thanks the gentleman.

Thereupon, Mr. CROMMETT returned to his seat on the floor and Speaker Hewes resumed the Chair.

The SPEAKER: The Chair is pleased to note in the rear of the hall this morning the Maine Apple Queen for 1973. If you will recall, earlier we passed a joint order praising her. She is Miss Deborah Colpitts of Farmington. Debbie, as she is known, is a student at the University of Maine at Gorham. She was crowned at the Agricultural Trade Show at the new Augusta Civic Center.

Would the gentleman from Farmington, Mr. Morton, kindly escort Miss Colpitts to the rostrum.

Thereupon, Miss Deborah Colpitts was escorted to the rostrum by Mr. Morton of Farmington, amid the applause of the House.

Miss DEBORAH COLPITTS: Mr. Speaker, Ladies and Gentlemen of the House: For me to be here today is indeed a rare honor. No other Maine Apple Queen has been so honored. Maybe it is only appropriate, because the Maine Pomological Society is this year celebrating its 100th anniversary, and of course it is the Maine Pomological Society that sponsors the Maine Apple Queen.

The function of the Maine Apple Queen is to help publicize and promote the apple industry in Maine. That is why I am not going to mention the fate in these halls of the recently proposed amendment to the United States constitution. Apple Queens don't talk about things like that. But I wonder if this maybe wasn't a backlash of the fact that Eve ate the first apple.

A few months ago, I really didn't know very much about apples or the apple industry. I began to do some research and at first discovered all sorts of little apple facts, such as "Spies are for pies," Cortlands don't turn brown when they're peeled and Macs are for cooking and eating — and so on. But it wasn't until I visited the Berry Orchard in Madison, owned

by your colleague Representative Glenys Berry and her husband, that I began to really appreciate the true significance of the apple industry to Maine.

To be sure, I had seen how much people love to eat apples. On my way to make an appearance at Squaw Mountain a few weeks ago, we stopped at a supermarket in Dexter and gave away an apple to each customer. How those people loved eating apples! They ate them right there in the store and late in the day at Squaw Mountain, we stood at the base of the chair lift and handed out Maine Macs to the skiers as they prepared to ride up the mountain. Can't you just imagine hundreds of little apple trees growing under that lift line in a year or two?

The point I am trying to make is that people do enjoy eating apples, and this is the basis for what is now a \$4 million industry in Maine alone. With today's modern growing methods, climate-controlled storage methods, people in many parts of the world now enjoy eating crisp, sweet, Maine apples all year round. I hope that all the members of your family are among them.

Thank you for allowing me to be your guest here today. You have been most gracious. Many years from now I will delight my grandchildren with the story of the day I spent meeting and talking with some of the nicest people anywhere — the Senators and Representatives from all the communities in MacIntosh Country! Thank you.

The SPEAKER: On behalf of the members of the legislature, we want to thank you and the members of the apple industry for the kind gift of six apples on each of the desks this morning. Thank you for joining us.

Thereupon, Miss Colpitts was escorted from the Hall, amid the applause of the House.

Orders of the Day

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

Bill "An Act Authorizing City of Portland to Levy Local Assessments for Snow Removal on Sidewalks" (H. P. 738) (L. D. 941)

Tabled — April 9, by Mrs. Boudreau of Portland.

Pending — Motion of Mr. Emery of Rockland to accept Majority Report "Ought not to pass"

On motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mr. Emery of Rockland to accept the Majority "Ought not to pass" Report and specially assigned for Tuesday, April 17.

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

Bill "An Act to Authorize Eleven New Regions and Central Aroostook County Region for Vocational Education" (Emergency) (S. P. 110) (L. D. 255) (S-56)

Tabled — April 9, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker and Ladies and Gentlemen of the House. I had this item tabled a couple of days ago in order to prepare a couple of amendments on it. But I now find some difficulties with the amendment, so I would appreciate it if it could be tabled for two more Legislative days.

Thereupon, on motion of Mr. Simpson of Standish, tabled pending passage to be engrossed and specially assigned for Tuesday, April 17.

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

Bill "An Act Limiting Sunday Harness Racing" (Emergency) (H. P. 900) (L. D. 1188)

Tabled — April 9, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

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

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

Bill "An Act to Appropriate Funds for the Purpose of Creating

an Office of Off-reservation Indian Development within the Department of Indian Affairs" (H. P. 976) (L. D. 1290)

Tabled — April 9, by Mr. Garsoe of Cumberland.

Pending — Motion of Mr. Donaghy of Lubec to indefinitely postpone.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House. You will find in consultation with the Attorney General that there is a constitutional problem with the bill that is going to take the Attorney General's office probably a week to ten days to resolve. I would appreciate it if somebody would table this unassigned.

Thereupon, on motion of Mr. Simpson of Standish, tabled unassigned, pending the motion of Mr. Donaghy of Lubec to indefinitely postpone.

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

Bill "An Act Regulating Water Well Construction and Pump Installation" (S. P. 173) (L. D. 428)

Tabled — April 9, by Mr. Parks of Presque Isle.

Pending — Acceptance of either Report.

On motion of Mr. Emery of Rockland, the Majority "Ought to pass" Report was accepted in concurrence and the Bill read once.

Committee Amendment "A" (S-54) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

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

Bill "An Act to Revise the Election Laws" (S. P. 493) (L. D. 1535)

Tabled — April 9, by Mr. Martin of Eagle Lake.

Pending — Passage to be engrossed.

Mr. Ross of Bath offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-205) was read by the Clerk.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Under the present law which we are operating now, section 633 allows the municipal officers to set the times for registrar of board of registration to be in session according to the needs of the municipality. In our Omnibus Bill, we crossed this out and set a uniform statewide date by section 30. This was not considered practical and so this amendment today goes back to the original times.

Now 634 said that the registrar would publish a time schedule as determined by the municipal officers. In the Omnibus Bill we also did away with this to make it uniform. But for the same reasons, we have decided to go back to the original and still let the municipal officers decide.

The second section in the amendment changes just one word, the word "time" to "hourly," so as not to confuse the registrars between days and hours. In short, we are just going back to the present law to let the municipal officers decide the times and hours when these boards are to be in session. I move the adoption of the amendment.

Thereupon, House Amendment "C" was adopted.

Mr. Ross of Bath offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-206) was read by the Clerk.

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

Mr. ROSS: Mr. Speaker and Members of the House: I would like to speak to this and then I would suggest that somebody table it for one day.

Now in the present law the registrars can accept registration on certain days but are closed for days preceding the election according to the size of the town. For instance, under 2,500 they are only closed for one business day; 2,500 to 5,000, three days; 5,000 to 10,000,

five days; 10,000 to 24,000 seven days; 24,000 or over, nine days.

In our new Omnibus Bill, I suggested an amendment allowing five closed days statewide for all cities and towns. The gentlewoman from Portland, Mrs. Boudreau, questioned this and said they did not have enough time for Portland, so I withdrew it. Now this amendment goes back to the original schedule with the exception that in any place, regardless of the size, they can register on election day if they do this in person.

Now there are going to be an awful lot of amendments to this bill. When we are all through with the amendments, I will attempt to explain to the House exactly what we have done with our 58 sections. But since there are more amendments to be offered, and these perhaps to be discussed, I would suggest that somebody table this for one day.

On motion of Mr. Carey of Waterville, tabled pending the adoption of House Amendment "D" and tomorrow assigned.

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

Bill "An Act Excluding Log Rafts from Carrying Life Preservers" (H. P. 1200) (L. D. 1539)

Tabled — April 9, by Mr. Snowe of Auburn.

Pending — Acceptance of either Report.

On motion of Mr. Briggs of Caribou, tabled pending acceptance of either Report and specially assigned for Tuesday, April 17.

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

Bill "An Act Relating to Definition of Cigarettes under Cigarette Tax Law" (S. P. 220) (L. D. 636)

Tabled — April 10, by Mr. Simpson of Standish.

Pending — Acceptance of either Report.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I move we accept the

"ought not to pass" report and would speak to my motion.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that the House accept the Minority "Ought not to pass" Report.

The Chair recognizes that gentleman.

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I would like to give you a little background to this bill. Several years ago there was a federal ban put on cigarette TV advertising, I think you all recall. And at that time, the tobacco industry very ingeniously, in my opinion, invented these small cigars like Winchesters and others, and you have certainly seen the advertising on TV for this type of a smoke.

Now this was done, in my opinion, to circumvent the ban. I doubt that anyone would question this. They changed the style of a cigarette somewhat by taking tobacco, as I understand it, and homogenizing it, pressing it out and making a wrapper out of it in place of paper, so that technically they call this now a small cigar, although they are in packages that are of a shape and size, and with 20 to a pack, so that in effect to the public they are cigarettes and are certainly aimed at the cigarette market.

This did enable the tobacco industry to continue with their advertising, but I understand that now Congress has or is now involved in the process of overcoming this deception so as to be able to stop the advertising on this. At what stage this effort is, I am not certain.

Now this bill is born from this background. At the time that the tobacco industry invented these little cigars, our tax division here in Maine was not deceived by this effort and did tax these smokes as cigarettes at the rate of 14 cents a pack.

Now today the tobacco industry has this bill before us which would reclassify these smokes for tax purposes as cigars. Today, these sell on the market for a retail price of around 35 cents, including a 14-cent state cigarette tax. Were this bill enacted, the tax, the state tax

on these smokes would be reduced from 14 cents to less than 2 cents or 5 percent of the sale price. Five percent is the state tax on cigars. So the applicable tax then would be something less than 2 cents or a reduction in tax of about 12 cents per pack.

There has been no commitment, either expressed or implied by the tobacco industry that were this to happen the price of these smokes would be reduced. I am very much of the opinion that they probably wouldn't be. They are on a competitive pricing now with cigarettes and they probably would remain that way. So if we were to adopt this legislation, this bill would produce a windfall to the tobacco industry at the rate of around \$200,000 a biennium.

This presentation pretty obviously raises the question of how did this little beauty come this far? Well, it has the support of a very active lobby and perhaps this morning, perhaps later, you will see how effective a lobby can be because they will be presenting arguments that in my wildest imagination I can't conceive, but they probably will be forthcoming.

My candid and honest opinion of this legislation is that it is purely and simply a raid on the treasury for the considerable benefit of a very special interest; namely, the tobacco industry. I hope that you join with me this morning in supporting the "ought not to pass" report.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: As a member of that committee, I want to vouch for everything that Representative Susi has said and go along with the "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Members of the House: I would like to table this matter for two days, please.

The SPEAKER: The gentleman from Jay, Mr. Maxwell, moves that this matter lie on the table two legislative days pending accep-

tance of the "Ought not to pass" Report.

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

Mr. SUSI: Mr. Speaker, I request a division.

The SPEAKER: The pending question is on the motion of the gentleman from Jay, Mr. Maxwell, that L. D. 636 be tabled for two legislative days. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

36 having voted in the affirmative and 60 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi, to accept the Minority "Ought not to pass" Report.

The Chair recognizes the gentleman from Auburn, Drigotas.

Mr. DRIGOTAS: Mr. Speaker and Members of the House. This act incorporates the same definition of a cigarette as is found in federal law. The purpose of this bill is to give the State Tax Assessor direction in administering our tobacco tax law, particularly as it relates to the cigarette tax. Presently, Maine is one of five states — I repeat, one of five states that does not define a cigarette and this bill will provide our State Tax Assessor with the necessary guidelines.

At the present time, as has been mentioned, the State of Maine taxes cigarettes at the rate of 14 cents a pack, one of the highest rates in the country and which generates approximately \$19 million in revenue annually. The law fails, however, to define a cigarette and this is the crux of this bill. It was for this reason that the bill was introduced.

The bill received a majority "ought to pass" report from the Taxation Committee. I urge the members of the House to support the majority report. By doing so, the State of Maine will adopt the same standards and definitions that are found on the federal level.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: As a confirmed pipe smoker, I could care less whether cigarettes or little cigars, as the gentleman from Pittsfield described them, are taxed or not taxed.

There is an inconsistency here that I don't particularly care for. You are trying to describe and tax cigarettes. These little gimmicks, as they have been described, are tobacco wrapped in tobacco. Now, to my mind, that is a cigar, and it is a cigar whether it is one inch long or a foot long. Apparently, the Tax Assessor is making his judgment simply on a matter of length, not on the materials or composition of the thing itself. That is an inconsistency which I don't particularly care for. I think if decisions are made on this basis of something entirely different from the composition of the article, we are going to get into trouble in other areas.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: I rise in opposition to the motion of the gentleman from Pittsfield, Mr. Susi. I would hope that the House would accept the majority report of the Taxation Committee which was "ought to pass."

Primarily, what this bill does is just what the previous speaker has said. It corrects an inequity in the tobacco law structure; and, as Mr. Drigotas said, the state does collect approximately \$19 million a year from the cigarette tax and this is one of the highest in the nation.

The majority of the Taxation Committee, the reason they came out with the report of "ought to pass" was so that we could bring our tax laws and the definition of a cigarette into conformity with the federal definition. And Maine is again only one of five states that does not define the word "cigarette" under our law. The passage of this bill would provide the State Tax Assessor with the guidelines of the federal law, and even more importantly, with the results of the test that has been

conducted by sophisticated laboratory procedures at the Bureau of Alcohol, Tobacco and Firearms.

Now, the opponents, such as Mr. Susi, are concerned that the enactment would result in a loss of revenue to the State of Maine. I think, if I recall right, he mentioned somewhere around \$200,000. But this is not what the State Tax Assessor has estimated. The State Tax Assessor has estimated a loss between \$60,000 and \$100,000. The only reason the state will experience this loss is because they have not been taxing properly in the past. So, this actually is not a loss in the sense of some of our bills; but this is to correct an error that has been happening over the past year, and so we can not directly attribute it to a loss. It is unfortunate that this bill was not enacted under law several years ago, and then the loss maybe would not have been as high at that time. I am sure that all you members here know that any time any bill is enacted with a loss of revenue, it always goes to the Appropriations Table.

Today I am willing, and would hope the rest of the members would be willing, to accept the majority "ought to pass" report from the committee and oppose Mr. Susi's motion of "ought not to pass" and allow the Appropriations Committee to have the judgment on this bill whether it should pass or should not pass when we are in our final days of session here.

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

Mr. SUSI: Mr. Speaker and Members of the House: The previous speaker has indicated that the tax loss was less than what I stated. To correct that impression, I would like to read from a letter from Ernest Johnson, which is available to any of you for your perusal. The net loss in general fund revenue would approximate \$105,000 per year; my statement was that the loss would be something over \$200,000 and apparently would accrue to the tobacco industry and that statement stands as far as I am concerned.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I am still going to insist that if we keep on cutting out revenue, tax revenue, that a lot of the good bills, deserving bills, that will be on your Appropriations Table will be cut out and will just simply mean we will have to put another tax or raise the sales tax. I am not warning this just for the fun of it because it is a natural fact. We have got millions of dollars worth of exemptions, deserving exemptions, right now in the Tax Committee. I feel certain that there are many there that we can allow, much more deserving than we can this one right here.

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

Mr. BRAUN: Mr. Speaker and Ladies and Gentlemen of the House: We watch our televisions every day, we see how smoking causes cancer. They want to get rid of it. All right, why don't we collect the tax now, maybe we can get rid of it.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: So far no one has addressed themselves to the question that I raised. Is this a cigarette or is it a cigar? I think that is crucial in any tax assessment. So far, I am convinced that the decision is made solely on length; and when we stray, as we will in other areas, we are going to be making very unwise decisions.

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

Mr. MACLEOD: Mr. Speaker and Ladies and Gentlemen of the House: My attention has been brought to an article in the Bangor Daily News this morning and I would, just for the sake of clarity or at least to give you the benefit of what the Great White Father far, far away on the Potomac is doing, the other body in that city passed a bill Tuesday to prohibit

broadcast advertising of little cigars.

As you know, back when the tobacco people were told they could not advertise cigarettes on the TV media any longer, they came up with a new product. This got them by their advertising and you see them now with their Winchester man with his wooden match and so forth on the TV.

However, now for the sake of clarity this morning and maybe to help Representative Lynch, the bill was passed by voice vote without debate and sent to the House. The R. J. Reynolds and the Lorillard firms announced in February they would voluntarily discontinue broadcast advertising of their cigarette-sized cigars.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I have missed one and a half hearings on the Taxation Committee and I missed the hearing when this bill was heard. I feel that I must stand on my feet and explain why I signed the "ought to pass" report.

I come from a city where we have probably the largest wholesale dealers in cigars. All through my legislative career, I have fought against increasing the tax on cigars, because the surrounding states do not tax cigars. If we have to increase our tax, I might say if we did increase our tax, we would put ourselves in a very unfavorable tax position with the states surrounding us. So I have always fought against the tax on cigars.

Now, in this instance, what I have learned, not being there at the hearing, was this; that the federal government has a definition of a cigarette and this excludes these little cigars. Since they have been taxing them, contrary to the federal guideline, I thought we might accept and adopt the federal guideline. That was the reason I signed the report and I felt, too, that this body should have an opportunity to decide this itself.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Willard.

Mr. WILLARD: Mr. Speaker, Ladies and Gentlemen of the House: If these little cigars are the length of cigarettes, they are the size of cigarettes, they are packed 20 in a package, to my mind they are cigarettes.

A number of my friends are in serious trouble from smoking cigarettes. I think they certainly should pay the tax on them and I am in favor of the "ought not to pass" report.

Mr. Lynch of Livermore Falls was granted permission to speak a third time.

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I am trying to bring to your attention that this bill is not the solution to our problem. You are dealing in size, not the definition of a cigarette or a cigar.

You have to come to grips sooner or later, what is a cigarette and what is a cigar. Now if the federal government outlaws advertising on these cigarette-sized cigars, all a manufacturer has to do is lengthen them. It will be the same composition, the same type of material, only it will be a little longer. Now, how much longer? A hundred and five millimeters, a hundred and ten millimeters? That is the problem that you are faced with.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: For a good many years, up until the past two or three, I have smoked cigars and nothing but cigars. I assure you that these little cigars so-called are cigars.

I would correct one statement. The statement was made that these are packaged like cigarettes. There may be a few of them that are but there is many more that are packaged in ten to a pack. I definitely feel — I felt when I signed the "ought to pass" report that this was a just bill and a fair bill and I hope that you will go along and defeat the motion of ought not to pass.

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

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

The SPEAKER: The gentleman from Caribou, Mr. Briggs, moves that L. D. 636, An Act Relating to Definition of Cigarettes under Cigarette Tax Law, and all accompanying papers be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Maxwell of Jay requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All 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: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: This is another way of escaping trying to answer a problem. I think you have a problem here and I think the solution is to accept the report and then define what is a cigarette and what is not a cigarette.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I hope you people realize the loss of revenue here. On top of that, they mention government regulations defining a cigarette. We don't have to go by what the government says. The government can define anything. We can make our own laws here in the State of Maine regardless of what we make as long as we collect the tax.

I think right here we are making a real bad mistake because we cannot stand to lose revenue. All these people here right today who are voting against the indefinite

postponement of this bill, just stop and think what is going to happen in the last of the session if we have another income tax raise. Well, if we continue the way we are going — and I speak from studying tax studies last summer, 14 meetings we had, and I am speaking also as a member of the Tax Committee — I think it is high time we stopped and considered these exemptions because we cannot go on doing this.

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

Mr. BRAUN: Mr. Speaker Members of the House: It has been said here we cannot tell the difference between a cigar and cigarette. If you have ever been to a tobacco factory in Tampa or any of these big factories, you can tell. A cigar is defined by a leaf which is rolled. A cigarette is cut tobacco.

The SPEAKER: The pending question is on the motion of the gentleman from Caribou, Mr. Briggs, that L. D. 636 and all accompanying papers be indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Birt, Brawn, Briggs, Carey, Carter, Chick, Chonko, Clark, Conley, Connolly, Cooney, Cressey, Curtis, T. S., Jr.; Davis, Donaghy, Dow, Dunn, Emery, D. F.; Evans, Farnham, Ferris, Finemore, Flynn, Gahagan, Garsoe, Good, Goodwin, K.; Hamblen, Haskell, Henley, Herrick, Hoffses, Huber, Hunter, Jackson, Jalbert, Kelleher, Kelley, Kilroy, Knight, LaCharite, LaPointe, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Maddox, McMahon, McNally, Merrill, Morin, L.; Morton, Mulken, Murchison, Najarian, Norris, Palmer, Parks, Perkins, Peterson, Pratt, Ricker, Rollins, Ross, Shaw, Shute, Smith, D. M.; Stillings, Strout, Susi, Trask, Tyndale, Walker, Wheeler, Willard, Wood, M. E.

NAY — Albert, Binnette, Bither, Boudreau, Bragdon, Brown, Bunker, Bustin, Carrier, Cote,

Cottrell, Crommett, Curran, Dam, Deshaies, Drigotas, Dudley, Dunleavy, Dyar, Farley, Farrington, Faucher, Fecteau, Fraser, Gauthier, Genest, Greenlaw, Hobbins, Immonen, Keyte, Lawry, Lynch, MacLeod, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McTeague, Mills, Morin, V.; Murray, O'Brien, Rolde, Santoro, Sheltra, Smith, S.; Soulas, Sproul, Talbot, Theriault, Tierney, Trumbull, Webber, White, Whitzell.

ABSENT — Cameron, Churchill, Goodwin, H.; Hancock, Hodgdon, Jacques, Kelley, R. P.; Pontbriand, Silverman, Simpson, L. E.; Snowe, Tanguay.

Yes, 81; No, 57; Absent, 12.

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

The Chair recognizes the gentleman from Caribou, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker, having voted on the prevailing side, I move reconsideration and urge you to vote against me.

The SPEAKER: The gentleman from Caribou, Mr. Briggs, moves the House reconsider its action whereby we indefinitely postponed L. D. 636. All in favor of that motion will say yes; those opposed will say no.

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

Sent up for concurrence.

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

Bill "An Act Authorizing Legislation to Change Specific Line Categories in the County Estimates" (Emergency) (H. P. 1166) (L. D. 1501)

Tabled — April 10, by Mr. Bragdon of Perham.

Pending — Motion of Mr. Farrington of China to recede and concur.

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

Mr. NORRIS: Mr. Speaker, Members of the House: We killed this bill the other day and I hope we would follow along. I don't think we all want to be county commis-

sioners here. I would ask for a division.

The SPEAKER: The Chair recognizes the gentleman from South China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: In the first instance, I would remind the House that counties are on line budgets. I would go further to remind the House that the Standing Committee on County Government acting in your behalf does change lines on the budget and if you would look on the back of the document, which will be coming up the last thing on the calendar today, this will be spelled out very clearly. So, in fact, by your action or acting on the document setting estimates for counties, you do, in fact, sanction these changes.

Now, I will restate what I said the other day. There is indecision and I have no qualms with the offices downstairs, the Attorney General's Department or otherwise, because these two decisions were made at two different times, two different sessions. But there is confusion here as to what the legislature can do regarding budgets. Now, with this indecision prevailing, I would think that this body would like to straighten out the matter and settle it once and for all and say we can indeed do what we are doing.

When this went to the other branch, the emergency measure was taken off and it is back here now with no emergency on it. There is no question about the fact if we pass it, I am sure in view of the fact that it may become law, even though it is not an emergency measure, it will be considered to be law insofar as what changes you have made this year.

I hope you go along and recede and concur with the Senate.

Incidentally, some of you do not know that changes can be made in county budgets if they are approved by the auditing department. Now, listen to this for a moment. Here you are authorizing perhaps one person who is not related to this body to make changes from line to line in county budgets. This is also part of the statutes.

I hope you go along and recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Sheltra.

Mr. SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am serving on the County Budget Committee and really, I concur wholeheartedly with Representative Farrington for the simple reason that presently we feel like we are a toothless tiger operation here. We can scrutinize the budget somewhat but we don't have the claws to tangle with it.

So, please give us the tools to work with. I think it is a very good bill.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Members of the House: I would add my comments to those of Mr. Farrington and Mr. Sheltra. I served on the County Government Committee. The reason I signed the "ought not to pass" on the original report from the committee was that I don't feel the committee has the tools to properly do its job and if you approve this measure today, you will be giving us those tools. Otherwise, you are asking us to make recommendations on 16 budgets when we really shouldn't do that.

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

Mr. DAM: Mr. Speaker and Members of the House: I have not changed my mind on this bill. I still think this is the wrong approach to good government as I did the last time I spoke. Now the reason for this, and I will say again to you people, is that the county commissioners do send out their budgets for the meeting that is to be held in their territory with the legislators who represent them in their district. Also, it is well publicized in the paper. And what is happening in a few counties not by any means in the majority of the counties, but in a few, is that the legislators representing those counties do not attend the public hearings in their own community

and then they come down here to Augusta to try to cut out certain items in a budget.

Now I am sure that you all know that — and I think in maybe most of the counties there are troubles off and on with sheriffs' departments, but I don't think this is the place for us to cut individual county budgets. I am sure that I am not qualified to know what is going on in 15 other counties of this state. I do think I know what goes on quite well in Somerset, my own county. But if this bill is passed, I can assure you people that we will be here for many, many long weeks the next session, because everybody and their brother will have an amendment to the county budget and they won't have to show up at the hearing in the local area because they don't have to face the people there, they can come down here and impose their will on the county commissioners. I don't think this is the right way to get at the county commissioners. If you want to abolish county government then have a bill introduced to abolish county government and let the legislature run the whole thing, but this is a back door approach and this is a bad approach and it should not pass.

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

Mr. DYAR: Mr. Speaker and Members of the House: I am going to go along with this motion to recede and concur this morning but I would like to clarify one point.

The only ruling I have ever seen from the Attorney General's office applies to county delegations. And that ruling says that county delegations cannot alter a county budget. The county delegation can suggest additions or deletions to a county budget to the County Government Committee. The County Government Committee does have the prerogative at the present time. It goes through each county budget by line and adds or deletes. Our action has to be approved by this body because county government at the present time is a creature of this legislature. And so the County Government Committee at

this time has the authority to do what this act is asking.

In order to clarify any misinterpretation by the people who don't seem to understand this, I will go along this morning to put it into statutory law. But we do have that power at the present time if we wish to use it.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I disagree with the remarks made by my good friend from Skowhegan. This may not be the answer to all the problems in county government but it certainly would be a hundred percent improvement. We who work on our individual county budgets with the commissioners and with our local town officials can only come down and recommend a specific cut in total dollars. Now here is an opportunity to go on line budgeting where you can make requests, either increase or decrease certain categories in the budget and it prohibits them from transferring funds.

I don't see anything seriously wrong with this. I was on County Government two sessions ago and I know the problems that these people have to work with and I think this would improve the situation, not create a bad one. I think that it would improve the situation on working on our budgets.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker and Ladies and Gentlemen of the House: As a result of my very brief service on the Cumberland County Steering Committee, I do want to support Mr. Farrington in this. I don't regard this as an attack on the commissioners. I think in our instance the commissioners would welcome it and I know we had very strong testimony from the various municipal officers that this would be, as Mr. Kelleher said, a step in the right direction. I think we should support this.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: My good friend from Bangor, Mr. Kelleher, of course and I disagree. And as I said the other day, if he wants to do this he could run for county commissioner and I would probably be very happy to vote for him.

I submit that the problems that we are facing right now, right now with the county budgets will be just magnified by a thousandfold if you pass this bill this morning. In the next session of the legislature you will be battling every budget line by line and you will never live long enough to get out of here.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: My good friend is on the Appropriations Committee — and I understand that he is battling and I am sure the committee does, line for line for every request that comes in here. And if we have got time enough to work through the monster that will be created and sent to us to vote on come June or July, we are not going to be here that much longer, Mr. Norris, working on county budgets. If you do it in the budget such as the one the state government puts out, we are not going to be creating any monster if we support the bill that the gentleman over here has presented to us this morning.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker and Members of the House: This is a bill to improve the services of the County Government Committee, no more than that. And if you don't want to give us the power on the committee to do our job, then I suggest for next session that you should abolish the committee altogether and leave these decisions up to the majority of each county's delegation, because you are asking the members of the County Government Committee to accept the majority recommendations on budgets that

for the most part you don't even have testimony on.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: I still feel this is a bad bill and I don't think that we are qualified to act as a body on 16 different county budgets. I think the commissioners are elected and again they hold public hearings, and this is the place to change their budget back, in their own county. It is not the place to send it down here and tie up this body for an unduly length of time to fight line for line on 16 county budgets. But if this is the feeling of the legislature today, I would hope that maybe a bill could be introduced to say that all S.A.D. budgets would have to come to the Committee on Education and be reviewed by them, because what we are saying here if we pass this is that the legislature is more qualified to act on county budgets than the taxpayers are to act on the school budget.

Now the taxpayer in an S.A.D. can't cut the budget because that is a line budget and they have to either accept the total or decrease the total or they can increase it, but they can't go line for line. And what we are asking here today is that this body can go line for line on a county budget and that we are more qualified than the people in the State of Maine. And if this is the feeling, then I would hope that a bill could be introduced to let the taxpayers have something to do with their school budgets.

The SPEAKER: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: Just to clarify a few of the statements. My first statement would be to ask you in passing this to consider the fact that Mr. Dyar and I do not seem to agree and one fact of the matter is that we do now have the right. We have had two different rulings. If for no other reason to have this indecision within the committee, believe me indecision within the entire body is one thing, but

when you have indecision within the committee, a small committee, a small committee, that do not know the direction to go, this should be reason enough for you to give them the tools to work with.

Regarding line budgets again, soon after the assessments are passed out by this House, there are instructions for the budgets as approved to be sent to each county. And there are specific lines and by virtue of programs which we have passed since January 20, when these county commissioners budgets were in, we have enacted legislation whereby many counties have seen fit to want to adopt some of the programs. It has been necessary to change lines in the budget. I hope you will go along and pass this measure.

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

Mr. DYAR: Mr. Speaker and Members of the House: To avoid any complications, I would like to state that in the 104th I asked the Attorney General's office to clarify whether or not the Committee on County Government had the right to get into the lines within the budget. The letter came back that we did because the legislature had final judgment on its passage.

The judgment that the committee presently is working under is on an opinion handed down by the Attorney General. It is a request of the gentleman from Lewiston, Mr. Jalbert. Mr. Jalbert's question to the Attorney General's office was whether or not a county delegation had the right to alter a budget.

Now in the 104th and the 105th legislature, more appropriately the 105th when the Committee on County Government did cut by line, when the budgets went back to the counties there was a cover sheet showing the commissioners in that county what part of the budget had been cut by line. Now to me it is highly irresponsible for a county delegation or a Committee on County Government to send back a budget to a county showing a hundred thousand or a hundred and fifty thousand dollar cut, or a hundred thousand dollar addition to

that budget and not tell the commissioners what line that cut or addition is in.

If you have got an axe to grind and want to hurt county government, sure, you can cut a hundred thousand dollars out of it, but you can dull that axe awful fast when you go through that budget and tell the fellow that you are going to cut that hundred thousand dollars.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I have had a lot of people shaking their heads at me this morning because I am in favor of this bill. And I would like to inform the gentleman from Skowhegan, Mr. Dam, I am not telling him what he is to do in his county because I don't know.

I have been in Aroostook County all my life and I never saw a county budget in the newspaper. And this year, as I told you the other day on this floor, when we arrived in Caribou either the 20th or 21st of December for a meeting with the county commissioners, that is the first day at about nine o'clock in the morning that we saw the budget. And they also had all the town managers and everything there which is perfectly all right.

But what chance did we have to go over the budget, as big a budget like we have in Aroostook County, better than one half a million dollars? It is unreasonable; we can't do it. Even if we would have had the budget we wouldn't have had the time. You can't do it in one day.

Later we met in Houlton and spent about five or six hours, stopped and had lunch, drove down on a snowy afternoon and we had an agreement on the budget. And since that time the budget has been changed. These things can happen.

I am not saying that Mr. Dam was not right. It is not like a school budget, an S.A.D. budget. He talks quick and fast, faster than I can, and that is unreasonable. He says about S.A.D.'s, and I am very familiar with S.A.D.'s, having had plenty experience, too much

experience. We had no trouble with our budget on S.A.D.'s because the board has eleven men and women who meet on that board that goes over that budget. We discuss it with each school principal. But the county commissioners are just three. We have good county commissioners in Aroostook County, probably we have got the best three right now serving that we have ever had in years, meaning no harm against the rest, but at the same time this bill right here has a lot of merit and I hope that you will go along with the recede and concur.

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

Mr. JALBERT: Mr. Speaker and Members of the House; I don't think that I say over once a session that I did not intend to rise on a bill. I really did not intend to rise on this bill, but the gentleman from Bridgewater, Mr. Finemore, has got me on my feet when he says that we arrived in Caribou on September 21 and that is the first time we had a chance with the city managers to look at the budget. Then he says further, what chance did we have to see the budget? I got this budget on January 18 and it is not in this shape here by just looking at it. I would like to ask the gentleman from Bridgewater, Mr. Finemore, to reach under his desk and show me his State of Maine budget, to see what it looks like.

I am about ready to call for a new one if I can find one. I do not want to call for a new one because they cost us, without going to bid, \$25 a page. It happened twice, the first and last time, I assure you of that.

Now, I was the first one who put in — and, Mr. Finemore, I am not ready yet to sit down, so you can rest back comfortably — years ago, because I wanted to see the people of the communities of each county involved; particularly, at least, my county. I put in a bill that would call for line budgeting. The bill did not pass, but I amended the bill to include Androscoggin County. It passed. We had meetings. It was

the same thing all over again. We would have a meeting. We would have about five or six legislators. We would have about three or four people, if we were lucky, from the county and we had one or two people from the small towns who were members of the town or city government family. Subsequently, your county joined the line budgeting category. Subsequently, every county adopted line budgeting.

For about 20 some odd years, I kept myself really involved in these meetings that were so poorly attended. But after the meetings, if you ever went anywhere to make a speech, and you mentioned county government, then your opponents of county government and those who opposed what they called a high budget would howl and scream to high heaven about county government. By the same token, however, an \$8 million budget in the City of Lewiston was raised to \$10 million and not a word said. That was perfectly all right. We wind up here with a multibillion dollar budget or a multimillion dollar budget. Very little will be said.

If your memory serves you correctly, just to show you how much interest we have got, we argued about pheasants here for three days. I don't think we are through with moose yet. But I wagered something that is not too familiar with me — but I wagered a shirt and a tie, which incidentally I am now wearing, that the \$3 million plus social services budget would be enacted in this body under the hammer. Needless to say, I won the bet. And I will be willing to bet you that eventually the budget for the State of Maine will probably go under the hammer, eventually. It has, almost every time that I have been here.

Now, what I would like to see somewhere along the line is some participation. Two years ago, after an absolute mutilating in the newspapers, after I got the ruling from the Attorney General's office, I decided there would be no more of it. I have not attended one meeting of the county delegation or one meeting of the county

government. And I understand that it has been quite difficult at times to get quorums.

Now, as has been stated, if we are going to fight against county government, then let's put in a bill to abolish it; or else, let's go along and try to put ourselves in the position where we get people interested in it. Now, I do not see any difference between this bill and the one we killed before other than the fact that this removes the emergency. Does removing an emergency for a bill make it a better bill?

I will agree fully with the arguments as presented by the gentleman from Skowhegan, Mr. Dam, and the gentleman from Strong, Mr. Dyar. And my opposition isn't one that I am going to climb up and down walls whichever way it happens. The truth of the matter is this, that we are in such a quandary now, that I have here an amendment that would strike out in our county, because apparently, there seems to be some things wrong with our county, so we have an amendment that all the budgets will pass but this county here. I question the constitutionality of this move, but that is beside the point. The people just plainly cannot be made to be interested.

Now, I talked to my good friend from East Millinocket, Mr. Birt, and I asked him, I said, "Who checks over us?" He said, "The Governor." Well, I do not know as I can remember at any time where a budget has been vetoed by a governor. And we certainly took care of item vetoing last week.

We gave home rule to the cities and towns. I was opposed to it. If the bill came back now, I would vote for it. It has worked out pretty well. And somewhere along the line, I think, if we are going to have county government, subsequently we have a bill that is coming calling for home rule, I think we should support that and not support this bill.

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

Mr. FINEMORE: Mr. Speaker and Ladies and gentlemen of the

House: I am not going to debate with the gentleman from Lewiston, Mr. Jalbert, but I would like to say that I might have made a mistake. Mr. Jalbert said I said September the 20. If I did, I did not intend to, I meant to say December the 20.

Another thing, with a gentleman like Mr. Jalbert from Lewiston on the Appropriations, I feel as though I should not tear my book all up looking it through because I feel he is qualified. If he was not qualified, he would not be there. If he is not qualified by this time, as many years as he has been on there, he never will be qualified. So I am not going to argue that debate because my book would not look like his; and if his is worn out, I would be tempted to loan him mine, not give it to him because once in a while I do want to look up a few things. I am not going to debate him. I am not speaking of Androscoggin County, but I wish he would leave our Aroostook County alone; because we feel as though we have troubles in our county, and I think we should have a chance to protect ourselves.

Mr. Dam of Skowhegan was granted permission to speak a third time.

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: For the benefit of my good friend, Mr. Finemore from Aroostook, I will speak a little slower. You just made a statement that you hoped that the good gentleman from Lewiston, Mr. Jalbert would leave Aroostook County alone and this is what I am asking you people to do today, to leave the counties alone.

For the correction to my good friend Mr. Finemore from Bridgewater, if he will read the Proof tomorrow when it comes out, I think he will find that I did not say that Somerset County published the budget. What I said was that each legislator representing a county received a notice. Now, this notice was sent by certified mail, so the commissioners knew whether or not they did receive it. The thing I said pertaining to the budgets and the notice in the paper was that a

notice was published in the paper as to the time and date of the public hearing with the commissioners. I did not say Somerset County published the budget. Everyone had a notice when the hearing was to be held.

It so happened, as I said before, only three of the legislators from Somerset County attended the hearing, two of the House and one of the other body. But they did have a chance and they had a chance in their home towns on their home grounds to disagree or agree. We disagreed, but we came to an agreement.

I hope, Mr. Finemore, my good friend from Bridgewater, that I have spoken slow enough this time so that you have understood everything I have said.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: I would accept the comment as was made by my very, very, very dear friend from Bridgewater, Mr. Finemore. He did say September 21, but I know he will accept December 20. But from December 20 even until April 11 is quite a little time, Mr. Finemore, to be looking at things. That is the first thing.

The second thing is my leaving Aroostook County alone, and he will leave Androscoggin alone. I noticed when the gentleman from Bridgewater made that remark, I noticed that the gentleman from Bath rather smiled; because I think Mr. Ross of Bath would have been very happy if I had left Aroostook County alone when he was rightfully arguing his point a few years ago about giving away a million dollar bauble for one dollar.

The third thing, to the gentleman from Bridgewater, Mr. Finemore, is this: I assure you when he messes around with those cardboard, he does not need a seeing eye dog.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Sheltra.

Mr. SHELTRA: Mr. Speaker and Ladies and Gentlemen of the House: I have been chairman of

our York County delegation for two terms and believe you me, it has been quite a chore.

I would be highly in favor of home rule, I would vote for it in a second. But I can only say that having been chairman of the delegation and the way that our commissioners in our county have maneuvered, when they make up the budget, they talk to their departmental heads.

They invite these programs, incorporate them in the budgets. The budgets are fat, there is no question about it, everyone talks about fat cats and I am talking about fat budgets. They are fat, they are loaded, they will admit it.

They have their public hearing. At the public hearing, suggestions are made where cuts should be applied. However, after the public hearing, those that attended, they are not heard again. They do not know what changes have been made, what alterations have been made. Then the next thing that you know, the budget is sent up here to us and presumably in the past, the county commissioners have worn the white hats and we up here have worn the black hats. We are the ones who have to make the cuts. If this is to be, give us the tools to work with so that we can make the cuts. Otherwise, let's have the home rule.

As I said prior, too, I would firmly endorse home rule. But when we get these aggravations coming from below, from our constituency, and how these public hearings are handled, then I can only talk of one county, my county. I think it is very disparaging and I think something should be done about it and I think in this instance here, this would provide one method or one tool to give us a little bit more power.

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

A vote of the House was taken.

Thereupon, Mr. Norris of Brewer requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All 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: The pending question is on motion of the gentleman from China, Mr. Farrington, that the House recede and concur with the Senate on Bill "An Act Authorizing Legislature to Change Specific Line Categories in the County Estimates," House Paper 1166, L. D. 1501. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Brown, Cameron, Carey, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cottrell, Cresssey, Deshaies, Donaghy, Dow, Drigotas, Dudley, Dunleavy, Dunn, Dyar, Evans, Farley, Farnham, Farrington, Fecteau, Ferris, Finemore, Flynn, Garsoe, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Henley, Hobbins, Hoffses, Huber, Hunter, Immonen, Jackson, Jacques, Kelleher, Kelley, Keyte, Kilroy, Knight, LaCharite, LaPointe, LeBlanc, Lewis, J.; Littlefield, Lynch, Maddox, Mahany, Martin, Maxwell, McHenry, McMahon, McNally, McTeague, Merrill, Morin, V.; Murchison, Murray, Najarian, O'Brien, Parks, Perkins, Peterson, Pratt, Ricker, Rolde, Rollins, Ross, Sheltra, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Stillings, Strout, Susi, Talbot, Tanguay, Tierney, Trask, Trumbull, Tyndale, Walker, White, Willard, Wood, M. E.

NAY — Berry, G. W.; Bunker, Bustin, Carrier, Cote, Curran, Curtis, T. S., Jr.; Dam, Davis, Emery, D. F.; Fraser, Gahagan, Gauthier, Haskell, Herrick, Jalbert, Kelley, R. P.; Lawry, Lewis, E.; MacLeod, McCormick, McKernan,

Morin, L.; Norris, Palmer, Pontbriand, Shaw, Smith, S.; Soulas, Sproul, Theriault, Webber, Wheeler, Whitzell.

ABSENT — Crommett, Faucher, Hancock, Hodgdon, Mills, Morton, Mulkern, Santoro, Snowe.

Yes, 107; No, 34; Absent, 9.

The SPEAKER: One hundred seven having voted in the affirmative and thirty-four in the negative, with nine being absent, the motion does prevail.

The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, I now move we reconsider our action and hope you vote against my motion.

The SPEAKER: The gentleman from China, Mr. Farrington, moves that the House reconsider its action whereby it voted to recede and concur with the Senate. All in favor of reconsideration will say yes; those opposed will say no.

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

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

Bill "An Act Relating to the University of Maine Treasurer's Report" (H. P. 910) (L. D. 1198)

Tabled — April 10, by Mr. Ault of Wayne.

Pending — Passage to be engrossed.

Mr. Ault of Wayne offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-210) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: I am the sponsor of L. D. 1198 which allows the University of Maine to submit just one financial report instead of the present two to the Governor and Council and the Board of Trustees. This amendment further changes this proposed legislation to require them to provide us also with a copy of that financial report.

Thereupon, House Amendment "A" was adopted.

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

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

Bill "An Act to Increase the Authorized Bonding Limit of the Maine State Housing Authority" (S. P. 434) (L. D. 1339)

Tabled — April 10, by Mr. Martin of Eagle Lake.

Pending — Motion by Mr. Martin for roll call vote on emergency enactment.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I don't know if many of you have noticed just what this bill does. But apparently there has been a switch in the way we are proceeding here because as it stands right now we have on our desks an amendment which was to be presented and it hasn't been presented and I could digest the amendment but I cannot digest the bill. And the reason for this is, if you want to notice, that this bill here will increase the authority to put out \$100 million in bonds instead of the limit of \$20 million right now.

Now it seems rather odd that these people have run out of money so far. It also seems rather odd that there is no limit of time as to when and how long this money will last. I feel that the precedent will be set by getting these people and allowing them \$100 million is much more than this state can afford at this time.

I think that we have many good programs and good bills that have been presented that ask for ten and twenty thousand dollars, and I think that these bills are probably — I hope they do get the allowance, but if we turn around and give this money for this particular

purpose, I think that we are going to run short on the end.

Now the other thing that I do question, and I have in the past, I do question the effectiveness of this housing authority. At the last session the opponents, the opposition to this was concentrated on at that time to the one that ran the outfit. Of course he is not here now and only one thing is proven, that things are not better since he left.

If you read the bill in the emergency preamble that it says back in 1972 of March they came out with a bond of \$19,740,000. And that is apparently gone from the rest of the emergency preamble. It might be said to you that this is done in order to give low cost housing to people to have more rents available. Well I want to say to you, to those who were here before, as I said two years ago and four years ago that they kept fooling around with tenant and landlord laws and they pass them and this is exactly what was going to happen and this is what is happening. You are short of houses and you will be short of houses if you keep this up.

Now this particular thing here, I don't think there is any need for it whatsoever. Let me tell you and I can assure you, that if anybody has five or ten thousand dollars he can go around and get a mortgage for the difference and build all the houses that he wants. He can build apartment houses and this is what we are talking about. If it is to build houses to be financed at the low rate of one percent or something like that, then you and I have to pay for it with taxes besides paying for your own house, that I will oppose, too.

So I just suggest to those of you who have not looked at this thing and who have not familiarized yourself with the workings of the housing commission, the housing authority, that this is not a good bill.

The fact is proven this morning that there has been a change of heart somewhere along the line because on your desks you have an amendment which has not been presented which I can almost—it

will only be presented on a dare at this particular point.

I submit to you that this is not a good bill and we are talking about millions of dollars, hundred millions of dollars. I will vote against the enactment.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: It is difficult to know just where to begin. In the first instance, the state's money or the state's credit, or the credit of any municipality is not, I repeat, not involved in this piece of legislation. This piece of legislation is to allow the authority an additional limit on the bonds that they may issue. If we fail to do this, the activities of the Housing Authority are for all practical purposes at an end, because at this point they have issued almost up to the amount that they are authorized to issue.

Now, in the United States there are approximately twenty-eight states that have housing authorities. They are created for the very real purpose of making additional money available for the creation of housing and they have proved very effective. From the testimony that was presented to the Appropriations Committee, they are proving very effective in this state. The benefits of this bill are widespread throughout the entire state and there was no adverse testimony at the hearing whatever.

We are in a situation now that at least a third of the states that have housing authorities have no limit whatever on the amount of bonding that the housing authority may undertake. The upper limits on the other states are very high indeed. Some of them going up to a half billion dollars, so that the amount of money that is requested here simply allows the projected growth that is anticipated under this program so that the housing authority won't be in the situation between sessions of the legislature that they have come up to the limit of their authority to issue bonds and therefore their activities have to be curtailed until the upper limit is lifted once more.

So in the opinion of the Appropriations Committee that heard the bill, that checked very carefully into the possibility of any involvement with state credit, there is nothing about this bill that should cause any concern whatever. The credit of the state is not involved; the credit of the municipalities is not involved. There has been no instance of default in any part of the nation. The programs have proved extremely successful. We are getting additional housing. The fears that Representative Carrier entertains are not well founded in my view.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: Sometimes I wonder whether it is a certain asset to be academically ignorant or not. Probably it is not. I cannot help but wonder why it is that there is definitely no possible backlash to the State of Maine from a properly organized state agency that is allowed to handle loans up into the hundreds of millions of dollars. I can't quite envisage the problem. If there is absolutely no tie-in with the state's credit or with the state's responsibility, why are we involved in the first place.

I know, I am told there is no risk to the state whatsoever. But it seems to me if down in the county or the state or if a city allows one of its organizations to loan money and handle money to the extent of maybe 10 to 20 million dollars and something happens that there is a default the general public is going to blame the city, there is no question about it. If the federal government will make it up, fine. But supposing, just supposing, that there is a depression, that there is crash, that there is a reversal of the spiral of increasing costs and values. We have been so long on that inflationary trend that we have forgotten what it was like when it went the other way back in the 30's.

They say that it cannot happen; but if it should, I feel that that is quite a lot of responsibility for

one agency in the State of Maine. Whether we are actually underwriting it or not, it is still a Maine housing agency. It just seems to me that that is quite a lot.

I cannot help but agree with my friend, Mr. Carrier, and I just don't like to see that much guarantee.

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

Mr. CAREY: Mr. Speaker and Members of the House: Mr. Haskell from Houlton mentioned that we are not pledging the credit of the state. I have been approached by the lobby on this. My feelings are pretty well known that I cannot back anything that will go up to \$100 million. I served on the Study Committee for the MIBA, for instance. It is a horse of a different color but it still irks me to know that we get involved with so much money.

These lobbyists had to admit that we are morally obligating the state so that if anything did go wrong, there is no one coming back and asking for permission for the state to pick up the moral obligations.

They tell me, this morning in the back of the House, that they can very easily handle the \$100 million and it would also be handled between now and the next session. I like the papers that I had on my desk which would only limit the \$20 million figure to double; it would only go to \$40 million. I could even go up to \$50 million. I cannot buy the \$100 million. They are going to become second mortgage holders apparently.

What is happening here is that they have said since they can handle the \$100 million in this session, there is no reason to believe they couldn't take another \$150 million or \$200 million at the next session. And what is going to happen is that the State of Maine through the State Housing Authority will probably end up being the largest second mortgage holder in the entire state, and we are not in the land business.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to ask through the Chair of some of these people who have listened to all the expert and lengthy testimony on this to tell us how much of this money that has already been bonded has been used to build houses and how many millions — and I do mean millions — have been used to buy up mortgages from banks so they can go out and loan money at a higher rate of interest and now they want even more to buy up more mortgages so that the banks go out and loan more at higher rates of interest. Some of it is actually getting out of the state I understand. Now, is this right or wrong?

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, poses a question through the Chair to anyone who may answer if he or she wishes.

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

Mr. SPROUL: Mr. Speaker and Members of the House: I believe you will find most of the \$20 million is in government insured mortgages. Primarily, three sections of federal HUD programs have been used, section 235, section 236, and section 223.

Most of the money, I believe, has been put into section 235 which is individual home ownership with federal insurance on those loans. Many of those have been purchased from the banks that have processed these within the state for low-income people. I think if you check, you will find that those purchases have been made with the specific commitment that those banks will use that money again for more low-income housing under section 235 or some other.

Primarily, this money comes from Wall Street when these bonds are floated. So this creates additional capital to be used in the State of Maine. Some of these banks would not have adequate funds available for their mortgage loans if the Maine Housing Authority did not purchase some of these so that they could reinvest over again. The State Housing Authority does have, somewhat, authority to

invest in mortgages that might not be insured. However, their requirements are a reserve setup that will take care of any losses on this and these are all investigated and approved by the bond buyers and that is where the risk is, it is not with the State of Maine or the State of Maine taxpayers.

Mr. Carrier referred to a 1 per cent, I assume he is talking about these very programs of 235 and 236, where our low-income people in effect, pay 1 per cent interest on their mortgage. However, the balance is paid by federal funds under the Interest Subsidy Program under the HUD Programs. Now, if you people wish to pay federal taxes to subsidize the interest in all the other states and we turn it down here, I think it is pretty shortsighted. We should be taking advantage of these programs as long as they are available on the books for the benefit of the low-income people in the State of Maine.

I would point out, also, that this was a unanimous report from the Appropriations Committee.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: You know, I just shudder at the thought of the State of Maine raising these limits to \$100 million. There are other ways to finance homes, apartments, and condominiums other than the State Housing Authority if the developers themselves are financially sound.

I asked one of the proponents who was working on this to furnish me a list of the present commitments. He promised to do so but never did. I shall vote against this but might be willing to go as high as the \$40 million suggested in the amendment.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I went along with this bill in the Appropriations Committee. The presentation was admirably done. As a long time member of the committee, however, I think it is my

duty or anybody else's duty to answer queries that are made or go along with or discuss pro or con doubts or suggestions made by any members.

There is no doubt in my mind, even when I went along, no matter what anybody wants to say, that somewhere along the line we are morally obligated. We must be morally obligated. I feel this thing is in trouble. One or two queries that I have asked have not been made. I think that eventually the \$40 million amendment would pass. In any event, I think this thing is in trouble.

A lot of queries have not been explained properly. I think it could be discussed properly if it were tabled for one day and I would suggest that somebody table this item for one day so we could at least get to the bottom of the situation and decide whether we should or should not go along with the bill, the amendment or the \$100 million.

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

Bill "An Act Providing for the Maine Property Insurance Cancellation Control Act" (S. P. 231) (L. D. 666)

Tabled — April 10, by Mr. Jackson of Yarmouth.

Pending — Motion of Mr. Tierney of Durham to adopt House Amendment "B" (H-197)

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, I move the acceptance of House Amendment "B" as presented by Representative Tierney of Durham.

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

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: Everything comes in a package and I guess one follows the other. But I just have some queries about House Amendment "B". What this in effect does, it forces somebody to enter into a contract which in the first place he does not have to. One of the requirements of the contract is a meeting of the minds. It seems

to me if there is no meeting of the minds, you are forcing an insurer to take insurance, which he does not want to take in the first place, and this has grave questions of whether this can be done or not.

Whether or not there is a contract could be questioned. I not only question, I do say that there would not be any contract. Because there never was a meeting of the minds, the insurer does not want to take the insurance but the insured does. Well what if you reverse it? What if the insured does not want to take it, but the insurer would want to give it? Would he pay for it?

I think this is a bad amendment. I move for the indefinite postponement of it.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker and Ladies and Gentlemen of the House: The comments made by Mr. Carrier have been made many times in the general field of insurance and contracts in general. Generally, attorneys will try to make an argument out of Article I of Section 10 of the federal Constitution to the effect that the right of the contract cannot be abridged. This particular item, however, is usually a makeweight argument. I think if most of us take a look at the Maine Insurance Code and look at just one of the many agencies where contracts are heavily regulated already by the state, you will find the regulation is quite often in order and very rarely has any legal or constitutional difficulties.

The amendment which I proposed, as I stated yesterday and as I stated last week, is a mere classification of the intent of the bill. It is supported not only by myself, it is also supported by the House Chairman of the committee and it is supported by the Insurance Commissioner. And I would assume it is supported by the insurance industry themselves, because they have not said anything in the last two days while this amendment has been pending. I do not see any difficulty with

it and I hope we vote against indefinite postponement.

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

A vote of the House was taken.

15 having voted in the affirmative and 94 having voted in the negative, the motion did not prevail.

Thereupon, House Amendment "B" was adopted.

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

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

Resolve for Laying of the County Taxes for the Years Nineteen Hundred and Seventy-three and Nineteen Hundred and Seventy-four (H. P. 1419) (L. D. 1733)

Tabled — April 10, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from South China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: I almost wish I had brought my tranquilizers with me today. It seems that I have been on my feet almost too much. However, these matters having to do with county government, I feel obligated to speak on them.

We know where we have been in this route, but we do not know where we are going. I hate to remind the House that many shouters are patiently awaiting this budget so that they can lay the taxes for municipalities.

I have no desire to engage in any parliamentary procedures with my friend from Lewiston, Mr. Jalbert, or anyone else. I will again explain the position of our committee. These budgets were formed as a result of the majority of the delegation in each county confirming what is in this report.

Earlier in the session today, remarks were made regarding an

amendment. Of course you realize that this timely amendment cannot be offered. They would have to reconsider our action whereby we passed this to be engrossed.

I do, however, intend to offer the amendment before you having to do with one county, if this motion is made and we do reconsider, which at this point and juncture I hope we do not. It seems to me that we can act on these as they are, in good faith, with the majority of those in each county delegation.

I do not propose to stand here and be directing anyone who is in the minority groups of these county delegations. This simply was a committee policy and we are sticking by it.

I hope today that you do something with this document and send it on its way.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: I assure the membership of the House that I am not questioning the gentleman from China, Mr. Farrington's motives at all, because I have known him too long as a friend. I am not considering myself as a member of the minority or the majority insofar as my county is concerned. I just want to see the things done right. I feel exactly the way the gentleman from China, Mr. Farrington does about this thing here and I feel exactly as he does as far as tranquilizers are concerned.

But as I rose a few minutes ago as the signer of a minority report and said that I thought a measure was in trouble and said that even though I signed for it, I felt in all honesty that I should agree or disagree and say that we were morally obligated in some area, and I did so with honesty in my thinking about something I knew something about.

I spoke just five minutes ago with the Honorable George West, Deputy Attorney General, reminding him, asking him whether I was right. In fact, in the early '50's, when we passed the sales tax there was a question as to whether or not the

unorganized towns should or should not come under this package. The court declared that if the tax was laid, it was laid for everybody and if any thought along that line was done by the legislature, it would be declared unconstitutional.

I am merely telling you what Mr. West told me, that in his opinion that same situation would arise and if an amendment was presented, it would be declared unconstitutional.

Now as far as the idea that we would reconsider is concerned, there is nothing to reconsider. The motion is, passage to be engrossed, which means that the present measure right now is before us to lay amendment before this House if we choose it.

It would appear to me, and I do not think it would be too difficult a task for either Penobscot or Androscoggin, which are the two counties involved, apparently, to get together in one day and settle this thing once and for all. I am not dictating, I am not taking sides, I am merely telling you what the legal authorities have told me upon my questioning and that is all.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to speak to you this morning as Vice Chairman of the Androscoggin County Delegation and indicate to you that we met finally yesterday to discuss objections to the delegation's actions on the budget. We did take a final vote; it was a secret ballot. We voted 9 to 3 or 4, as I recall, in favor of the budget, which is printed in the L. D. Therefore, we have no need for any amendment at this time and we, I am sure, would favor passing this bill to be engrossed.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: As Co-chairman of the Aroostook County Delegation, I think we have no objections to this, so I move it be passed to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, I merely rise to apologize. I thought we had passed this to be engrossed. My statements are incorrect.

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

On motion of Mr. Dam of Skowhegan, the House reconsidered its action of yesterday whereby Bill "An Act Repealing License Fee for Sporting Camps," House Paper 1202, L. D. 1540, was passed to be engrossed.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. DAM: Mr. Speaker, I now move this lie on the table one legislative day.

Mr. Farrington of China requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Skowhegan, Mr. Dam, that this matter be tabled for one legislative day, pending passage to be engrossed. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

77 having voted in the affirmative and 18 having voted in the negative, the motion did prevail.

Joint Order

Mr. Birt of East Millinocket presented the following Joint Order and moved its passage:

WHEREAS, among the sons of this State are found individuals with marked personal characteristics who have become eminent and successful in the various callings of life; and

WHEREAS, Dr. Lore Alfred Rogers, scientist, inventor, author and distinguished resident of Patten, Maine, is so recognized; and

WHEREAS, Dr. Rogers served as chief of the United States Department of Agriculture Dairy Products Laboratory for 36 years and holds, among other honorary degrees, the highest honors in American Dairy Science; and

WHEREAS, it was Dr. Rogers almost 72 years ago who dis-

covered methods for improving butter which has since revolutionized the dairy industry; and

WHEREAS, he is a graduate and oldest living alumnus of the University of Maine, class of 1896, the last surviving member of its first football team; and

WHEREAS, at 98 years of age he is actively engaged in developing and building a lumberman's museum on the outskirts of Patten Village, Route 159, his lifelong interest; and

WHEREAS, despite retirement, this renowned bacteriologist and his associates are bringing the spectator of lumbering within the knowledge and enjoyment of countless visitors; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the Senate and House of Representatives of the 106th Legislature of the great and sovereign State of Maine, take this opportunity to recognize and express their appreciation for the many worthy accomplishments of this native son, which have contributed so much to the betterment of his fellowman; and be it further

ORDERED, that a suitable copy of this Order be immediately forwarded to Dr. Rogers in token of the sentiments expressed herein. (H. P. 1429)

The Joint Order was read.

The SPEAKER: The Chair recognizes the Senator from Millinocket, Senator Birt.

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: Just a couple or three brief comments about Dr. Rogers. He is one of the more remarkable men that are still in the State. He was born and brought up in Patten. He left there shortly after he completed his education at the University of Maine around 1900. He was gone from the State for over 60 years and obtained many honors and made many contributions to our whole society.

At the age of over 80 he came back and started to build a museum, dedicated to some of things that he remembers as a boy in the lumberman's industry. He had one of the really fine museums, and probably the best collection of lumberman's equipment that there

is anywhere in the world. It is a worthwhile trip to go up and see him. He is 98 years old and he is still puttering around up there. In the summertime you can go up there in the morning and find him puttering around in the museum.

Thereupon, the Joint Order received Passage.

Sent up for concurrence.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker and Members of the House: I am fully aware of the Order that the gentle lady from Auburn, Mrs. Lewis, has, because some of you know of the situation that I was placed in yesterday, I would really feel remiss if I didn't add my words of sorrow as to the dreadful tragedy that happened yesterday.

It was only by an act of God that I sent Peter Snowe a note telling him that I couldn't wait for him when I was leaving yesterday. Peter came here a few years ago and, as the elder person in the Androscoggin delegation, I went to him and I gave him the do's and don'ts. It took a little time sometimes for him to accept the do's. But he came back this time here again as the polite and fine young man that he was when he first came here, yet older.

I had an opportunity to talk to him on several occasions. It was a delight for me to go home with him. As you know, I cannot drive, so it is either the gentle lady from Lewiston, Mrs. Berube, or it was Peter, or it was somebody else that I could corral. But an any event, yesterday we had a very serious discussion that we were going to have, and it was only the caucus that you people had, that is only the note that I sent.

And as I was saying my prayers last night, I was saying to myself what a dreadful loss of a nice young man of thirty years when it would have been so easy to take somebody that was older.

Mrs. Lewis of Auburn presented the following Joint Resolution and moved its adoption:

WHEREAS, the Legislature has received word of the tragic death of our beloved colleague, the Honorable Peter T. Snowe of Auburn; and

WHEREAS, Representative Snowe first came to the Legislature as its youngest member in 1967 and was currently wholly dedicated to the duties of a Member of the House of Representatives; and

WHEREAS, at age 30, Peter was actively identified in business while at the same time prominent in the councils of his party; and

WHEREAS, he has at all times worked in an energetic and personable way to forward the best interests of the State of Maine, the County of Androscoggin and the City of Auburn in which he made his home; now, therefore, be it

RESOLVED: That We, the Members of the 106th Legislature now assembled, inscribe this token of our enduring affection and esteem for the memory of our beloved colleague and extend our deepest sympathy to his family and our understanding to all others who share in the loss; and be it further

RESOLVED: That a copy of this Joint Resolution, suitably engrossed, be immediately transmitted by the Secretary of State to his wife, Olympia, and his mother and father, Mr. and Mrs. G. Carlton Snowe, as a lasting token of our esteem; and be it further

RESOLVED: That when the Members of the Senate and House of Representatives of the 106th Legislature of the State of Maine adjourn this day, they do so in honor and out of respect to his memory. (H. P. 1427)

The Joint Resolution was read and adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith.

Thereupon, the House stood in a moment of silence in memory of Mr. Snowe.