

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume II

April 23, 1973 to June 5, 1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Monday, June 4, 1973

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

Prayer by Monsignor Charles M. Murphy of Freeport.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

Order Out of Order

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

ORDERED, that Lynn Campbell, Kathy Felker, Lorna Flint and Randee-Sue Rines of Freeport be appointed Honorary Pages for today.

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

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Membership on the State Board of Barbers" (H. P. 844) (L. D. 1118) reporting that the Conferees were unable to agree.

Signed: DYAR of Strong, LeBLANC of Van Buren — Committee on part of the House.

HICHENS of York, GREELEY of Waldo, MINKOWSKY of Androscoggin — Committee on part of Senate.

Report was read and accepted and sent to the Senate.

Papers from the Senate Reports of Committees**Ought Not to Pass**

Committee on Public Lands on Bill "An Act Providing a Moratorium on Cutting Timber and Grass on the Public Reserved Lots" (S. P. 7) (L. D. 34) reporting "Ought Not to Pass."

Committee on Judiciary reporting same on Bill "An Act Relating to Kidnapping of Minor Child" (S. P. 548) (L. D. 1702).

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

Leave to Withdraw

Committee on Business Legislation on Bill "An Act to Amend the

Maine Insurance Code to Provide for Regulation of Insurance Holding Company System" (S. P. 299) (L. D. 964) reporting Leave to Withdraw.

Committee on Judiciary reporting same on Bill "An Act Relating to Court Costs for Discharge of Persons Committed to Department of Mental Health and Corrections by Reason of Mental Disease" (S. P. 568) (L. D. 1745)

Came from the Senate with the Reports read and accepted.

In the House, the Reports were read and accepted in concurrence.

Covered by Other Legislation

Committee on Transportation on Bill "An Act Relating to the Maine Turnpike Authority" (S. P. 528) (L. D. 1658) reporting Leave to Withdraw as covered by other legislation.

Same Committee reporting same on Bill "An Act to Authorize Bond Issue in the Amount of \$25,000,000 to Make Improvements on U. S. Route 1". (S. P. 564) (L. D. 1744).

Came from the Senate with the Reports read and accepted.

In the House, the Reports were read and accepted in concurrence.

Ought to Pass

Committee on Veterans and Retirement on Bill "An Act Relating to Service Retirement Benefits Under State Retirement System" (S. P. 184) (L. D. 492) reporting "Ought to Pass" as amended by Committee Amendment "A" (S-182).

Came from the Senate with the report read and accepted and the Bill passed to be engrossed and Committee Amendment "A" indefinitely postponed.

In the House, the Report was read.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: On this 492, item 7, I just wanted to explain what actually occurred on that. I don't know how many of you are aware, the original bill called for the minimum benefit to be raised

from \$80 to \$100. We had quite a discussion in the committee Executive Session on it. Some of us wanted to hold it at \$80 because, as some of you are aware, the minimum retirement pay for those who can qualify, it mostly comes out of taxpayers' dollars. It is a great help to a lot of people but nevertheless, it is quite a cost to the taxpayers.

For instance, by raising that from \$80 to \$100, it means around \$360,000 a year additional. So what we did was compromise. We amended it in committee to go from \$80 to \$90, which means the cost of \$180,000 a year. I still think that it should stay there, that a raise from \$80 to \$90 is a good compromise.

The other body saw fit to remove that amendment which puts it at \$100. If no one here wishes to make any motion on it, I will not fight the case. I want the House to know just what the story is. In other words, it will cost \$180,000 additional to go from \$80 to \$90 or \$360,000 additional if it goes to \$100 a month. So with that explanation I will leave it up to the House, if you want to let it go as it is or not.

Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" was read by the Clerk.

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

Mr. MARTIN: Mr. Speaker, I would move the indefinite postponement of Committee Amendment "A" and would speak briefly.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: By indefinitely postponing Committee Amendment "A" we would leave the bill as originally proposed at 100, as mentioned by the gentleman from Norway, Mr. Henley. This is what I believe we should do. The amendment was apparently an attempt to leave it half between the 80, which we presently have and the 100 that was proposed. However, at this

time, as we take a look at the way the price of things are going, I really think we ought to give these people who are at the bottom end of the scale the difference and I think that we ought to kill the committee amendment.

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

Mr. BITHER: Mr. Speaker and Ladies and Gentlemen of the House: I have a question that I would ask through the Chair.

The SPEAKER: The gentleman may pose his question.

Mr. BITHER: I do not know whether Mr. Martin made a motion or not, but if he made a motion to kill Committee Amendment "A", I wonder if it is necessary because the Senate did kill Committee Amendment "A".

The SPEAKER: The Chair would inform the gentleman it is necessary. The Committee Report did include Committee Amendment "A". And the pending question is the motion of the gentleman from Eagle Lake, Mr. Martin, to indefinitely postpone Committee Amendment "A".

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I am not one of these legislators who gets a lot of mail because I don't. I don't get a great deal, but I do get a few telephone calls. But of all the mail I have received on any bill in this House this year, I have got from my county, from one end of it to the other, on this 492 and they all want it left just the way it is in its original form. So I hope this morning you will go along and indefinitely postpone Senate Amendment "A".

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

Mr. BITHER: Mr. Speaker and Ladies and Gentlemen of the House: I would just like to say that I think Mr. Henley has made a good statement and a correct statement when he said the Committee Amendment was a good compromise and I agree with him that it is a good compromise, but

who are we compromising with? We are compromising with the poorest of the teachers, those getting less than \$80. I don't think we should be doing that at all. I go along with the indefinite postponement of Committee Amendment "A".

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I still insist that it is a good compromise, in spite of my very good friend from Houlton, Mr. Bither. We must compromise. That is what this legislature attempts to do. If we are going to give these people all that is required for them to live on, we are going to have to increase it to \$500. I would like you people to realize this minimum is merely an additional amount to assist people who have been able to live and get along through life pretty well up until they are 60 or 70 or 80 years old, some of them. They haven't starved to death yet.

Some of these people that are going to pick this up, such as you and I perhaps, haven't paid in an awful lot on it. I have got a lot of correspondence and objection to that very part of the retirement system. I have 400 more letters on bill 492, but it was not in reference to the minimum. It was in reference to the change in the pay for retired teachers who are retiring now. What the bill does, is to cut down the minimum requirement for retirement from 30 years to 25 years and it changes the rate so that they get an increase in retirement from the fraction of one sixtieth to one fiftieth as a factor.

If it wasn't for compromise in your committees, ladies and gentlemen, a lot of us wouldn't get reelected, I can tell you that, because of our cost of government increasing. You may or may not be aware that our retirement system is an expensive system. It is one of the best in the United State, but not just because of the minimum.

We are getting more and more people on that minimum every session. And some of the people

that are getting onto the minimum is what they are complaining about. A lot of my letter object to that. They say that is the free ride which we should be careful with. That is why I considered it a fair compromise to go from \$80 to \$90 instead of to \$100. Surely \$100 isn't going to support anyone, we don't expect it will. But it certainly is going to be a great help to some of the elderly ladies, for instance, that haven't been getting perhaps any extra income. Many of them are married, they have raised families. They have either side incomes or their husbands have incomes. It is going to be gravy. Consequently, it is the reason I made that objection. That is the reason that part of the committee compromised and that is why I am justified, I feel, in my stand on it.

I still think that \$90 would have been a good bet for this particular part of our retirement system.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Lawry.

Mr. LAWRY: Mr. Speaker, I would like to pose a question through the Chair if I might. Do I understand from Mr. Henley's remarks that even some trustee on a quasi-municipal corporation who might make an annual stipend of \$300 or \$400 a year is going to be eligible for a hundred dollars a month benefit if he served 10 years?

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

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

Mr. HENLEY: Mr. Speaker and Members of the House: To answer the gentleman, Mr. Lawry's question, anyone who can qualify and get in the desired number of years, the mathematical factor would give them a hundred dollars and up if they have got the minimum years, even if they only made \$50 a year. If they get in the minimum years either working for the state or any of these groupings that are quasi-state employees, if they have got the minimum number of years,

then they will get the hundred dollars a month, whether they have turned in much money contributory or not. I hope that answers the gentleman's question.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: I have had a great deal of mail on this subject, as I am sure all of you have. But I did have one very thoughtful letter from a state employee which I feel I should share with the House. I don't believe there is any controversy at all surrounding the change in the formula from one sixtieth to one fiftieth. I think, however, there is a real question when we start to talk in terms of minimums.

The retirement fund, which is invested for the benefit of the people who are receiving benefits from it, earns in the course of a year something like \$6,146,000. Special legislation that we have passed in previous sessions here, which because it is not fully funded, now takes about \$1,122,000 out of the earnings of this fund.

What we are talking about now, increasing the minimum from \$80 to \$100, would mean that this increase is not fully funded and would mean an additional drain on the earnings of the fund of some \$361,000. So it is fine to argue for the humanitarian aspects of increasing from \$80 to \$100, but I think you should realize that in effect what you are doing, you are nibbling at the fund. This is going to put the unfunded portion up around a million and a half a year which, in effect, the long-term state employees sacrifice this amount of earnings by special legislation which we are enacting here.

I really question the wisdom of increasing the unfunded portion of this retirement by this amount of money because the ones who do suffer under legislation of this type are the long-term employees of state and municipality because we do reduce by this the total amount of earnings from the fund that are available for distributions as pensions.

So I personally would be very happy to see the compromise that was represented in the committee amendment hold and not the indefinite postponement here this morning. I agree with Mr. Henley that there is a real question of whether it is sound fiscally to increase this minimum because it can't possibly be funded at current rates and it does represent a drain on the earnings of the fund of approximately \$361,000 a year.

The SPEAKER: The Chair recognizes the gentleman from Milinocket, Mr. Crommett.

Mr. CROMMETT: Mr. Speaker and Members of the House: I have had many letters in regard to this bill and they ask me to support it, but not one questioned the minimum provisions of the bill.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that Committee Amendment "A" be indefinitely postponed in concurrence. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

110 having voted in the affirmative and 13 having voted in the negative, the motion did prevail.

The Bill was assigned for second reading tomorrow.

Committee on Appropriations and Financial Affairs reporting "Ought to Pass" on Bill "An Act Appropriating Additional Funds to the Department of Health and Welfare for Medical Care Payments for the Fiscal Year Ending June 30, 1973" (S. P. 648) (L. D. 1985) (Pursuant to Joint Order S. P. 646).

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

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

Hr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly, I would like to mention a few points on this. I feel that this is possibly one of the most emergency bills that we can have in this session, and coming

from a conservative like me, that is something.

I don't know how many of you are aware that I and several other legislators — I don't know how many of you have been involved, but we have tried for the past year to get our druggists paid for the state's indebtedness with them. Because of this Title 19, payments for drugs and medical problems with the indigent welfare people, et cetera, the total comes to probably somewhere around \$20-odd million a year by now. The state pays close to 40 percent of that, the federal government the remainder. But the past year or two, because of I don't know what, administration, computer problems with the State Welfare Department, I might say inefficiency, I don't know what — I have been down here and got the runaround from the Welfare Department for nearly a year now trying to get the druggists up in my area paid their back money.

Just as an example, the LaVerdiere chain probably hasn't been owed less than \$75,000 for the past year. Last time I checked with them, it was \$82,000 in back money. This money they get no interest on. At the same time, a lot of the stores are paying interest for borrowed money in order to operate. A little store up in South Paris has been owed around \$5,000 for months and months and months; a lot of the bills go back to last July.

Whoever's fault it was it is partly the fault of poor planning on the part of the Welfare people. They didn't ask for enough money and they didn't get enough money for this Title and, consequently, in the fourth quarter each year, they run completely out. They are behind enough all the time so that they never get paid up.

Recently we have been able to bring it to a head. With the cooperation of the Governor, with the President of the Senate and the Speaker of the House and the chairman of the Appropriations Committee we have managed to hound them enough until we got a figure of what they would need to pay up their indebtedness to finish

up fiscal year '73, and it comes to this amount of money, roughly a half million dollars. They need it, they need it now. In fact, they needed it six months ago.

I hope that there will be no problem in putting this through, and if it is in order, I move that after it passes it go forthwith to the Senate.

Thereupon, the Report was accepted and the Bill was read once.

On the request of Mr. Henley of Norway, under suspension of the rules, the Bill was read the second time, passed to be engrossed and sent to the Senate.

Ought to Pass in New Draft

Committee on State Government on Bill "An Act Relating to State Employee's Grievance Procedure" (S. P. 265) (L. D. 762) reporting "Ought to pass in New Draft (S. P. 644) (L. D. 1979) under same title."

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

In the House, the Report was read and accepted in concurrence, the New Draft read once and assigned for second reading tomorrow.

Non-Concurrent Matter

Bill "An Act to Create the Department of Business Regulation" (S. P. 350) (L. D. 1102) which the House indefinitely postponed on May 25.

Came from the Senate with that Body insisting on its action whereby it passed the Bill to be engrossed as amendment by Committee Amendment "A" (S-154) as amended by Senate Amendment "A" (S-160) thereto.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, I move that we recede and concur and would speak briefly to my motion.

The SPEAKER: The gentleman from Hampden, Mr. Farnham, moves that the House recede and concur.

The gentleman may proceed.

Mr. FARNHAM: Mr. Speaker and Members of the House: This matter was before us a week ago and lost by a very narrow margin. Part of the problem was that some of the opponents had not read the amendments, they hadn't had time to, so it is a bona fide excuse. What this bill really does is combine or put under one commissioner the departments of Banking, Insurance, Boxing, Real Estate, Land Damage and Running Horse Racing. In the end it means that the Governor in forming a cabinet, will not have to have one man from each of these six agencies but will speak directly with the commissioner. It is a part of the movement to consolidate and reform state government, and I hope you will go along with it.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Hampden, Mr. Farnham, said this bill was narrowly defeated. As I recall it, it was defeated about 2 to 1.

But this bill is another strange reorganizational contrivance. In theory it will promote efficiency and savings. It creates a Commission of Business Regulation. The commissioner will be appointed by the Governor for a coterminous term. Under him will be a Bureau of Banks and Banking, Insurance, Real Estate Commission, Boxing Commission, the Running Horse Race Commission and the Land Damage Board. There will be no reduction in personnel, just different titles. The new overall head will hire — and it states so in the bill — a secretary and other clerical assistants — it says not how many — technical assistants and as many investigators as he deems necessary to carry out all the duties that he will set up.

I remember well a few weeks ago on another bill, the House said that the Departments of Banks and Banking and Insurance had absolutely nothing in common. But then we not only throw them together, but we throw in Real Estate, boxing, horses and land damage. In my mind, the whole thing is not logical. It will be more expensive; it will neither tend to

harmony nor efficiency, and I oppose the motion to recede and concur and I hope that we may eventually adhere to our former action.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I support the motion to recede and concur. This reorganization bill is not designed primarily to save money at this stage. The Governor simply desires to combine certain related departments and boards into one unit so that one man only reports to him. This saves time for him and would contribute to improve the accountability and responsibility which is something we would probably all agree is highly desirable in government.

Now just as individuals are instinctively apprehensive when the routine patterns of their lives are changed by external forces, I think the same can be said for institutions. The bankers fear that this could happen and that could happen, and they are unsure. But in all probability their fears are unjustified because really nothing has changed except to put one man in charge of the whole operation. The powers and duties of the Banking Department remains unchanged. The present powers and duties of the Insurance Department remain unchanged. And the same can be said for the Real Estate Commission and the Land Damage Board, et cetera.

I hope you will vote to recede and concur and give the Governor what he needs here and not allow the banks to have the final say on how they reorganize state government.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Members of the House: Since we have debated this extensively in the past I would like to speak just briefly to support the motion to recede and concur, for somewhat the same reasons I explained before. Basically these are a very logical group of regulatory departments that should be combined. Most of them are small now.

I would like to add one other thing. I have been in discussion

with some representatives of the banking community, and I have found that they feel that other legislation we have passed this session has protected their legitimate interests, and the people that I have talked to have no objection to this proposal.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to the recede and concur motion, because I believe if we want to do a disservice to the people of this state, then we should combine both of these tremendous large agencies.

I am very much opposed to putting banking and insurance under one director. I think in the long run it would be detrimental to the people of this state and I ask you not to support the recede and concur motion.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for getting up so much this morning, but this particular bill I have been asked to oppose. My apologies to my good friend from Hampden, Mr. Farnham, I can not agree. For many reasons I feel that we should not pass this bill.

First, I have a letter which seems to partly point up the objections. Sure, it is from a banker, but seems to me they are very much involved. It says, "Having to do with the above legislation, I hope that you will understand the damage that could be done to the operation of our Banking Department if the reorganization bill becomes law, including the amendment having to do with the term of superintendent of banking. Inasmuch as the financial community of Maine furnishes the complete financial support of our Banking Department, I feel it would be unwise to expose the department to political consideration."

That is their point there. My own is that I still have reservations on our whole structure of reorganization. I went along two or three years ago, reluctantly, with the reorganizational plan. I have since

had some regret and I am sure that some of the rest of you have.

The theory that in the long run we were going to save money does not seem to be proving up at all. The theory that we were going to create this umbrella above our subdepartments and make a lot of those bureaus and directorates and, consequently, with the management of those bureaus being career people hasn't materialized. They have almost identically the same structure that they had before with a little bit different names than the people that head them and they have created this overhead structure.

This bill only proposes to carry on and extend that same plan. I agree that if you are really wholeheartedly for that plan of reorganization all the way through, fine, that is what this bill will do. But we have found that some of the groupings of our subdepartments such as Fish and Game and Sea and Shore Fisheries were not compatible. And I feel there could be others that are not compatible, and I feel that this particular bill is one of them. The departments that they are choosing to put under this umbrella are not compatible to the extent that they should be under the same head. I still think that banking should be by itself. Consequently, I have been urged to oppose this bill, and I hope that many of the rest of you will oppose it, and I oppose the motion to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: There are times when I can agree with the gentleman from Norway, but it happens so this morning I don't agree with him on several things. I think that one man at the head of any department is far more successful than two or three different branches. Therefore, I believe that the motion to recede and concur is in order, and I will therefore support it.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I opposed this bill the other day when we had a substantial vote against it. I have not changed my opinion one iota since we voted on it the other day. I hope you will go along and defeat the bill. I said the other day that my observations of the results of the reorganization which we put in effect in the last session had not worked out the way that they were supposed to work out. In my opinion they have complicated the processes of state government and while they were proposed as a means of saving money, my observation through this session has been that the reverse has been absolutely true, and I still oppose the motion to tie these two or three departments together. I don't think you will accomplish anything but more expense and no better administration.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I stand this morning to support the comments of my good friend from Old Town, Mr. Binnette, and I support the recede and concur motion. I would like to address myself to one narrow point and that is, should the area of banking and should the area of insurance be combined in the same department? To that question, I answer yes.

I do so for three basic reasons. The similarity between these two fields can be pointed out by, first, both insurance companies and banks collect a great deal of funds from the citizens of Maine. Second of all, both insurance and banking invest these funds in a variety of ways. And in the case of mutual insurance companies, number three, these funds are returned in dividends just the way a credit union does or just the way a bank returns dividend interest to its deposit holders.

Now as a member of the Business Legislation Committee, there were several bills which came before us which dealt with both of these areas. And we had to have both departments come into our

committee hearings and into our Executive Sessions. The issue that clearly comes to mind where we had this overlapping was the area of savings banks life insurance. But there are other areas. For example, when we are dealing with insuring of bank deposits. The two departments are similar, and I would hope we would go together and put these two not overly large departments together, let them match and let them do the job they were created to do, the job of enforcing our laws.

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

A vote of the House was taken.

Thereupon, Mr. Ross of Bath 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 Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I do hope that you will go against the receding and concurring with the Senate and hold with your decision the other day; it is a good decision.

Just an example, one of the reasons it was a good decision is the fact brought out by my good friend Mr. Tierney from Durham that there is an insurance on our savings at the banks or our deposits at the banks. This is not insurance; this is one of the problems. People don't realize what insurance is. The so called insurance on deposits in banks is simply a guarantee of the federal government that your money will not be lost up to \$20,000 under vari-

ous accounts or under various circumstances. But this is not the type of thing that we think of in insurance where you must build up actuarial studies of how to handle the insurance. This is a technicality that many people do not realize that you have to have statistics, mortality tables, this sort of thing, and it is quite different from the statistics and figures and interest tables that you use in banks.

It would be almost impossible to find a man to do a good job over both departments, a job that is especially needed at this time because, for instance, as you know we are right in the middle of a no-fault insurance bill type of thing. We are trying to find out what we should do about holding companies and banks. We are trying to find out whether or not savings banks should issue checks, many, many things that are pertinent to one business; or the other, but not to both. Let's not mess up two good businesses by putting in a man over the top of them just so the Governor can talk to one man. This doesn't seem to be good business and I don't really think the Governor wants it either.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to add my comments, very briefly, to what Mr. Donaghy and some of the other speakers have said. I particularly direct your attention to the remarks that Mr. Ross made when he first stood up this morning. It is preposterous to equate the functions of insurance companies and banks as being — and I quote the gentleman, Mr. Tierney — “Just the same.” It is ridiculous to think of these two businesses as being in the same ball park. Sure, they could be regulated by the same top administrator. You could put the Horse Racing Commission in with the banks, you could put it in with the Highway Department if you choose to do it. The point remains, there is no relationship between these.

We have two large — not in numbers of people. Oh, obviously

everyone says they are not very big departments; they don't handle very many people, let's put them together. But that is not where they are big; they are big in the impact they have on the economy of the State of Maine.

I certainly hope that you will not support this recede and concur motion. We defeated this 79 to 41 on the 25th of May. Are you going to reverse that kind of position this morning? I think it is preposterous to equate these together. They have different philosophies and I urge you very much to vote against the recede and concur motion.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I rise not as a minority floor leader this morning, but perhaps as an insurance man. I want to comment on what the gentleman from Lubec, Mr. Donaghy, has said, and the gentleman from Farmington, Mr. Morton, for the simple reason that I happen to sell a little bit of insurance. Granted, it isn't very much, because I spend most of my time here. I want to assure them that very often insurance companies are in the banking field, indirectly though it might be. Insurance companies do loan out money on policies to the people who own the policies, then they charge interest rates for the money that you have borrowed which, in effect, was your money, and then you repay it back over a period of time, whichever you want to do. And at various times these state regulations do impose restrictions on insurance companies, and I suspect at times they ought to impose greater restrictions upon what insurance agents do, including the gentleman from Lubec, Mr. Donaghy, and myself.

As I view the roles, I think that insurance companies in this state have invested a great deal of money. My own company, for example, was greatly involved in investing a great deal of money in backing up Maine Sugar Industry in Easton a number of years, which was a state guaran-

tee, and certainly if that isn't loaning money, I don't know what it is. Granted, the industry turned out not to be too fruitful in what transpired up there, that is the way the ball went. But I can assure you that the insurance company did not lose any money. Since the state was the guarantor of the funds, the insurance company was paid off and they got their money and the state is paying off the bill. So let's not kid ourselves because we really have a great deal in common between the banking industry, even though we don't like to think that we do. I can give you example after example of when this has been the case.

We are in the business whether we like it or not. They loan money then they charge interest based on those funds, and I am sure that the gentleman from Lubec, Mr. Donaghy, has made arrangements for the transfer of some of these funds for various policy holders to get money and then to pay it back over a certain number of days or years or whatever it might be. So there is a great deal in common, even though some of us might not choose to recognize it.

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

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that the possibility of a consolidated department of Business Regulation of this type could be advantageous, and I can see this as particularly advantageous if these companies are going to continue making the type of loans which were made to Maine Sugar Industry.

Now I rise this morning to support the motion to recede and concur. I have communicated with the Governor and he has assured me that he is in favor of this consolidation.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I think we are forgetting that there are several departments besides Banking and Insurance in-

involved, Real Estate, Boxing, Land Damage, Running Horse Race Commission. Now let's not get the idea the Running Horse Race people are going to be sitting with the banking people. Each of these organizations does maintain its separate identity. The main difference is that in reporting to the Governor, it reports through one person, the commissioner.

Now it seems though that banking has been greatly disturbed as it has no relationship between insurance. Well when I was in the industrial employment, the company I was with borrowed millions and millions of dollars from insurance companies, far more than it ever borrowed from banks, companies such as Traveler's, Aetna, Metropolitan, Prudential and what not.

Furthermore, I know that when you go in a savings bank and want a \$15,000 mortgage on your house, they are awfully anxious to sell you a policy which will pay off the mortgage in case you get bumped off too soon. The same if you go to buy a new car and you are buying it on time. They want to sell you an insurance policy that will guarantee that they will get their money if you got bumped off.

Overall, I do think that the organization has had its problems. I doubt if much savings can be pointed out, but my heavens, most of this reorganization has only been effective for a few months and it has hardly given the administrators time to weed out where they should be weeding out and undoubtedly will weed out.

I hope you will stick to your previous vote and recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: Just one last remark. I have no objection to bringing the small agencies that Mr. Farnham mentioned in under an umbrella. I agree, they are very small, they do not affect state government a great deal. If you want to bring out a bill or amend this one to take those and put them together,

I would certainly support it. I do not think it is proper to include banking and insurance in the same category.

In connection with the remarks of the gentleman from Eagle Lake, I sometimes question the verbiage. I am not so sure whether the insurance companies being involved with the Vahlsing situation would be called a loan or a giveaway. But being neither here nor there, this bill is going to cost money. It doesn't accomplish anything and I don't see any reason to support it. I hope you will oppose recede and concur.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I do not wish for a lengthy debate on this, but I do think in fairness to the insurance companies, they shouldn't be brought into the loan on the Maine Sugar Industry. You will find that loans by an insurance industry on this type of thing is a guaranteed loan under the federal government or possibly, though I doubt that they can use state guarantees. These loans are guaranteed by the federal government just as they are in urban renewal loans, this sort of thing. They do finance this, but under federal guarantees. They are not loss leaders for your banking industry or as the banking industry type of thing is.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Hampden, Mr. Farnham, that the House recede and concur with the Senate. All in favor of receding and concurring with the Senate will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Berube, Binnette, Birt, Bragdon, Briggs, Bustin, Carter, Chonko, Clark, Connolly, Cooney, Crommett, Curtis, T. S., Jr.; Dow, Drigotas, Dyar, Evans, Farley, Farnham, Faucher, Fecteau, Ferris, Fraser, Gahagan, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Huber, Jacques, Kelley, Keyte, Kilroy, Knight, LaCharite, LaPointe, Lewis, J.; Mahany, Martin, McHenry,

McKernan, McMahon, McTeague, Mills, Morin, L.; Morin, V.; Mulhern, Murray, Najarian, O'Brien, Perkins, Peterson, Ricker, Rolde, Rollins, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Susi, Talbot, Tanguay, Tierney, Trumbull, Webber, Wheeler, Whitzell, The Speaker.

NAY — Baker, Berry, G. W.; Bither, Brawn, Brown, Bunker, Cameron, Carey, Carrier, Chick, Churchill, Cote, Cottrell, Cressey, Dam, Davis, Deshaies, Donaghy, Dunn, Emery, D. F.; Farrington, Finemore, Garsoe, Hamblen, Haskell, Henley, Herrick, Hoffses, Hunter, Immonen, Jackson, Kauffman, Kelleher, Kelley, R. P.; Lawry, Lewis, E.; MacLeod, Maddox, Maxwell, McCormick, McNally, Merrill, Morton, Murchison, Norris, Palmer, Parks, Pratt, Ross, Santoro, Shaw, Shute, Soulas, Sproul, Stillings, Strout, Theriault, Trask, Tyndale, Walker, White, Willard, Wood, M. E.

ABSENT — Boudreau, Curran, Dudley, Dunleavy, Flynn, Gauthier, Genest, Hancock, Hobbins, Jalbert, LeBlanc, Littlefield, Pontbriand, Sheltra, Silverman.

Yes, 70; No, 64; Absent, 17.

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

The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, I now move that we reconsider our action and I hope everybody will vote against me.

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

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

Thereupon Mr. Farnham of Hampden requested a vote on the tabling motion.

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

A vote of the House was taken.

60 having voted in the affirmative and 69 having voted in the negative, the motion did not prevail.

Thereupon, Mr. Finemore of Bridgewater requested a vote on the motion to reconsider.

The SPEAKER: The pending question is on the motion of the gentleman from Old Town, Mr. Binnette, that the House reconsider its action whereby it voted to recede and concur with the Senate. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

51 having voted in the affirmative and 78 having voted in the negative, the motion did not prevail.

Messages and Documents

The following Communication:
State of Maine

One Hundred and Sixth Legislature
Committee on Natural Resources
June 1, 1973

Honorable Richard D. Hewes
Speaker of the House
of Representatives
State House

Augusta, Maine 04330
Dear Speaker Hewes:

The Committee on Natural Resources is pleased to report the completion of that business of the 106th Legislature that was placed before this committee.

Total number of bills received	75
Ought to Pass	11
Ought Not to Pass	9
Ought to Pass as Amended	11
Ought to Pass in New Draft	19
Divided Reports	13
Leave to Withdraw	2
Referred to Another Committee	1
Referred to 107th Legislature	3

Sincerely,

(Signed)

JAMES C. MacLEOD
House Chairman

The Communication was read
and ordered placed on file.

The following Communication:
State of Maine

One Hundred and Sixth Legislature
Committee on Public Lands
June 1, 1973

Honorable Richard D. Hewes
Speaker of the House
State House

Dear Speaker Hewes:

The Committee on Public Lands is pleased to report the completion of that business of the 106th Legislature that was placed before this Committee.

Total Number of Bills Received	15
Ought to Pass	4
Ought Not to Pass	5
Ought to Pass as Amended	4
Ought to Pass in New Draft	1
Divided Report	1
Leave to Withdraw	0
Referred to Another Committee	0

Sincerely,

(Signed)

LARRY SIMPSON
House Chairman

The Communication was read
and ordered placed on file.

The following Communication:
The Senate of Maine
Augusta

June 1, 1973

Hon. E. Louise Lincoln
Clerk of the House
106th Legislature
Dear Madam Clerk:

The Senate voted today to Adhere to its action whereby it indefinitely postponed Bill, An Act Relating to Minimum Wages for Students Employed at Summer Camps. (H. P. 1313) (L. D. 1723)

Respectfully,

(Signed)

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read
and ordered placed on file.

The following Communication:
The Senate of Maine
Augusta, Maine 04330

June 1, 1973

Hon. E. Louise Lincoln
Clerk of the House
106th Legislature
Dear Madam Clerk:

The Senate voted today to Insist and Join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, An Act Prohibiting the Acceptance of Money for Enrollment of Voters, H. P. 1270, L. D. 1645.

The following conferees were appointed:

Sen. Shute of Franklin; Sen. Morrell of Cumberland and Sen. Brennan of Cumberland.

Respectfully,

Signed:

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

The Chair appointed the following conferees on the part of the House:

Messrs. ROSS of Bath

ROLDE of York

Mrs. BOUDREAU of Portland

Orders

Mr. Simpson of Standish presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Standing Committee on State Government of the 106th Legislature is directed to report out 2 bills relating to legislative reform, one to contain Constitutional revisions and the other to contain statutory revisions. (H. P. 1566)

The Order was read and passed.

By unanimous consent, ordered sent forthwith to the Senate.

Mr. Simpson of Standish presented the following Joint Order and moved its passage:

WHEREAS, a fundamental obligation of the Maine Legislature is to review programs which it has approved in order to insure that programs approved by the Legislature are administered effectively, efficiently and economically and in accord with legislative intent; and

WHEREAS, a continuing review of legislative spending is desirable to curtail the spiraling cost of State Government and to insure that programs are not continued in operation unless they are working efficiently and meeting proven needs; and

WHEREAS, improvement in our current budgetary system is essential to provide services to Maine people at realistic costs within reasonable levels of taxation; and

WHEREAS, the citizens of Maine have a right to demand effective budgetary control; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative

Research Committee be directed to make a review and evaluation of the State budget with the goal of determining what changes, if any, should be made in current practices and programs; and be it further

ORDERED, that the Committee evaluate the possibility of adopting an annual budgetary system providing for continuing review and assessment of all State spending; and be it further

ORDERED, that the Committee study and report as soon as practicable to the Legislature the feasibility of the adoption of so-called "zero-based" and program budgeting in order to enable the process of budget review and spending to be placed under direct review and control of the Committee on Appropriations and Financial Affairs acting for the Legislature; and be it further

ORDERED, that to help implement the report of the Maine Management and Cost Survey team, which is now analyzing the efficiency of State Government as authorized by H. P. 1564 of the 105th Legislature, for cost-savings and improved management practices, the Committee is hereby directed to review with this survey team its report and recommendations and to commence implementation of these recommendations wherever pertinent to state budgetary procedures; and be it further

ORDERED, that to help implement the Maine Management and Cost Survey Report for cost-savings and improved management practices, the Committee is hereby directed to establish in September 1973 liaison with the Survey team which is now analyzing the efficiency of State Government as authorized by H. P. 1564 of the 105th Legislature; and be it further

ORDERED, that the study of any subject or matter adjudged by the Committee to be relevant or germane to the subject of this Order shall be deemed within the scope of the Committee's inquiry; and be it further

ORDERED, that the Committee report its findings and recommendations to the next special or regular session of the Legislature

as soon as practicable; and be it further

ORDERED, that Joint Order, Senate Paper 606, as amended by House Amendment "A" and passed by the 106th Legislature be repealed. (H. P. 1567)

The Order was read and passed.

By unanimous consent, was ordered sent forthwith to the Senate.

Mr. Theriault of Rumford presented the following Joint Resolution and moved its adoption:

WHEREAS, the Legislature has learned with profound sorrow and regret of the death on May 30, 1973 of Mrs. Josephine Czarnecka Muskie of Rumford; and

WHEREAS, she was a proud mother of four daughters and two sons, one of whom is our senior Senator in the United States Congress and former Governor of Maine; and

WHEREAS, the Members of the Legislature wish to tender their deepest sympathy at this time to this fine family in their sad bereavement; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Sixth Legislature of the State of Maine now assembled, pause in our deliberations to inscribe this token of enduring affection in memory of Mrs. Josephine Czarnecka Muskie and extend our deepest sympathy to each of her immediate family and our understanding to all others who share in the loss; and be it further

RESOLVED: That a copy of this Resolution, suitably engrossed, be immediately transmitted by the Secretary of State to the family in token of our esteem. (H. P. 1568)

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

Mrs. Morin of Old Orchard Beach presented the following Joint Order and moved its passage:

WHEREAS, virtually all forms of energy used today are harmful to the environment; and

WHEREAS, in the absence of such natural resources, gasoline and oil have become the very lifeblood of the State; and

WHEREAS, the profuse use of such energy has led to limited supplies as well as environmental regulations; and

WHEREAS, such conditions are susceptible to shortages, quotas, rationing, hoarding, price hikes and business failure; and

WHEREAS, conditions are such that the public should be more fully aware of these developments for their own protection; and

WHEREAS, it is necessary or advisable that an exhaustive study be made of the matters hereinabove mentioned in the light of facts and conditions as they exist at this time to the end that legislation as may be needed, if any, may be proposed for consideration by the Legislature; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee be authorized and directed to study the present means of marketing and distributing gasoline and oil within the State of Maine for the purpose of determining to what extent, if any, regulation, priorities and conservative practices should be instituted for the general protection of inhabitants of this State; and be it further

ORDERED, that the Consumer Protection Division of the Attorney General's office be respectfully requested to provide the committee with such technical advice and other assistance as the committee deems necessary and desirable; and be it further

ORDERED, that the committee report the results of its findings, together with its recommendations and implementing legislation at the next special or regular session of the Legislature; and be it further

ORDERED, that said agency specified herein be notified accordingly upon passage of this directive. (H. P. 1569)

The Joint Order was read and passed and sent up for concurrence.

Mr. Gahagan of Caribou was granted unanimous consent to address the House.

Mr. GAHAGAN: Mr. Speaker, Ladies and Gentlemen of the

House: This past week I had the privilege of attending an International Trade Conference in Tokyo as a member of the Maine Delegation. While there will be a formal report issued upon the return of the rest of the delegation, I would like to report that we made several very important contacts with Japanese firms interested in purchasing Maine products.

The purpose intended mission, which was sponsored by the U.S. Department of Commerce, was attended by 38 separate states. We were attempting to interest Japanese firms in buying Maine products to open up our markets for international consumption. And I hope that each of you would kind of run through your inventory of firms in your community, and if they have products which are over supplied or not in demand at the present time in this country, that you might consider opening them up to international business. This is not only in the far east, but in Europe.

I would certainly welcome any suggestions you have and I suspect that myself and other members of the delegation will be in contact with businesses and industries in your community to try to expand our markets.

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

Mr. O'BRIEN: Mr. Speaker, I would ask if the House is in possession of L. D. 1508?

The SPEAKER: The Chair would answer in the affirmative. L. D. 1508, Bill "An Act Relating to Venue of Personal and Transitory Actions Involving the Residents of Brunswick and Harpswell" is in the possession of the House. It was enacted in the House on May 15 and the Senate indefinitely postponed and the House voted to recede and concur on June 1.

Mr. O'BRIEN: Mr. Speaker, I would ask that the House reconsider its action and would speak very briefly to my motion.

The SPEAKER: The gentleman from Portland, Mr. O'Brien, moves that the House reconsider its action

whereby it voted to recede and concur with the Senate.

The gentleman may proceed.

Mr. O'BRIEN: Mr. Speaker and Members of the House: Only briefly, I would ask you and dealing only with the facts of the bill, I realize I was very much in opposition to the bill that had Brunswick seceding from Cumberland County, but dealing strictly with this bill and dealing only with the merits of this bill, if you read the Statement of Facts you will find the explanation very, very well. This will allow people in Harpswell and Brunswick to take their court matters into the district court of Sagadahoc, which is much much closer to them. And it was the very, very thrust of the argument whereby Brunswick wanted to secede from Cumberland County.

That bill which passed and will go to referendum won't happen until two years from now. So we will still retain this very problem we have for the next two years by not passing this bill. And should the voters two years from now decide not to have Brunswick secede to Sagadahoc County, then we still have the problems of the courts, the geographical location of the courts and the district courts going to Sagadahoc, Bath the seat of government. To complicate the problem even further, without the passage of this bill we have to deal with the problem of Harpswell, which is not included in the bill for the secession of Brunswick.

So I would ask that you would reconsider this action whereby we receded and concurred, so I can move back to the position of insisting.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. O'Brien, that the House reconsider its action whereby it voted to recede and concur with the Senate. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

67 having voted in the affirmative and 25 having voted in the negative, the motion did prevail.

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

Mr. O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House: I ask you now not to recede and concur but to insist.

The SPEAKER: The pending question is to recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

16 having voted in the affirmative and 78 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. O'Brien of Portland, the House voted to insist and ask for a Committee of Conference.

House Reports of Committees Ought Not to Pass

Committee on Taxation on Bill "An Act to Provide Meaningful Property Tax Relief to Elderly Homeowners" (H. P. 871) (L. D. 1159) reporting "Ought not to pass."

Same Committee reporting same on Bill "An Act to Amend the Farm and Open Space Land Law" (H. P. 1252) (L. D. 1629)

Same Committee reporting same on Bill "An Act Creating a Homestead Tax Exemption for Maine Residents 62 Years of Age or Older" (H. P. 1283) (L. D. 1670)

Committee on Judiciary reporting same on Bill "An Act Relating to Custody of Foster Children" (H. P. 1393) (L. D. 1836)

Same Committee reporting same on Bill "An Act Relating to Compensation for Inmates of the State Prison and State Institutions" (H. P. 1398) (L. D. 1840)

Same Committee reporting same on Resolution Proposing an Amendment to the Constitution Classifying Certain Bailable Offenses" (H. P. 1083) (L. D. 1406)

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

Leave to Withdraw Covered by Other Legislation

Mr. Rollins from the Committee on Labor on Bill "An Act Expanding and Clarifying the Functions

and Purposes of the Panel of Mediators" (H. P. 1320) (L. D. 1792) reporting "Leave to Withdraw" as covered by other legislation.

Mr. Farnham from the Committee on State Government reporting same on Bill "An Act to Correct Certain Errors and Inconsistencies in the Salary Provisions for Certain Unclassified State Officials" (H. P. 635) (L. D. 849)

Mr. Dow from Committee on Taxation reporting same on Bill "An Act Exempting Retail Store Stock of Goods from the Personal Property Tax" (H. P. 1048) (L. D. 1367)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mrs. Wheeler from the Committee on Judiciary on Bill "An Act to Revise Functions and Purposes of the Panel of Mediators" (H. P. 977) (L. D. 1291) reporting "Ought to Pass" in New Draft (H. P. 1562) (L. D. 1966) under new title "An Act Expanding and Clarifying the Functions and Purposes of the Panel of Mediators."

Mr. Farrington from the Committee on County Government on Bill "An Act Relating to Salaries of Jury Commissioners, County Officers, Court Messenger of Cumberland Publication of Notices in All Counties" (H. P. 476) (L. D. 623) reporting "Ought to pass" in New Draft (H. P. 1565) (L. D. 1999) under new title "An Act Relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State and Court Messenger of Cumberland County and Payments to the County Law Libraries."

Reports were read and accepted, the New Drafts read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act to Provide for Reduction of Sentence for Inmates of State Correctional Facilities who Donate Blood" (S. P. 1343) (L. D. 1777) reporting "Ought to pass"

Report was signed by the following members:

Messrs. TANOUS of Penobscot
SPEERS of Kennebec
BRENNAN of Cumberland
— of the Senate.
Mrs. WHEELER of Portland
WHITE of Guilford
Messrs. PERKINS
of South Portland
DUNLEAVY
of Presque Isle
McKERNAN of Bangor
HENLEY of Norway
— of the House.

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

Report was signed by the following members:

Mrs. BAKER of Orrington
KILROY of Portland
Messrs. CARRIER of Westbrook
GAUTHIER of Sanford
— of the House.

Reports were read.

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

Mr. CARRIER: Mr. Speaker, I move the acceptance of the "Ought not to pass" Report.

The SPEAKER: The gentleman from Westbrook, Mr. Carrier, moves the acceptance of the Minority "Ought not to pass" Report.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I see no reason why this bill should not go through. I think it is a very worthwhile bill. If you will read it you will see that it allows for contribution of blood. I think in the manner that it pays for it in time off that it is very worthwhile. I don't quite understand why there is great objection to this bill. I think it is very worthwhile.

I move that you not accept the minority "ought not to pass" and accept the majority "ought to pass."

The SPEAKER: The Chair recognizes the gentleman from Portland, Dr. Santoro.

Dr. SANTORO: Mr. Speaker and Ladies and Gentlemen of the House: Since this is my bill and I think it is a pretty good little bill. It doesn't cost the state anything. We are paying to generate some

blood that we do need in the hospitals and for other emergencies. And in repaying, just give some little reduction in sentence. I do not think there is anything wrong. I wish you would go along with my bill and vote against the motion to indefinitely postpone.

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

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: This bill is wrong in principle, due to the fact that we are actually dealing with prisoners. We are dealing with people that have done wrong to society and I expect if I had done the same wrong that they did, I would expect the same treatment. There is nothing wrong with the particular treatment that they are getting. They are not getting anything, they are not denied anything. The fact is, most of us here who have donated blood before, who occasionally still do, we do it as a good deed and we don't expect to be reimbursed.

When I say this is a bill against good principles, it is a fact that this bill would actually give time off to the prisoners for giving blood. I think that with all the things they have asked for through bills in this legislature, it would be more feasible for these people, whoever they donate the blood to, for them to give them some compensation and in turn the prisoners could either use it for their own good, for their own benefit or use it for their families. I think we will have much better results this way.

I do not believe and I never have believed that it is any heroic deed to donate blood for needy persons. I think any of us, if we could, we would donate to any of our friends or even to strangers. So therefore, I don't think that the bill itself actually tends to create any big changes in the present law. It does create the fact that we are casting on our judges and on our enforcement people — they have already been committed, they have received their sentence and all we are doing here, if we accept such a report, we are going against the decision of the judges, whom most of us believe are doing the

best job they can under the present circumstances.

If you will notice, this bill is not the best drawn bill in the world in that it says, "Any reduction of sentence so earned shall not be subject to forfeiture." Well, what if they do let somebody out on furlough or on one of these crusades outside the prison walls and he decides to do a felony and murder somebody or aggravated assault or many other felonies? What we do with this reduction in sentence cannot be forfeited? Are you going to send them back out for another five days or ten days? Probably he might do something worse than he did in the first place.

In the records here it says that the warden will keep records. It doesn't say that he is going to keep the date of the records. The way this is written, he can have a record that he gave blood ten years ago and give him ten days off and he can still come back and say that these records are as of today. I suggest to you that the present system — I don't know what they have now — but the present system of remunerating somebody for blood giving, if they don't want to give it for a good cause, then I think that it is very workable and this is what we should stand on.

Therefore, I submit to you and I suggest to you to carefully look at the report and see who has signed it and you can pretty well tell, I believe, which way it is headed. In order to save time, I think you should accept the "ought not to pass" report.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: It chagrins me a little bit to have to so violently disagree with my good friend from Westbrook. We usually are right together just like that, especially when it comes to bills involving time off for prisoners.

But let's examine a few facts and the facts are that it is difficult to fill a blood bank. The facts are it is difficult, regardless of whether you are paying for the

blood or not. The facts are that this is just a plain open and shut deal. The facts are that the bill states that they can only give blood once every six months, which would be twice a year, which would be ten days. The facts are that if they are in there for life, that isn't going to make an awful lot of difference. But we still might get more blood from those who are in there for one year, two years or five years.

I do not see anything wrong with the bill. It has no grandfather clause reaching back to a time when some prisoner gave blood so that he can claim time off. It just states from now on.

It is one of the simplest bills, one of the easiest bills to go along with that we have had in this session. I commend the doctor for putting it in. I just regret that perhaps I didn't think of it.

This is one time that I would like to go along with one of our prison bills and I think this is it. In urging you, I also urge that you notice the signers of the majority "ought to pass" and you will note that it is the majority. Without too much more argument, I hope that we can reject the "ought not to pass" and vote the "ought to pass" on this bill.

The SPEAKER: The Chair recognizes the gentleman from Portland, Dr. Santoro.

Dr. SANTORO: Mr. Speaker and Ladies and Gentlemen of the House: In answer to the gentleman from Westbrook, he claims, look at who signed the "ought to pass" report? Well, from what I can see, they are all lawyers and with reputable experience in law. I don't think they would pass anything that doesn't seem to be legally fit.

Secondly, we have several types of laws which are very uncommon and you don't know where to find them when you need them. It could be very possible that some of these laws may be lying down just dead and picked up if this law is passed. Mr. Speaker, I would like to get the yeas and nays when we do vote.

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

Mr. HOFFSEES: Mr. Speaker and Ladies and Gentlemen of the House: The distinguished gentleman from Norway mentioned examining the facts. I think perhaps we should examine some of the other facts. What is going to be the costs to the State of Maine to acquire this blood from inmates of these institutions? Are the inmates going to be transported to a hospital? If so, who is going to assume the cost of transporting those inmates to the hospital? If the hospital is going to take their facilities to the institution, who assumes that cost?

I think another thing that should be pointed out here is the condition of the blood of some of our inmates. There are some inmates whose blood condition would very readily warrant donating blood; there are others who, for medical reasons or whatever, could not donate blood. Does this create a situation where you have got discrimination? One man can contribute blood and get time off, another one whose blood condition does not permit him to donate blood, therefore he cannot receive time off. To me, this looks like a way of buying yourself out of prison by virtue of your blood. These are some of the questions that I would like to have some of the gentlemen who are in favor of this bill answer these questions.

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

Mr. BRAGDON: Mr. Speaker and Ladies and Gentlemen of the House: I am not about to answer the questions, but I thought I might add to them. I do subscribe to the questions the gentleman just asked. I don't know as I would get into the area of discrimination, but I guess I look upon it as a question of whether or not if I a patient in a hospital would like to have the blood that might be used upon me when I need it selected from this group of citizens. I guess I am getting myself into the area of discrimination but the question that I do ask is, is this the quality of blood that we want or is it good regardless of diseases that perhaps might

be more prevalent amongst people who are now resident in our institutions, such as the State Prison? This is the problem that bothers me greatly. I assume that the doctor is going to enlarge on it.

You know that I rarely have taken issue with the decisions that our distinguished Committee on Judiciary have made. As the rest of you know, they are frequently divided. Sometimes I have voted with the minority, sometimes I vote with the majority. Generally I vote with the gentleman from Norway, Mr. Henley, here.

But this time, very seriously, I take issue with the decision that he has decided to make in this matter. This is one of the points and if the doctor is going to answer them, I am probably going to vote, regardless of his answer, with the minority of the committee.

Mr. Santoro was granted permission to speak a third time.

Mr. SANTORO: Mr. Speaker and Ladies and Gentlemen of the House: Here are a couple of answers. The answer to number one, there are blood units from each hospital which would be glad to go into institutions to get the blood without expenses. They would be only too glad to get the blood. Second, blood is blood, whether it comes from a white man, a colored man, a yellow man — it is blood. And before giving to anybody, he is analyzed. If that blood does not correspond to what it should be, then he is rejected.

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

Mr. DYAR: Mr. Speaker and Ladies and Gentlemen of the House: L. D. 1777 is a bill that was actually presented by the Committee on Health and Institutional Services through our investigation in the 105th which Dr. Santoro sponsored. There is a misconception, I believe, on the "good-time" off. At the present time, an inmate within a state institution, a penal institution, who works his job assignment voluntarily, I believe, gets one day a month off for each month that he is working

within the institution.

This bill provides a five day reduction for each pint of blood this person may give. If the man is sentenced from three to five years, his minimum sentence, I believe, is roughly 1095 days. During this three-year period, if this gentleman gives three pints of blood, one pint a year, his sentence would be reduced — he will be eligible to be paroled 15 days sooner than normal.

I think possibly there has been a misconception here on the floor this morning by the people who oppose this bill. I think a person who is ill and needs blood could care less where the blood comes from if it meant saving his life or the life of one of his family. The cost to the state would be nil as far as I am concerned. I believe most of the units that would come into the prison to take the blood would be doing so at their own expense, in the case of a hospital or the case of the Red Cross, there would be no money involved as far as the state is concerned.

On a monetary value though, we would receive 1,000 pints of blood out of Maine State Prison in a one year period, which is entirely possible, on the blood market, if you had to buy this blood, you would have a cost of some \$25,000.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: What has been brought out about giving blood by the inmates, I think it is a very very good thing. But I do disagree with the idea of letting them off on time due to the fact that they have given blood. I belong to a group that has given over 2400 pints of blood. As a matter of fact, I have given 26 myself, until age caught up with me. As the good doctor told you, there is no difference whose blood it is, provided it matches the recipient. As a matter of fact, I have given some blood to a Jewish boy which some of his own brethren would not do and I don't think I have converted him in any way or other. He is still the same boy.

I really believe that this bill should have been written up that the inmates would give blood and have a bank of their own so in case if some one of the inmates would have needed it, they would have had a supply. As far as the cost is concerned in regard to taking their blood to find out if they have the qualifications, I think that it wouldn't be much of an expense, I doubt if there would be any expense at all from some various medical associations to go there and take a sample of blood. It isn't a big job, they can soon find out if you qualify or if you don't.

But as Representative Hoffess brought out, I think there would be some discrimination. Some inmates would be capable of giving blood, others could not. If they had had malaria or something like that, they wouldn't be allowed to donate blood. Therefore, some of these fellows who are in there who would not have the proper blood supply and would feel they would be discriminated against and they would have a right to feel that way. So I do not think this bill is called for at the present time.

I think if this bill was written out that they should have a blood bank of their own to be used by the inmates, I would certainly go with it.

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 the motion of the gentleman from Westbrook, Mr. Carrier, that the House accept the Minority "Ought not to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Albert, Baker, Berry, P. P.; Binnette, Bragdon, Carrier, Chick, Dam, Davis, Dow, Dudley, Farrington, Herrick, Hoffses, Kilroy, McHenry, Mills, Ricker, Rollins, Shute, Strout, Theriault, Wood, M. E.

NAYS — Berry, G. W.; Berube, Birt, Bither, Brawn, Briggs, Brown, Bunker, Bustin, Cameron, Carey, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cottrell, Cressey, Crommett, Curtis, T. S., Jr.; Donaghy, Drigotas, Dyar, Emery, D. F.; Farley, Farnham, Fecteau, Ferris, Finemore, Fraser, Gahagan, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Haskell, Henley, Huber, Hunter, Immonen, Jackson, Kauffman, Kelleher, Kelley, Keyte, Knight, LaCharite, LaPointe, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McKernan, McMahan, McNally, McTeague, Merrill, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Parks, Perkins, Peterson, Pontbriand, Pratt, Rolde, Ross, Santoro, Shaw, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Sproul, Stillings, Susi, Talbot, Tierney, Trask, Trumbull, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard.

ABSENT — Ault, Boudreau, Conley, Curran, Deshaies, Dunleavy, Dunn, Evans, Faucher, Flynn, Gauthier, Genest, Good, Hancock, Hobbins, Jacques, Jalbert, Kelley, R. P.; Lawry, LeBlanc, Littlefield, Sheltra, Silverman, Soulas, Tanguay.

Yes, 23; No, 102; Absent, 25.

The **SPEAKER**: Twenty-three having voted in the affirmative and one hundred two in the negative, with twenty-five being absent, the motion does not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

The **SPEAKER**: Will the Sergeant-at-Arms kindly escort the gentleman from Bangor, Mr. Murray to the rostrum?

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

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on State Government on Bill "An Act Appropriating Funds for Public Housing Authorities for Operating Subsidies" (H. P. 1365) (L. D. 1821) reporting "Ought to pass."

Report was signed by the following members:

Messrs. **SPEERS** of Kennebec
CLIFFORD

of Androscoggin
— of the Senate.

Mrs. **GOODWIN** of Bath
NAJARIAN of Portland
Messrs. **CURTIS** of Orono
COONEY of Sabattus
CROMMETT

of Millinocket
BUSTIN of Augusta
SILVERMAN of Calais
— of the House.

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

Report was signed by the following members:

Mr. **WYMAN** of Washington
— of the Senate.

Messrs. **FARNHAM** of Hampden
STILLINGS of Berwick

— of the House.

Reports were read.

The **SPEAKER** pro tem: The Chair recognizes the gentleman from Orono, Mr. Curtis.

Mr. **CURTIS**: Mr. Speaker, I would move acceptance of the Majority "Ought to pass" and would speak to my motion.

The **SPEAKER** pro tem: The gentleman from Orono, Mr. Curtis, moves the acceptance of the Majority "Ought to pass" Report.

The Chair recognizes that gentleman.

Mr. **CURTIS**: Mr. Speaker, Ladies and Gentlemen of the House: This is L. D. 1821 and it is one of several bills which the State Government Committee has received and heard and considered in great depth regarding the problem of housing in the State of Maine.

This particular bill is really an appropriations bill. It provides \$103,000 in the appropriations, and a majority of the State Government Committee, as you can note from the committee report, recommends its passage. It is not for us to say, of course, at what point in the priorities of housing legislation or other legislation this particular bill might receive favorable approval finally by this legislature, but at this point in the process, we recommend that it be adopted.

What this bill does is provide some state assistance for housing authorities so that the lowest income people in the state will have an opportunity to stay in those housing authorities if they are received by them.

The problem has been that by federal law housing authorities are prohibited from charging more than 25 percent of the total income of any tenant. Now what this means is that if a mother on ADC with one child, for example, has the sole income of less than \$100, \$98 a month, the total that can be charged by the housing authority under federal law for housing that person and child would be one quarter of their total income or \$23.50. It costs a good deal more than that to run the housing authority and to provide for the income necessary for that unit to be maintained. As a matter of fact, it averages about \$70 a month.

At the public hearing I was particularly impressed by the presentation made by Gerald Robertson of Brewer who was speaking for the housing authority that the City of Bangor runs, which he said that the average cost of operation of a unit in that housing authority is \$70 a month and that 65 percent of their tenants are indeed in the welfare category. Bangor has over 1,000 units in their housing authority, and there are other housing authorities throughout the state that would be affected, and I think you will perhaps hear from other people who want to speak from other areas.

Thereupon, on motion of Mr. Simpson of Standish, tabled pending the motion of Mr. Curtis of Orono to accept the Majority Re-

port and specially assigned for Wednesday, June 6.

Divided Report

Majority Report of the Committee on Taxation on Bill "An Act Relating to Property Tax Administration" (H. P. 100) (L. D. 137) reporting "Ought to pass" in New Draft (H. P. 1563) (L. D. 1997) under same title.

Report was signed by the following members:

Messrs. COX of Penobscot
FORTIER of Oxford
— of the Senate.

Messrs. SUSI of Pittsfield
FINEMORE
— of Bridgewater
IMMONEN of West Paris
DOW of West Gardiner
MERRILL of Bowdoinham
MAXWELL of Jay
DRIGOTAS of Auburn
COTTRELL of Portland
MORTON of Farmington
DAM of Skowhegan
— of the House.

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

Report was signed by the following member:

Mr. WYMAN of Washington
— of the Senate.

Reports were read.

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

Divided Report

Report A of the Committee on Natural Resources on Bill "An Act Relating to Maine Coastal Protection" (H. P. 1271) (L. D. 1663) reporting "Ought to pass" as amended by Committee Amendment "A" (H-491)

Report was signed by the following members:

Messrs. ROLDE of York
MacLEOD of Bar Harbor
PETERSON of Windham
BRIGGS of Caribou
SMITH of Exeter
HUBER of Falmouth
Mrs. BERUBE of Lewiston
— of the House.

Report B of the same Committee on same Bill reporting "Ought

to pass" as amended by Committee Amendment "B" (H-492).

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot

MARCOTTE of York

Messrs. SCHULTEN of Sagadahoc

— of the Senate.

Messrs. CURRAN of Bangor

PALMER of Nobleboro

— of the House.

Report C of the same Committee on same bill reporting "Ought not to pass".

Report was signed by the following member:

Mr. HERRICK of Harmony

— of the House.

The SPEAKER pro tem: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, I move the acceptance of Report A and I would speak to my motion.

The SPEAKER pro tem: The gentleman from York, Mr. Rolde, moves the acceptance of Report A.

The gentleman may proceed.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: To briefly sketch the background of this bill, I would begin by saying that in November 1971, Governor Curtis appointed a 26-member Task Force on Energy, Heavy Industry and the Maine Coast. He did so partly in response to the heavy financial costs that were being forced upon the Department of Environmental Protection in dealing, through the site selection law, with applications for oil refineries.

The process of public hearings is an expensive one, ranging around \$25,000 for each hearing as a minimum, not counting staff time. Right now the D.E.P. has an order for \$25,000 before the Executive Council in order to begin to carry out its duties in regard to the Pittston application for an oil refinery in Eastport. Commissioner Adams estimates that it will cost far more money than \$25,000 to complete the process. In line with this concern, the Governor asked the Task Force to take a broad view of the question of heavy industry, including oil, for the Maine coast and too, in his words, prepare policy recommendations to guide future state

action in the area of industrial development on the Maine coast.

The Task Force was a distinguished one. It included the leadership of the 105th Legislature. It included prominent businessmen, such as Curtis Hutchins, Chairman of the Board of the Dead River Company and Elwin W. Thurlow, President of the Central Maine Power Company. It had prominent environmentalists, such as Dr. Donaldson Koons, who was then Chairman of the Environmental Improvement Commission, and Clinton Townsend, who is now Chairman of the Land Use Regulation Commission. Labor was represented, the banking industry was represented, low income groups were represented. There was a representative from the academic community. The chairman was Joseph L. Fisher, who is President of Resources for the Future, a Washington - based consulting firm. Mr. Fisher is also an overseer of Bowdoin College.

In August of 1972, the Task Force made its report to the Governor. Essentially, there were two basic and unanimous recommendations: First, that heavy industry, including oil development be limited to two areas within the Maine Coastal Zone, the Machias Bay area and the Portland-South Portland area, and that any oil development be restricted to the Portland-South Portland area. Second, that a Maine Coast Industrial Development Corporation be created to establish state control over this development.

I introduced two bills to incorporate these suggestions into legislation. One of these bills, L. D. 1759, was reported out of the Natural Resources Committee with a 10 to 3 majority "ought not to pass" report, which was accepted by this House last Friday. This was the bill to create a Maine Coast Industrial Development Corporation, a controversial concept that did not find ready acceptance.

Report A of that bill, L. D. 1663 that is before you today, essentially accomplishes the other recommendation of the Governor's Task Force, that of limiting heavy industry to two port areas on the

Maine coast, Machias Bay and Portland-South Portland, with oil development being limited to the Portland-South Portland, with oil

One principal difference is that Report A adds an amendment to give the affected communities, namely, Portland and South Portland, the right to reject such development if they so choose. Another difference is that the idea of a coastal development corporation has been amended out.

This bill and this report in no way attempts to force oil or heavy industry on any community of the Maine coast. It merely limits the areas in which such projects — and heavy industry is defined as chemical factories, pulp mills, paper mills, primary metal facilities such as an aluminum smelter, as well as oil terminals and refineries — it limits these industries where they can be considered under the site selection act.

Report B does practically the same thing, the only exception being that it would allow oil to be considered in the Machiasport area as well as Portland-South Portland area. This was a debate that raged within the Task Force. Should oil be considered at both Machiasport and Portland-South Portland, or should its consideration be limited to the area in which oil now exists on the Maine coast, the Portland-South Portland area? In the end, the Task Force decided against Machiasport as an area for oil consideration at this time.

The Task Force Report says: "Because it is too far from southern New England to offer any prospect of an environmentally preferable pipeline, a Machias Bay oil development could generate considerably more barge and tanker traffic than a Portland facility. In any case, it would expose much more of the coast to such traffic. Because of reservations about the present spill and clean-up record of the oil industry, coupled with the additional exposure of much of the coast to tanker traffic, the Task Force by a narrow margin recommends that Machias Bay not be developed as an oil port at this time."

In setting forth its case for the consideration of oil in the Portland area, the Task Force Report says: "With full environmental safeguards, a Portland oil refinery would have the most beneficial total impact for Maine of any location in the state. Portland has the necessary water depths to handle large tankers, though not the very largest now being considered. Water classification and uses in much of the harbor are not inconsistent with oil operations. Portland is the closest deep harbor in Maine to southern New England and New York markets" and in this vein, the report continues, "If oil development does occur in this zone and if refined oil moves to southern New England by pipeline rather than coastal tanker, a refinery located inland to the southwest of Portland is a possibility. From an environmental standpoint, the advantage of such pipeline transportation over coastal product tankers may be considerable."

Before I summarize the choices before you today, let me just add an aside to the effect that neither this bill nor any of its reports are concerned with or can be concerned with the Pittston project at Eastport. That application has already been presented to the Department of Environmental Protection. Also, the action of the Canadian government, should it be binding, would, of course, rule out Eastport for consideration as an oil port.

Therefore, the choices before you today are to accept Report A, which is basically the recommendation of the Governor's Task Force, that the Portland-South Portland area be the only Maine coastal area where oil can be considered. Or you can accept Report B and allow the possibility of oil in both Machias Bay and the Portland-South Portland area, or you can leave things the way they are by accepting Report C, which is "ought not to pass." This, in effect, would allow the consideration of oil and heavy industry anywhere on the Maine coast. The choice is yours. I, myself, prefer to follow the logic of the Task Force in its

recommendation that oil be considered only in the single location where it now exists and where the possibility of pipeline transportation can lessen the risk of transshipment by barge and small tanker. For this reason, I support Report A; I ask you to do so, too.

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

Mr. DYAR: Mr. Speaker and Members of the House: It seems very dangerous to me for this body at this time to rule out any industrial development along our coast whether it be light or heavy industry. I think the economic situation of this state, the tax base of this state needs consideration.

The gentleman from Biddeford, Mr. Sheltra, tried to get a bill put through this body a short time ago asking the D.E.P. to put the same emphasis on the state's economy as they did environment and we turned it down.

Whether or not we have oil in Eastport, Machias, Searsport or Portland, I believe should be left up to the feasibility of the people dealing with the industry, and we as legislators should not block them out by statute.

As it has been explained, Report A pertains to the general Portland area. Report B adds Machias and Washington County, and Report C is the "ought not to pass." I would congratulate Mr. Herrick.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps we should have some more facts in regards to what the Governor's Task Force is attempting to do.

Now as far as the Task Force is concerned, there is nobody from our area that has ever served on it and been consulted by it. No investigations have been made around Eastport that I know of or that anybody down there is aware of.

Now at the present time you have had dictum issued by Canada in regards to the Pittston Oil Company locating in Eastport, which they have been attempting to do since 1965. Now when you get

right down to this and stop and think what you are being asked to do here today, let me say this, that when Canada issued this dictum in violation of the 1910 Treaty, which makes that passageway through there dictable waters of an international scope.

Now since they issued that dictum our American boats down their fishing, that fish Canadian waters, have been ordered out by the Canadian Coast Guard, which is an armed boat. In my opinion, Canada is now committing an act of war, and it is a very, very serious thing. And the last thing this legislature should do is pass anything of this nature which will be valuable to the Canadians in their dealings with our state government, and I am referring to the United States government, not the present state government here in the State of Maine.

There is no question, now but what this thing has reached across the country and we are not getting the reports from the Pacific side of it. There are also indications on the Salmon Sea Run Commission there, which is now before the League of Nations, that the Canadians are moving their Canadian gun boats into Iceland and Greenland waters in opposition to the British gun boats that are there.

This thing is a lot bigger, a lot deeper and a lot more serious to the State of Maine than the passage of any such bill at this time.

I move indefinite postponement of this bill and all of its accompanying papers.

The SPEAKER pro tem: The gentleman from Eastport, Mr. Mills moves indefinite postponement of the bill and all its accompanying papers.

The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I rise as a member of the Natural Resources Committee and apologize too for the mess which we have put before you today on the desk, by having three reports on this piece of legislation. But I feel I should say something in support of Report B. This complicated mess before you really reminds me, I guess, of Polk's words in

his essay on criticism when he said that " 'Tis with judgment as with our watches, none runs just alike, but each believes his own." And I do believe my own this morning and I want to speak to that motion for just a moment. I will try not to reiterate too much of what Representative Rolde has said, but I would like to put this thing in a proper perspective so that we may have the choices clearly in our mind when we vote.

You have before you three reports which seem complicated, but are really very simple. One, C, simply says, leave things as they are. We depend upon our environmental laws, the site selection law, the Department of Environmental Protection to protect our coastline, leaving things as they are today.

Its weakness, it seems to me is, we are leaving a great part of our coast line unprotected, a part perhaps which should be zoned for recreation and for fishing. Report A essentially is the report, as Representative Rolde has said, of the Governor's Task Force, with two great exceptions; one being the local option so that any town may say no to any of these developments. And two, the Maine Coast Development Corporation has been removed, which was removed last week by the bill which came out of Natural Resources with an "ought not to pass" report. Basically, this report calls for new heavy industry in the coastal zones of Portland, Casco, and Machias. It also does allow an expansion of heavy industry in the other zones, provided it is an expansion of present industry. So where we do have heavy industry today along the coast of Maine, we still could expand it under any of these reports.

To me, the thing that is wrong with approach A is that it is a very narrow approach to the industrial problem, mainly oil. It is extremely unpopular with a large group of people, citizens of Maine, and might, therefore, leave our coast unprotected in a great wide area.

Secondly, it leaves Washington County, and I concur wholeheartedly with Representative Mills, it leaves Washington County badly in need of economic stimulation with

no help at all. Washington County, as we all know, is one of the poorest counties in the United States. I believe it has an unemployment rate today something like 18 percent.

It reminds me somewhat of the story they told years ago about the days of the Homestead Act, and some lawyer was asked by a client to explain the Homestead Act to him. He said, "I don't know that I can explain the entire text to you but," he said, "I think I can give you the drift of it." He said, "The drift of it is, the government is willing to give you 160 acres of land for \$14, in the hope that you can live on it for five years without starving to death." I think that many of the people in Washington County have the same feeling today and are looking for some direction and some help from this legislature, from the State of Maine.

I would like to quote one thing from this report which I think is very important. It is on page 22 of the energy heavy industry in the Maine Coast Report of the Task Force. It says, "Machias Bay offers access to large tracts of available land and to large quantities of deep, cold water, adequate for any likely cooling requirements. And it says "it is centrally located in a part of Maine badly in need of economic stimulation. A zone in this region could have a configuration similar to the Portland zone. This would make possible the placing of large and unsightly plants and other facilities back and out of sight of the coast nearer the main highways and the rail lines. Because it is too far from southern New England to offer any prospect in environmentally preferable pipeline, a Machias Bay oil development could generate considerably more barge and traffic than the Portland facility. In any case, it would expose much more of the coast to such traffic. Because of reservations, as Representative Rolde pointed out, about the present spill and clean up record of the oil industry coupled with an additional exposure to tanker traffic, the Task Force, "and I emphasize, by a narrow margin

recommend the Machias Bay not be developed as an oil port at this time."

Then it goes on to say, "Nevertheless, Machias Bay does offer the best deep water tanker port potential, aside from some areas such as Frenchmans Bay, which are already committed to other uses, and we feel that the second industrial zone should be chosen in awareness that the oil industry may someday, perhaps fairly soon, improve its spill prevention and cleanup technology to a point which the state will be willing to permit oil operations therein."

And I concur with the gentleman from York that this was a distinguished committee. I think if you look at the front of the report and read their names, you will agree also — educators, environmentalists, leaders of state government, bureaucrats, all kinds who put a great deal of effort in the study. I think it should have our considered opinion.

The need to protect our environment is great, and also the need to build something industrial in Maine to create better jobs for our people is also very great.

I want to take just one more second to read two or three conclusions which this report made. I think it is very important for us to consider these this morning, regardless of how we vote, whether we vote on A, B, or C.

First of all, listen to these words. Properly controlled heavy industry and a limited number of sites would add a desirable balance to Maine's economic base and job opportunities and would not threaten the growth of the non-industrial and light industrial activities which will continue to predominate the coast. Such controlled location of heavy industry would actually facilitate rather than threaten the necessary planned preservation of coastal Maine open space and recreation for nearly all of Maine's 3,100 miles of coastline. It also concludes that properly controlled heavy industry does offer considerable economic benefits to Maine in the form of jobs, taxes and products. The likelihood and volume of such industry in Maine is uncertain,

but some such growth appears probable enough that the state must prepare for it.

Uncontrolled recreational growth poses as much a threat to our environment as does uncontrolled heavy industry. And finally, the exclusion of heavy industry generally, and oil refining in particular from the entire coast is neither necessary nor wise.

So, I say we have before us three very simple solutions. Do nothing and let our present environmental laws take over; two, go with A, which simply says we have two zones, Machias Bay and Portland, with oil only in Portland or B, go the route and give Washington County a better break. All three being controlled still by the present laws which we have in the State of Maine, and all three, too, do nothing to the present situation the Pittston Company moving into Eastport. So I think it should really allay many of our fears in realizing all three approaches.

I do want to conclude by telling you a little story about a salesman who was retiring, and on his last day in the office a young salesman who was going to take his place came to him and said, "Mr. Finley, would you tell me the secret of your career in selling?" The old man said to him, "Well, I had two watch words in my life, and one is integrity and the other one is wisdom." Now the young man said to him, "What do you mean by integrity?" Well, he said, "I mean by integrity that if you promise a man you will deliver him some goods on a certain day, you deliver them, regardless of whether it puts you into bankruptcy." "What do you mean by wisdom?" He said, "By wisdom I mean having sense enough not to make the statement of the promise in the first place."

I want to tell you that using the wisdom, that I have this morning, I do not promise that Report B will be the answer, but it seems to me this has a broader scope and a better possibility for future development in Maine and also for protecting the very things which we want to protect along the coast of Maine.

So I hope that we will not pass Report "A", and if we should not I would move the adoption of Report B.

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

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: Three reports diverged in the wood, and I took the one most traveled by, and I hope that may make all the difference. That report most traveled by is the one supported by the gentleman from York, Mr. Rolde.

It seems to me an interesting way for doing nothing about legislation here in Maine is to refer something to a committee. It almost seems to me that a committee referral might well be called a legislative wastebasket, because oftentimes we don't seem to give very much thought to the report of the committee, however prestigious or important we may consider the committee to be.

In this case, Report A, I think, most closely follows the extensive examinations and deliberations which were made by this committee that studied the heavy energy on the Maine coast.

Therefore, I hope you will be able to support Report A.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLead.

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: Probably one of the most difficult choices I have had to make, being on the Natural Resources Committee, was listening to this bill and having to come out on a report which at this time I lean towards and have signed and support Representative Rolde from York.

As you sit on the coast of Maine like I do with friends and neighbors, and look out over Frenchman's Bay, and all those waters adjacent to and up and down, this particular bill seemed to be the answer. Now, I know it isn't pleasing to some, it couldn't possibly be. My good friend from down Eastport is very perturbed at us and probably at my reaction and being so close a neighbor to him. However, I did feel that there are

not too many towns that are out stumping for oil or heavy industry on the coast of Maine. We have had some very heated hearings so far in the State of Maine along these lines. This seemed to define it, and goodness knows we listened to people from South Portland saying, no, they didn't want oil down there. But we do have it started in that end of the state. The Governors Task Force, as Mr. Rolde has so well explained, and also my good friend Mr. Palmer from the other side, has brought out his point, and I have been torn right down the middle between the both of them, and then trying to take into consideration that the report that Mr. Herrick gave you might be the route to go. However, as I stand here now as House Chairman of Natural Resources, I want to go on record as supporting the Report A as presented to you by Representative Rolde this morning.

The SPEAKER pro tem: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the gentleman from Eastport, Mr. Mills, in his move for indefinite postponement.

We have been on an environmental kick for a number of years. One of the results of it is you don't know today whether you are going to be able to buy gasoline or not tomorrow. One of the results of it may be that you may freeze next winter for lack of oil. We live in an oil economy that nationwide everybody is saying, don't build the refinery here, build it somewhere else. And as a result no refineries are being built anywhere.

We had a wonderful and very clear presentation of both Report A, and Report B from the gentleman from Nobleboro, Mr. Palmer. He also spoke about Report C. I think it is time that we accepted the indefinite postponement of this bill and all of its accompanying papers, Reports A, B, and C. We do have an Environmental Control Commission. They are going to control whatever is being built, whether it is oil, paper mills or

whatnot along the coast. I think it is in pretty good hands as it is. I would ask you not to forget that there are seven or eight thousand men in the State of Maine that make their living on construction. And we have done everything we can to keep them sitting at home for the last few years.

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

Mr. BRIGGS: Mr. Speaker and Members of the House: I am sorry to rise again, but such a terribly important point has just been made that I feel it is necessary to reply.

The previous speaker has just said that we have been on an environmental something or other for the last few years. I thought it was regarded as exceedingly complimentary that this state has furnished a high degree of leadership in environmental policy over the last few years. I would like most particularly to point out to you that the condition we are in in regard to the energy crisis today has absolutely nothing to do with the environmental regulations which Maine legislatures have seen fit to establish. The very serious energy crisis is caused by our long, careless, and stupid, bad policy with regard to energy. We have not faced the energy crisis squarely yet. We have no leadership that I can discover regarding a wise energy policy. The only leadership that I have noticed has recommended nothing more profound than trying to extract more petroleum resources from the earth and we are faced with an ever diminishing supply of petroleum. We can't possibly continue our present wasteful ways and provide petroleum products for future generations.

I hope this matter will be given very serious consideration for all of you, and I hope I have made it clear that the environmental kick, as it was referred to by the previous speaker, has absolutely nothing to do with the crisis in energy which we are faced with today.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I rise to agree with the gentleman from Aroostook that oil in Eastport or Portland has little to do with the energy crisis that we have today or our environmental kick that we have here in Maine.

The latest reading that I have done on this indicates, for instance, and I am sure you will see the relation to this, when I tell you that Con-Ed, one of your big energy producers of electricity in the New York area has shifted from number 6 oil to number 2, which is the fuel oil which we use here in Maine.

In the months of January, it is anticipated that they will just about balance the heating oil used by all residences east of the Mississippi, not just of the New York area. In other words, this is where our heating oil is going. It is going to, wise or unwise, which side of the fence you are on, use our fuels. Should they be used as they have been used in the generation of electricity to light our homes and furnish our heat in some cases, our refrigeration and air conditioning in other cases, to run our industry or should they be used to take away from our normal source of home heating oil?

The gentleman from Eastport, I really rose to talk about the gentleman who says that the Canadians have committed a very dastardly act in going against the Treaty of 1910. I won't bother to read to you, I have here what the 1910 Treaty with Canada said about the channel into Eastport. It so happens that that channel, quite simply, if you have any idea of the area at all, comes in next to West Quoddy Head from the Grand Manan Channel and is 115 meters wide, which is hardly wider than one of these tankers, and comes up through the channel through what we call Channel Lake, between Campobello and Lubec. This channel, at the present time, is roughly 12 or 15 deep.

As it gets up and approaches Lubec and Campobello, you will

find that the State of Maine, the Province of New Brunswick, the United States Government and the Canadian Government have banded together and put a bridge there. That at mean high water, I believe, is 45 feet above the water. In other words your boat coming up through there, even though it can negotiate probably at the maximum of 15 feet in the channel, even if it could negotiate this, it would have to go under the bridge. Head Harbor passage is not mentioned in the Treaty of 1910. At least if it is I can't find it. Actually, the boundary does run inside Quoddy Head from Grand Manan Channel up between Lubec and Campobello, along by Treats Island and off of Eastport and on up through the Saint Croix River, leaving roughly 1,000 feet in front of Eastport or to the east of Eastport, which is actually Canadian waters—United States waters, beyond that is Canadian waters and it is not mentioned in this channel bit.

Another thing too that you people have never been a part of in that area, one of these amendments which says that the people in the area should have something so say about it. Well, just to give you an idea of who is involved besides the people of Eastport, Eastport has a population of 1,989 people. It has an area of 3½ square miles and 21 miles of shore front, because it is an island. Right next door to it, is Perry with 37 miles of shoreline and 29 acres of area and a population of 878. Roughly 250 of these are Indians at Pleasant Point. These Indians have voted overwhelmingly that they don't want oil. It is Pembroke right next door. It has 43 miles of shoreline, 27 miles in area, 700 people. Lubec, across the way, has 98 miles of shoreline. It is 33 square miles in area and has 1,949 people as opposed to 1,989 people in Eastport. Actually, the area surrounding Eastport has a shoreline of 298 5/10 miles of which 21 miles is Eastport.

I think you will find that there are quite a few people, many of whom depend on the sea and the shore for their livelihood, are in-

involved in the so-called oil for Eastport.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: Just to speak on the energy shortage, of course the reason that the company has shifted from the Bunker C to number 2 is that the number 2 burns much more, and it is a question of less air pollution and that is the reason that these big companies are being forced — and maybe rightfully so, I am not arguing the merit, but this is the reason that they are moving from the heavier crudes into the heating oil because they burn up more finely and there is less pollution that goes in the air.

The exhaust emission devices on automobiles that — again, right or wrong, have just about doubled the gasoline consumption across the country. This is a known fact.

To get to the point at hand, good or bad, why don't we let our environmental agencies decide that we have now, that we are going to try and fund shortly in Part II, why don't we let these agencies decide whether it is good or bad to have oil anywhere on the coast. I submit, if it is bad in Eastport or Machias, it is bad in Portland. If it is good in Eastport or Machias, it is good in Portland. But why do we set ourselves up here today to say that it is all right here, but it is wrong there. I think this is really irresponsible. I think we have got the agencies to look into it and decide for each area whether it is right or wrong.

I hope you will go along with the gentleman with courage in what occurred in that committee, Mr. Herrick, and vote for the indefinite postponement of all of the reports and this bill.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: A few figures you should listen to: At one time when Eastport had 17 canneries going there, we had a population of 6,500. Today, as Representative Donaghy

has told you, it is less than 2,000. We are in the habit down there now of educating our youth so that they leave the city. There is no way for them to stay there and work.

A survey of the high school there over a ten-year period of time, the students that came in from the surrounding area and went to the high school, only 18 percent over ten years have found a way to stay in Eastport. They go away, they earn their living somewhere else, they stay for years and then when they want to retire, they retire back into the territory.

I also want to remind you that the federal government has declared Washington County an Appalachia area. Apparently, there are people who don't seem to recognize these facts. They want you to disregard them. I don't think we should disregard them. I think we should have an equal opportunity the length of the coast. Eastport is down to two sardine factories now, and those are in very decrepit condition. Therefore, the whole history of the Maine coast has been that every one of our little towns along the coast has made its living from products that come from the sea, and this is the only one we can find that will keep us going. That will come by sea, too.

The SPEAKER pro tem: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker and Ladies and Gentlemen of the House: Just one very brief point I would like to reiterate about Eastport, the question of an oil refinery at Eastport will be decided upon by the Department of Environmental Protection. This bill has nothing to do with that.

The SPEAKER pro tem: The Chair recognizes the gentleman from Exeter, Mr. Smith.

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I would like to clarify the comments made by the gentleman from Brewer, Mr. Norris. There is a difference whether an oil refinery is located on the coast. The damage that the oil does to the fisheries has been well documented, and it is not disputable. The

problem of oil spillage is not in the super tanker. The problem is caused by the oil refined product moving out in barges or smaller tankers, the so-called trans-shipment problem.

Portland already has that problem. There is more oil going into Portland than would be going in if a refinery was added. Therefore, the oil being added to the water by the trans-shipment problem is not going to damage the water in Portland like it would in areas where there is no oil movement now. That is the basic difference between Report A and Report B. It is the basic reason that the task force chose to limit oil refineries at this time to the Portland and South Portland area.

If, in the future, the oil industry can improve its technology, so that this trans-shipment problem will not ruin the fisheries in those areas, then this bill could be amended later so that the Machiasport area could have oil added to that area. But right now, the problem is the trans-shipment spillage of oil. It is in Portland now, and by limiting the refinery to Portland, you won't damage the waters much more than they are now.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I would ask the good gentleman, Mr. Smith, what trans-shipment problems he would have with the pipeline if he put a refinery in at Eastport, let's say, and ran a pipeline out and had no trans-shipment by barge. Where would he get his spillage then, if he would care to answer?

The SPEAKER pro tem: The gentleman from Brewer, Mr. Norris, poses a question through the Chair to anyone who may answer if he or she wishes. The Chair recognizes the gentleman from Exeter, Mr. Smith.

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: Being a landlubber, I will rely upon the task force report. But the answer is that Portland is near enough to the consuming areas so that a pipeline out of Port-

land would be feasible and out of Eastport or Washington County would not be feasible.

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

Mr. DYAR: Mr. Speaker and Ladies and Gentlemen of the House: I am quite sure that if Mr. Davis, the Environmental Minister of Canada, was in the gallery this morning, he would be relishing the deep humor. I think the point is that this is Canadian politics that we are actually giving a big buildup.

Now, my understanding of Mr. Davis, the Environmental Minister, is a liberal. The problems of Nova Scotia is a conservative problem. If he can ban the United States from putting a refinery say at Eastport, he is in a position to keep oil out of New Brunswick — more oil out of New Brunswick, and he can guarantee the people of Nova Scotia more refineries in Nova Scotia.

I think if you read Mr. Sleeper's column in the Portland Sunday Telegram yesterday, he corroborates this. We have oil refineries in New Brunswick at the present time. We have oil refineries being built in Nova Scotia. I am quite sure if we pass either the A Report or the B Report here this morning and then pass item 6 further on in the calendar, that we are guaranteeing Mr. Davis that the Pittston oil and other oil refineries that might locate here in the State of Maine within three years time will be down in the Province of Nova Scotia.

Now, when they have us build down there, whether it is an outlying pipeline or whether it is a barge coming in, I am quite sure that this oil will be coming down the coast of Maine. It is going to cost us just as much to clean up oil coming out of Nova Scotia and New Brunswick as it will cost to clean up oil coming out of Eastport, Bucksport, Searsport, Portland or South Portland. If you read the report that has been referred to here this morning, I am wondering what one of the leading gentlemen will do if he is prohibited from expanding his facility in Bucksport.

Mr. Mills of Eastport was granted permission to speak a third time.

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I am somewhat astonished at some of the statements made here this morning in regards to oil and spillage. If you recall a few years ago, there was a tanker that went aground on the coast of Nova Scotia in a place called Canso Bay. Now, I am quite sure there are two gentlemen sitting on the floor of the House here this morning that are familiar with that spill and have some knowledge of it. They also know that before that spill, there was no herring taken in Canso Bay. And since the spillage was there, the Maine trucks are going up there to Canso Bay to get their herring. That was the only place that they were really congregating in a heavy mass. They were trucking to Newfoundland, they were trucking all over Nova Scotia, they were trucking down the Maine coast.

All of these things are very pertinent when you talk about an oil spillage. Everybody talks of an oil spillage and nobody knows anything about the proof of it. Down in Eastport for the last 35 years, we have had a tanker coming in there tying up at the pier and going up the river to St. Stephen, which is a Canadian subsidiary owned by K. C. Irving over in St. John.

We also have a coastal tanker come up and tie there and go up into Pembroke, which has been cited to you here as being low water; but they go up there, they have been going for 35 years. We have never had a spillage from them or from the barges going up the river or the tankers going up the river. All of these pre-thoughts are something that you should think about.

I will go back six years when I sat in seat 82, and we were talking about this same thing of oil refineries on the coast of Maine. At that time, the companies that wanted to come into Maine had a total taxable value on record of over \$4 billion 967 million plus. Today, we are down to one last refinery, which is 350 million plus.

What does this mean on our tax structure? What does it mean in supporting our education, our highways, our welfare, everything else? We have got to take a hard look at the oil refinery. We have got to find ways of doing this thing and not just saying, no, I am holier than thou.

Mr. Emery of Rockland requested a roll call.

The SPEAKER pro tem: 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 pro tem: The pending question is on the motion of the gentleman from Eastport, Mr. Mills, that Bill "An Act Relating to Maine Coastal Protection," (H. P. 1271) (L. D. 1663) and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, G. W.; Bither, Boudreau, B r a g d o n, Brawn, Bunker, Cameron, Carey, Carrier, Carter, Chick, Cote, Cressey, Dam, Deshaies, Dow, Dudley, Dunn, Dyar, Farnham, Farington, Faucher, Fecteau, Fine-more, Fraser, Garsoe, Good, Haskell, Henley, Herrick, Hewes, Hunter, Immonen, Jacques, Kauffman, Kelleher, Keyte, Kilroy, Lynch, Maddox, Mahany, McCormick, McHenry, Merrill, Mills, Morin, V.; Mulkern, Murchison, Norris, Parks, Perkins, Pontbriand, Pratt, Ricker, Rollins, Ross, Santoro, Shaw, Shute, Simpson, L. E.; Sproul, Stillings, Strout, Talbot, Theriault, Trask, Trumbull, Walker, Webber, Wheeler, Willard, Wood, M. E.

NAY — Baker, Berry, P. P.; Berube, Binnette, Birt, Briggs, Brown, Bustin, Chonko, Clark, Connolly, Cooney, Cottrell, Crommett, Curtis, T. S., Jr.; Davis, Donaghy, Drigotas, Emery, D. F.; Farley, Ferris, Gahagan, Good-

win, H.; Goodwin, K.; Greenlaw, Hamblen, Hoffses, Huber, Jackson, Kelley, Knight, LaCharite, La-Pointe, Lawry, Lewis, E.; Lewis, J.; MacLeod, Martin, McKernan, McMahon, McNally, McTeague, Morin, L.; Morton, Najarian, O'Brien, Palmer, Peterson, Rolde, Smith, D. M.; Smith, S.; Snowe, Soulas, Susi, Tanguay, Tierney, Tyndale, Whitzell.

ABSENT — Ault, Churchill, Conley, Curran, Dunleavy, Evans, Flynn, Gauthier, Genest, Hancock, Hobbins, Jalbert, Kelley, R. P.; LeBlanc, Littlefield, Maxwell, Murray, Sheltra, Silverman, White.

Yes, 73; No, 58; Absent, 20.

The SPEAKER pro tem: Seventy-three having voted in the affirmative and fifty-eight having voted in the negative, with twenty being absent, the motion does prevail.

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

Mr. NORRIS: Mr. Speaker, having voted on the prevailing side, I now move we reconsider our action and hope you will vote against me.

The SPEAKER pro tem: The gentleman from Brewer, Mr. Norris, moves that the House reconsider its action whereby L. D. 1663 was indefinitely postponed. All in favor of that motion will say yes; those opposed will say no.

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

At this point, Speaker Hewes returned to the rostrum.

SPEAKER HEWES: The Chair thanks the gentleman and commends him on an excellent job.

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

On request of Mr. Birt of East Millinocket, by unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk be authorized today to send to the Senate 30 minutes after the House recessed for lunch and also 30 minutes after the House adjourned for the day all mat-

ters passed to be engrossed in concurrence, and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider would be in order.

(Off Record Remarks)

On motion of Mr. Birt of East Millinocket,

Recessed until three thirty in the afternoon.

After Recess
3:30 P.M.

The House was called to order by the Speaker.

Divided Report

Majority Report of the Committee on Public Lands on Resolve Authorizing the Forest Commissioner to Convey by Sale the Interest of the State in Certain Land in Piscataquis County" (H. P. 33) (L. D. 40) reporting "Ought not to pass."

Report was signed by the following members:

Mr. RICHARDSON
of Cumberland
—of the Senate.
Messrs. MARTIN of Eagle Lake
PALMER of Nobleboro
ROLDE of York
LYNCH
of Livermore Falls
BRIGGS of Caribou
—of the House.

Minority Report of the same Committee on same Resolve reporting "Ought to pass."

Report was signed by the following members:

Messrs. CLIFFORD
of Androscoggin
MacLEOD of Penobscot
—of the Senate.
Messrs. SIMPSON of Standish
ROLLINS of Dixfield
—of the House.

Reports were read.

On motion of Mr. Simpson of Standish, the Minority "Ought to pass" Report was accepted, the Resolve read once and assigned for second reading tomorrow.

The SPEAKER: Will the Sergeant-at-Arms kindly escort the

gentleman from East Millinocket, Mr. Birt, to the rostrum?

Thereupon, Mr. Birt of East Millinocket assumed the Chair as Speaker pro tem and Speaker Hewes retired from the hall.

Divided Report
Tabled and Assigned

Majority Report of the Committee on Taxation on Bill "An Act Providing For a Tax on Petroleum Products and Refineries to Promote Environmental Protection" (H. P. 819) (L. D. 1149) reporting "Ought to pass."

Report was signed by the following members:

Messrs. WYMAN of Washington
FORTIER of Oxford
—of the Senate.
Messrs. SUSI of Pittsfield
FINEMORE

of Bridgewater
IMMONEN of West Paris
MERRILL of Bowdoinham
DRIGOTAS of Auburn
MORTON of Farmington
—of the House.

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

Report was signed by the following members:

Mr. COX of Penobscot
—of the Senate.
Messrs. DOW of West Gardiner
MAXWELL of Jay
COTTRELL of Portland
DAM of Skowhegan
—of the House.

Reports were read.

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

Mr. SUSI: Mr. Speaker, I move that we accept the Majority "Ought to Pass" Report.

On motion of Mr. Mills of Eastport, tabled pending the motion of Mr. Susi of Pittsfield to accept the Majority Report and specially assigned for Wednesday, June 6.

Divided Report
Tabled and Assigned

Majority Report of the Committee on Taxation on Bill "An Act Revising the Rate Tables of Tax Imposed on the Income of Individuals" (H. P. 835) (L. D. 1105) reporting "Ought not to pass."

Report was signed by the following members:

Messrs. WYMAN of Washington
 FORTIER of Oxford
 COX of Penobscot
 — of the Senate.
 Messrs. SUSI of Pittsfield
 FINEMORE
 — of Bridgewater
 MERRILL
 — of Bowdoinham
 MAXWELL of Jay
 DRIGOTAS of Auburn
 COTTRELL of Portland
 IMMONEN of West Paris
 MORTON of Farmington
 — of the House.

Minority Report of the same Committee on same Bill reporting "Ought to pass."

Report was signed by the following members:

Messrs. DOW of West Gardiner
 DAM of Skowhegan
 — of the House.

Reports were read.

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

Mr. SUSI: Mr. Speaker, I move we accept the Majority "Ought not to pass" Report.

On motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mr. Susi to accept the Majority Report and tomorrow assigned.

Divided Report

Majority Report of the Committee on Taxation on Bill "An Act Providing for Retirement Exemptions under Income Tax Law" (H. P. 947) (L. D. 1244) reporting "Ought to pass" in New Draft (H. P. 1564) (L. D. 1998) and under new title "An Act Providing for Retirement Credits Under Income Tax Law."

Report was signed by the following members:

Messrs. WYMAN of Washington
 COX of Penobscot
 — of the Senate.
 Messrs. SUSI of Pittsfield
 DOW of West Gardiner
 DAM of Skowhegan
 MERRILL
 — of Bowdoinham
 MAXWELL of Jay

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

Report was signed by the following members:

Mr. FORTIER of Oxford
 — of the Senate.
 Messrs. IMMONEN of West Paris
 DRIGOTAS of Auburn
 COTTRELL of Portland
 MORTON of Farmington
 FINEMORE
 — of Bridgewater
 — of the House.

Reports were read.

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

Mr. FINEMORE: Mr. Speaker, I move we accept the Minority "Ought not to pass" Report and would speak briefly to my motion.

The SPEAKER pro tem: The gentleman from Bridgewater, Mr. Finemore, moves the acceptance of the Minority "Ought not to pass" Report.

The gentleman may proceed.

Mr. FINEMORE: Mr. Speaker and Members of the House: This is a very small bill that says a resident individual 65 or over, during the taxable year for which an income tax is imposed on him, by this part shall be allowed a \$10 credit against his tax imposed.

The husband and wife filing joint residence under this part, both of whom are age 65 or over, during the taxable year shall be allowed a credit of \$20 against the imposed tax.

Limitation on credit. The credit provided in this section shall in no case exceed the tax imposed. Ladies and gentlemen of this House, a single person would have to be making \$4,000 a year in order to get the \$10 back on the tax imposed. The husband filing jointly as residents under this part would have to be making \$7,000 a year to get any tax back. I believe when you get up around \$7,000 a year, you return to me or some other members of this House a \$20 credit, I believe that is going a little too far.

I think in order to save time and having it go to the Appropriation Table and then be turned down, I think we should dispose of it right here and accept the "ought not to pass" report.

As I have stated, this would be everyone getting \$7,000, a married couple \$7,000 or over, they would have to be making that much before they could get the \$20 credit. I believe this is going a little too far. I hope you will go along with the "ought not to pass" report.

The SPEAKER pro tem: The Chair recognizes the gentleman from South Portland, Mr. Perkins.

Mr. PERKINS: Mr. Speaker and Members of the House: I introduced the original bill which provided for an exemption for individuals whose incomes — a \$1,500 exemption for elderly persons 62 and over, and I found in the process there are two basic problems. One is that elderly people on fixed incomes are just not able to keep up with the rising costs of inflation. They are on a fixed income. They are set with their retirement income and are just not getting the benefits that they need.

The second problem is that Maine State Retirement individuals who are receiving this sort of income get no form of tax credit benefit that is usually available to others in other states of similar income provisions. The fact is that they do get an income credit from the federal source, but our income tax form, state income tax form, provides for no retirement income credit to these same individuals, and it is very very unusual in comparison to all other states. Consequently, we tried to reach a compromise to give to the elderly — and, incidentally, I conducted a survey during the early spring months, when there were several questions asked, of my constituents, of what they felt was needed, and I can only tell you that I had almost a unanimous answer of relief, some form of tax relief for the elderly. So we tried to come up with a compromise measure that would permit a tax credit as well as a tax benefit for the elderly. It is a very small dollar and cent sort of figure. It is \$10, as has been said by my good friend, Mr. Finemore, a \$10 credit against the tax imposed against the individual who is 65 or over, or \$20 for a

married couple filing a joint return.

My original bill called for an appropriation of approximately \$1,500,000. This cuts that down to a much more realistic figure that will provide some form of relief for the elderly and at the same time provide a form of relief for those living on Maine State Retirement income, down to the area of \$500,000, and I would hope that you would not support the minority report.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Everything the gentleman has said is true, there is no question, but we are also coming out with a bill — Mrs. Watson Goodwin — that will cost us some \$609,000, more, and it is going to be a wonderful bill for tax abatement for the elderly. We have improved it a lot; we have made it a lot more palatable to people who don't want to write down the different things.

We have also a bill coming out of our committee, which will be out probably next week, that is going to include a tax credit for disabled people at any age receiving disability, not only social security, but also we are going to include the Maine Retirement System people who are working for the state and school teachers. They will all be included under it and there will be a tax credit for them. With all this taken into consideration, with all these new things brought in which is going to cost the state a lot of money and which we hope, and I think there is no doubt but what they will pass because the bill this House is going to look and give a good look at because it is for the elderly. It is going to improve the tax relief for the elderly. It is also going to include, as I have stated, the disabled. When the bill came in it didn't have on it Maine State retirees, so we are adding that on, and I believe with all these taken into consideration that the proper thing to do here is to accept the "ought not to pass" report.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I would like to support Mr. Finemore in his ideas and I also would like to express my sympathy with Representative Perkins in introducing this bill. We have had bills introduced for exemptions which amount to over \$100 billion, and so the Taxation Committee has got to make some judgment. We are concentrating on Mrs. Goodwin's bill. And as Mr. Finemore said, that means raising \$600,000.

This bill had a price tag on it of \$1.5 million. Our General Fund budget — I am kind of worried. I guess I am getting too old for this business and too concerned. I am getting a little worried. Last year our General Fund budget was \$410 million. This year it is going to be over \$500 million, and none of these items are in that projected budget. So I hope we don't have to continue along here too long.

Thereupon, Mr. Perkins of South Portland requested a vote.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that the House accept the Minority "Ought not to pass" Report on L. D. 1244. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act to Provide for Municipal Rent Control" (H. P. 1378) (L. D. 1834) reporting "Ought to pass."

Report was signed by the following members:

Mr. BRENNAN of Cumberland
— of the Senate.

Mrs. BAKER of Orrington
WHITE of Guilford
KILROY of Portland
WHEELER of Portland

Messrs. PERKINS
of South Portland

DUNLEAVY

of Presque Isle
McKERNAN of Bangor
— of the House.

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

Report was signed by the following members:

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

Messrs. CARRIER of Westbrook
HENLEY of Norway
GAUTHIER of Sanford
— of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report.

The SPEAKER pro tem: The gentlewoman from Orrington, Mrs. Baker, moves the acceptance of the Majority "Ought to pass" Report.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I will try to be brief on a very important matter here. We are speaking about L. D. 1834, a rent control bill, and I truly don't feel that we have any need, or many of us have no desire to be under any control at any time.

It says that the attitude to set control on rents as reflected in this bill would cast a gloomy cloud over the future of rental housing. As we all know, there is a shortage of housing in Maine, and legislation such as this can only worsen the situation by additional shortage of rents.

At the hearing there was no testimony given for a need of this legislation which controls are set on the income from the investment property and property owners will only take their investments and abandon the property, thereby causing greater problems than we now have. Remember, every regulatory bill that you have, that you pass, makes it harder and less desirable for investors to invest in an already weak industry. A local bank in Cumberland County is already withdrawing mortgage mon-

ey from rental property mortgages.

Under Section 5374 of this bill, it suggests to set up a rent control board. This is a very broad board with very indefinite powers. Also under Section 4 of this L. D., you will notice that real estate brokers and agents shall furnish information to such boards. Now for those of you who are in a certain profession, you must realize that this is an infringement on your right to earn a living and thereby is subjecting you to much punishment if you don't tell them the facts that they want to know.

Now it is very clear to me, again, as some of the other bills that have been proposed that this is an invasion upon my property rights, an invasion upon your property rights if you own rentable property.

It seems to me that under today's circumstances and situations where there could be controls, that there is a need maybe for control on gasoline today, where there is a shortage of it, maybe on oil. But I don't see where there is any control on rent. I think that with such control on rents and taking away the rights of the people to rent as they choose, that this will only perpetrate a problem which we have already that property owners, rather than to rent to people will not do so, they will leave their place vacant and let the banks take back their mortgages. I don't want to paint a gloomy picture, but I am only trying to project to you what can happen, as I have told you a few years back.

I don't think that there is any need for this. Some of them might say that this is enabling legislation. I only say to you that we don't have to wait for mandatory legislation before we do anything at all. I feel that any individual that has a certain amount of money or any investment in any project should be allowed to make his own decisions and thereby suffer the consequences if he happens to make the wrong one. I sincerely hope that you don't accept the "ought to pass" report so we can make a proper motion.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: I never expected to take this position on this bill. At the time of the hearing, it seemed probably an unnecessary suggestion. But since that time, I have received quite a bit of mail from people, particularly in the Portland area, and at least three women have written me from the same area saying that they have lived in these apartments for as much as 15 years and they have been paying recently \$125 a month rent. In March their rent was increased to \$140, which they didn't find too bad. And they said they are paying a percentage on the increase in insurance and the increase in taxes, the increase in fuel oil, over and above their rental. And when the rent was increased to \$140 they went along with it. I think it was about April that the property was sold and when they paid their rent in April, they were notified that the rent had been increased and from then on they would be paying \$295 a month rent. They all said that it was just simply prohibitive; they could not do it, and they did not know where they would go. They were elderly people and living on fixed incomes. I changed my mind right then about this bill.

This bill is permissive only. No municipality is forced to adopt this procedure but in instances where the rent has increased, as it did in those cases, I think that there should be some way of control. And it seemed to me that this was better than a state-wide rent control bill which would be mandatory. This is permissive and the municipality may adopt it and administer it if they find that there is a need.

This explains my stand on the bill, and I hope you go along with the "ought to pass" report.

The SPEAKER pro tem: The Chair recognizes the gentleman from South Portland, Mr. Perkins.

Mr. PERKINS: Mr. Speaker and Members of the House: As my good friend Mr. Carrier has indicated, this is a very serious business. I think that we have wit-

nessed during the session the very serious nature of the rental problem. I have consistently voted against any form of control against landlords in the use of their properties. However, I do submit that the day is rapidly getting here when we are going to be forced into some form of control that we are just not going to like. And if we don't take some form of action that will permit in some way to relieve the very serious difficult problem that we have with rental properties, we are really going to be in a jam and faced with state or federal regulations.

As has already been said, this is enabling legislation, that permits the municipality, where the need is determined to be there by the municipality, to institute some form of control in the rental area. It also provides that they will determine that there is a fairer net operating profit to the landlords, but it does set up a board, if the municipality decides it wants it, to regulate rental properties. So again I say that if we don't take a stand somewhere, and I am not for control of anybody's property, then we are going to be in a real problem. We are going to have more serious problems than we do right now. And I think this is the area to go, the home rule situation.

I would hope that you would support the majority report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Camden, Mr. Hoffses.

Mr. HOFFSES: Mr. Speaker, Ladies and Gentlemen of the House: I can sympathize with the statement by the gentlewoman from Orrington, Mrs. Baker, that the elderly people are being confronted with ever increasing rental cost. I realize that, but let's for a moment analyze the reason for these increased costs. I think it goes without saying that everything is going up, the cost of repairs, maintenance everything to rental housing.

But something which took my eye was the Statement of Fact in this particular bill. If you will look at the Statement of Fact it says, "It is the intent of this legislation to enable municipali-

ties of this state to establish rent control boards or rent control administrators to regulate and control residential rents." Now let's substitute the word tax for the word rent. And I will read it; "It is the intent of this legislation to enable municipalities of this state to establish tax control boards or tax control administrators to regulate and control residential taxes. Now if we have such a board or boards to control taxes, then we could go along with rental boards for rentals. But if we are going to have just rent control boards or administrators then and we are not going to have tax control boards, I think this is unfair, because the person who owns the real estate does at least have a fighting chance of getting some return on his money.

Now, the problem with a lot of our rental situations in the state is legislation such as this which has come to pass. And the landlords are now throwing up their hands in complete disgust and chaos, and saying, "I want no more of it." And they are disposing of their property in a number of different ways. They are selling it to an individual who is abolishing the second or the third or the fourth rent, and is occupying the whole building himself or if the building is in such state of repair, he is destroying it to save himself the taxes which are being imposed upon him. And this is one of the things which is hurting the low income people and is cutting down on the available rental property here in the State of Maine.

If we are going to continue to impose restrictions and regulations upon the landlord, we are going to be faced with state or federal housing, no matter whether we like it or we don't like it. And those who are in the rental business are going to get out of it; they are going to be forced out of it by legislation such as this. Granted, this is permissive legislation, but how many times does permissive legislation come along before it becomes mandatory legislation? I hope you give this matter serious thought.

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: As I read this bill through, it says here with due regard for the rights and the responsibility of the citizen. It looks to me like they are not having the rights of the citizens, they are having the right of a citizen. It also says here that they shall have the right to control your property.

Now, many of us own property but the government and the state didn't put a cent into it. We own it ourselves. If the time has come when someone is going to tell me what I am going to do with what I bought and paid for, they are going to tell the wrong guy, because I would tear it down first. When I get to a place that I am going to live in Communism, then I shall be dictated to, that is not me. I don't believe in it.

Now it says here if they declare it an emergency. I would like to know what they say an emergency is. Then it goes on and says it gives the tenants the rights, but it is not giving you and I any right. The owner does not have any right at all under this law.

Gentlemen, if the state wants to go in and build places, they want to go into the rent business, I will vote for anything they want. But I say when the individuals own it, let's have private enterprise.

I hope that you will go along here today with the minority and not Mrs. Baker's.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: Very seldom do I rise to oppose a landlord bill or a rent bill, and I haven't in the past. But this bill I do rise to oppose. I rise to oppose it because in the first place I don't think it is needed, as the good lady from Orrington, Mrs. Baker, said, it pertains to the area around Portland. I don't think we have to put the burden on every municipality in the state for what is happening in one area, mainly the City of Portland.

The other thing I would like to call your attention to is on page 2 of the bill where it says, "Upon acceptance of rental control legislation and prior to its effective date, the mayor of a city or the manager in a municipality having the manager form of government or board of selectmen in a town shall appoint a rent control administrator or a rent control board to serve at the pleasure of the appointing authority."

There is nothing in here that says any member of that board must have any knowledge of the renting process or the renting procedure. There is a lot more to renting than going around the end of the month or the end of the week and collecting rent. There is a lot more responsibility and liabilities connected with it than just that. If it were just that, then I can assure you I would be quite happy in all my rents, and not unhappy in some like I am.

Also, in Section 3, personnel, it says here that the authority can hire any personnel that they see fit to help them formulate the policy or enforce these rules. Again, this is only building up your town government, increasing the taxes, as the gentleman from Camden, Mr. Hoffses, said, so that there will be higher taxes, and again with higher taxes, and you all know it, whether you rent or own, and if you do rent property, you know that you have to go up on your rent.

And for this reason I would hope that we would not accept this bill, and we would accept the "ought not to pass" report. Then, of course, in this bill, too, there is always the same billing that appears on a lot of these funny bills, and that is that the landlord, if he has a problem or he is aggrieved, he can always hire legal counsel. Well, there again you are putting the burden right on the landlord out of his own pocket to fight city hall. This I never felt was right and I don't feel it is right now. If city hall is going to create the burden then city hall should pick up the tab, and the same thing goes for the state legislature. So I hope we do not pass this bill today.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly, from a different point of view, I was a member of the Aroostook County Rent Control Board five years during World War II and as chairman during the Korean War for three years. And let me tell you the people who today are opposing this bill, they don't know what a burden they are putting on the municipalities, because the cost of rent control is immense. Nobody can explain it. We had on our board one lawyer, plus one full-time employee, plus 11 members of that board, and we couldn't begin to cover Aroostook County. We were behind in building up, and we quit. After World War II we had as many applications for checking as we had when we started, and the same through the Korean War. So if you want to burden the municipalities with something to take their tax money and something to take up their time, just pass this bill and you will sure give it to them.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I am somewhat taking a different position from what I generally do on a bill like this. I disagree with my friend from Bridgewater, Mr. Finemore. This is permissive legislation. I think it is something that is needed.

I know in my community just the other day out where the Bangor Housing Authority is operating, there are some very severe rent increases being presented to these people out there, people who work hard for a living. They are not out there on A.D.C. or anything like this in this particular area. They are hard working individuals with large families.

The rent increases that were passed onto them by the Bangor Housing Authority is something like \$40 a month, and then it jumps to \$80 a month; then it jumps to roughly \$100 a month within a year. And although this

may be some type of cumbersome agency — and I am not one that wants to get up and support anything like this — I think it is very needed, and I think that the House in enacting this legislation would be doing the communities of the state a favor. I hope that you support the bill in its present form.

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

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: I don't know yet how I am going to vote on this bill, but I would inform the gentleman from Skowhegan, Mr. Dam, that this problem is not a problem that is only related to the City of Portland. I have got at least a half a dozen letters on it from people within my own community who are concerned, who have seen their rents doubled within the last six months.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: It is the same old story, I didn't intend to speak, but I simply would remind my good friend from Bangor, Mr. Kelleher, that the Bangor Housing Authority is a municipal agency right now. They are the people that set the rent; so perhaps if that it any example for us to go by, even these people find that in order to operate equitably, that they have to go up on the rents. So here is a city agency that is in the business of renting houses.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: In reply to my good friend from Waterville, Representative Carey, if he had been listening, he would have understood when I have said that the previous speaker made the statement about this bill pertaining to the City of Portland, and I did not make the statement. I entered it for the correction of the record and for Mr. Carey's information.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: Being one of the signers of the minority report, I would like to state my feelings on it, which will be brief.

You all know I am opposed to any control, to begin with.

Secondly, I feel that the cities and large communities should be able to set up in their areas with the consent of the people, this sort of a thing under the home rule clause.

Thirdly, I fail to see why they should pick on rents only and the landlord. If we are going to have an emergency in an area, the chances are that the emergency affects a lot of things. A lot of people think it is an emergency what we are paying for a lot of things, utilities, clothing, not only rents but other commodities, hardware, automobiles, farm machinery and equipment, furniture. Why do we not set up a board to control those prices in the community? I think one is as fair as the other.

Just one parting statement relative to the answer I know will be given. They will say that because rents are becoming scarcer and scarcer, which I agree with — I recall two years ago that, even though we probably shouldn't say I told you so, several of us who opposed more tight legislation, building a fence around landlords and property owners, was going to bring about just such a situation, and the more we legislate this kind of statutes, the scarcer rents are going to be. That is just as true as we are sitting here. And the time is coming — and I suppose it will, because this type of legislation will probably proceed — the time is coming when it will all be federal and state government housing. But I would like to stave that off as long as I could. I hope you will reject the majority "ought to pass" and then accept the minority "ought not to pass."

The SPEAKER pro tem: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Ladies and Gentlemen of the

House: As I understand the law, in reply to the gentleman from Norway, Mr. Henley, the present home rule does not allow imposition of rent controls by municipal authorities; and hence, when he says he would favor the concept by home rule, this bill, this L. D. 1834, does just that. In other words, I think he would be speaking for this bill.

As I understand the present law, municipalities may not now impose rent controls by themselves. This legislation, if passed, would provide enabling legislation permitting municipalities to do just that.

On another issue, I feel that this type of legislation provides for individual scrutiny of each individual proposed rent increase, rather than a blanket across-the-board increase of a certain amount.

In reply to some earlier speaker, hopefully, the appointing authority will use discretion and not appoint someone who has no knowledge at all of the rental problems or the shortages of rents in that area.

In reply to the gentleman from Brewer, Mr. Norris, it is my understanding that a housing authority is not, per se, a municipal agency, although municipal fathers do appoint the members of those agencies. I feel they are an autonomous body that is not a part of the municipal structure itself.

I hope you will vote for the motion pending, the motion of the gentle lady from Orrington, Mrs. Baker, to accept the "ought to pass" report.

The SPEAKER pro tem: The chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly, listening here to some of the statements made, I would like to say very briefly that rents as quoted, they were going up or have gone up within the vicinity of Portland. For those of you who live there, this is around the Thomas Street area and around the Western Promenade, the exclusive section. And for those of you who do not live there, it is still the exclusive section. So actually, when we talk about rents going up from \$125

to \$140 a month, I will say to you around the Portland area and the suburban areas that it is very hard to find a rent for \$125 a month. If there is one, there is much left to be desired of the rent. Otherwise, if you can get it for that price, it is one that is subsidized by the federal government. And, of course, the private owner cannot actually compete with the government as far as that goes.

So therefore, when they tell you that the price has risen or will rise from \$140 a month to \$295 a month, let me tell you, ladies and gentlemen, that I happen to be very familiar with the location and with the rents. These rents here are something that you do not find anymore today. The rents are a seven room rent with two baths, most of them are. And what happens there actually, is people who rent these rents, they have means, they have been there for quite a while; and as a rule, what happens is that they sublet two or three rooms to one of their partners or to one of their friends, and naturally, I assume that they share the cost of the rent. So if this is so, it still makes it less than \$150 a month for each individual.

I must also say to you and I am sure that you have the wisdom to recognize this, that if you buy property today, it is probably triple the price of what it was 7 or 10 years ago. And I am not saying this in defense of the people who bought these places, but I am sure that they have paid quite a good price for this property, and in order to justify their return, that is probably why the rents have gone up to this point.

I happen also to be familiar with a person who had quite a piece of property about eight years ago, and the rents today are also the same price that they were eight years ago. If that same person was to take that property and bring it up 150 percent, the rent would still be lower than what you can rent today around Portland and the suburban area. So actually, these figures that were quoted off the top, really I think, can be justified. If they are not justified, they shouldn't be working. I think

I recognize what is right and what is wrong.

I think by the passage of this bill, the elderly people will be hurt. I really believe this, and I am concerned about them, because actually, it comes to a point where somebody who has a certain amount of apartments — I don't know if the law of diminishing returns applies to this, but the fact is that sometimes you are better off to leave two or three apartments vacant, and you will come out at the end of the year with a better return, a better net return, then you will if you rent them all.

I know, too, that most of the proponents of this bill, although I respect their wishes and their thoughts, to my knowledge, they are not owners of rents; and I think that if I wasn't an owner of rents, maybe my position would be different or at least my way of thinking would be. But in the meantime, I am just trying, like everybody else, to build up security for later on with the hope that I don't end up on the health and welfare roll ten years from now. I hope that you give it good thought and whatever you decide, I only can suggest that you do decide against the present motion.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. LaPointe.

Mr. LaPOINTE: Mr. Speaker and Ladies and Gentlemen of the House: I would like to compliment the gentleman from Westbrook on his omniscience of knowing what is right and what is wrong.

I have some forms in front of me here that I have been able to gather as a result of going around the state conducting some hearings on rent increases. I would assure the gentleman from Westbrook, Mr. Carrier, that they do not all happen to be in the exclusive West End section of Portland. I have a rent increase on Forest Avenue in Portland from \$75 to \$90. I have a rent increase here in his own home town of Westbrook for \$180 to \$216. I have a rent on Montgomery Street in Portland from \$92 to \$105. I have a rent increase in South Portland

from \$130 to \$160. I have another one in Westbrook from \$15 a week to \$20 a week. I have a rent increase on High Street in Portland from \$23 a week to \$28 a week. I have a rent increase on Danforth Street in Portland from \$90 a week to \$110 a week. I have a rent increase on State Street in Portland from \$100 a month to a \$125 a month.

I assure the gentleman from Westbrook that there are a lot of rent increases taking place that on the average statistics have borne out that rent increases are on the average 35 percent throughout the state.

Ladies and gentlemen of the House, this afternoon the bill you have before you is permissive legislation. It allows local communities to engage, if they see fit, in setting up a rent control board. That is all it does, nothing else, nothing more. And I assure the gentleman from Oakland, Mr. Brawn, that communism is not creeping in, because it was the President of the United States who instituted the Phase II guidelines that were abandoned in January, January 12, which were stabilizing the rents. He is a Republican.

Ladies and gentlemen, some people in this state right now are sustaining rent increases that are far beyond their capacity and their ability to pay. They live on fixed incomes. They do not know where to turn. They are coming to you, the representatives of the people.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: I don't think the young man in the back knows that taxes have increased, insurance has increased, repair has increased. You go out and try to hire a plumber today, go out and hire an electrician today, see what he will charge you. And the law is so today you cannot do your own if you are letting it. You can in your own home. And then you have to get an inspector. Everything has got to be approved, it has got to

be inspected. So when the gentleman stands up here and tells you that the fellow is making a lot, I don't think he owns any apartments, because if he did, he certainly wouldn't talk this way.

The only way that you can make any money is to do your own papering, your own painting, your own plumbing, and I will guarantee the more you do, the more they call on you to do. You can't do enough to satisfy them.

I had some people who lived in my house for years in one place in Auburn. Those people did their own. It was better when they went out than it was when I let it. But this is an exception. Anybody that rents knows this is not true.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Mulkern.

Mr. MULKERN: Mr. Speaker and Ladies and Gentlemen of the House: I would like to answer some of Mr. Brawn's comments, and I will answer them by turning to page 3 of this bill. It says in very very precise language, "The board or administrator shall make such individual or general adjustments, either upward or downward, of the rent for any rental property as may be necessary to assure that rents are established at levels which yield to landlords a fair net operating income for such units.

"The board or administration by regulation may define, shall be consistent in determining whether a controlled rental unit yields a fair net operating income." And the very first thing is: "A. Increases or decreases in property taxes." So, I am going to say to Mr. Brawn that this is being taken into consideration in this bill.

As Mr. LaPointe said, this is only permissive legislation, and I wish the House would go on record as supporting it.

Mr. Brawn was granted permission to speak a third time.

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: He said they can increase or decrease. I would like to have him mention just one place that they ever increased the rent for a man.

Mr. Kelleher of Bangor requested a roll call.

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

Mr. BRIGGS: Mr. Speaker and Ladies and Gentlemen of the House: I request to be excused from voting.

The SPEAKER pro tem: On what grounds would the gentleman request to be excused?

Mr. BRIGGS: On the grounds that the vote could make a difference in my own personal income benefit.

The SPEAKER pro tem: The gentleman from Caribou, Mr. Briggs, requests permission to be excused from voting. Is there objection? The Chair hears objection, I will have to rule that you cannot.

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

Mr. WHITZELL: Mr. Speaker and Ladies and Gentlemen of the House: Most of the landlords that I have heard that I recognize to be landlords, today spoke in opposition to the acceptance of the majority "ought to pass" report. And I would like to go on record as a landlord who is also voting and speaking in favor of the acceptance of the "ought to pass" report.

My community is not a wealthy community and I am in very close contact with senior citizens and since the Phase II guidelines have been dropped and since the increase in their social security benefits have been hit with several—what I would consider to be—large rent increases for their income, I am not one of the landlords that would do this.

I also would raise the question that rent controls in this instance, being on a permissive basis, boards being organized on the present basis, it seemed to me to be the most logical way of protecting not only the senior citizens and not just low income people but also young married couples who I happen to have more of in my rental units — for the young married couple. Young married couples have the same financial problems that the elderly have. The income,

if you are starting a job, is usually much lower. The coming of children, the initial purchase of furniture and automobiles leave them quite strapped for several years.

So a vote for the majority "ought to pass" report will hopefully in those communities that initiate this rent control board, will alleviate some of the burden that these young people already bear, also the elderly. I would like to go on record as supporting it.

The SPEAKER pro tem: 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 pro tem: The pending question is on the motion of the gentlewoman from Orrington, Mrs. Baker, that the House accept the Majority "Ought to pass" Report on Bill "An Act to Provide for Municipal Rent Control" House Paper 1378, L. D. 1834. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Baker, Berube, Boudreau, Bustin, Carey, Carter, Chick, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cottrell, Crommett, Curtis, T. S., Jr.; Davis, Donaghy, Dow, Drigotas, Dudley, Emery, D. F.; Farnham, Fecteau, Ferris, Gahagan, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Herrick, Hewes, Huber, Immonen, Jackson, Kauffman, Kelleher, Kelley, Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Martin, Maxwell, McHenry, McKernan, McMahon, McTeague, Mills, Morin, L.; Morin, V.; Morton, Mulhern, Murchison, Murray, Najarian, O'Brien, Palmer, Parks, Perkins, Peterson, Pratt, Ricker, Rolde, Rollins, Ross, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Stillings, Talbot, Tanguay, Tierney, Trask, Tyndale, Walker,

Wheeler, White, Whitzell, Willard, Wood, M. E.

NAY — Berry, G. W.; Binnette, Bither, Bragdon, Brawn, Briggs, Bunker, Carrier, Cressey, Dam, Dunn, Dyar, Farrington, Faucher, Finemore, Fraser, Garsoe, Hamblen, Haskell, Henley, Hoffses, Hunter, Mahany, McCormick, McNally, Norris, Pontbriand, Shaw, Sproul, Susi, Trumbull, Webber.

ABSENT — Ault, Berry, P. P.; Birt, Brown, Cameron, Conley, Curran, Deshaies, Dunleavy, Evans, Flynn, Gauthier, Genest, Hancock, Hobbins, Jacques, Jalbert, Kelley, R. P.; LeBlanc, Littlefield, Merrill, Santoro, Sheltra, Silverman, Strout, Theriault.

Yes, 92; No, 32; Absent, 27.

The SPEAKER pro tem: Ninety-two having voted in the affirmative and thirty-two in the negative, with twenty-seven being absent, the motion does prevail.

The Bill was read once and assigned for second reading tomorrow.

At this point, Speaker Hewes returned to the rostrum.

SPEAKER HEWES: The Chair thanks the gentleman and commends him for an excellent job.

Thereupon, Mr. Birt returned to his seat on the floor, amid the applause of the House, and Speaker Hewes resumed the Chair.

Consent Calendar

First Day

(S. P. 526) (L. D. 1656) Bill "An Act Providing for a Credit in Maine Income Tax Law for Investment in Pollution Control Facilities" — Committee on Taxation reporting "Ought to pass."

(H. P. 1376) (L. D. 1832) Bill "An Act Extending Regulation of Fishing Methods and Quantity and Types of Gear Used" — Committee on Marine Resources reporting "Ought to pass" as amended by Committee Amendment "A" (H-490).

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

Consent Calendar

Second Day

(S. P. 618) (L. D. 1934) Bill "An Act Relating to Applicability of

Workmen's Compensation Law to Employers."

(H. P. 298) (L. D. 400) (C. "A" H-487) Bill "An Act Relating to Insurance for Motor Vehicle Dealers Under Financial Responsibility Law."

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

Tabled and Assigned

(H. P. 1075) (L. D. 1455) (C. "A" H-488) Bill "An Act Creating the Maine Motor Vehicle Certificate of Title and Anti-theft Act."

On the request of Mr. Palmer of Nobleboro, was removed from the Consent Calendar.

On motion of the same gentleman, tabled pending acceptance of the Committee Report and specially assigned for Wednesday, June 6.

(H. P. 454) (L. D. 603) (C. "A" H-489) Bill "An Act Relating to Veterans Preference and Military Service for Employees of State Agencies."

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

Passed to Be Engrossed

Bill "An Act Providing Funds for Continued Operation of Regular Ferry Service between Rockland and Matinicus Island (S. P. 391) (L. D. 1137) (C. "A" S-176).

Bill "An Act Relating to Repair of the Seawall in the Town of York" (S. P. 643) (L. D. 1978) (S. "A" S-188).

Was 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 Unassigned

Bill "An Act to Organize the Unorganized and Deorganized Territories of the State and to Provide for Management of the Public Reserved Lands" (H. P. 1382) (L. D. 1812).

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

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

Mr. MARTIN: Mr. Speaker and Members of the House: This particular bill is the result of a study that was done dealing with the unorganized and the deorganized territories of the state and provides the management of the public reserved lands of the unorganized and deorganized areas.

Basically, as you will note, the bill came out unamended and came out unanimous "ought not to pass." This actually does not bind any member of the committee or for that matter any member of the legislature in taking a position in the future. But basically what we were doing was reporting out on the floor, because as you know our committee was told to report out bills from the committees in order to meet the deadline, and secondly, we had an order pending in front of the Maine Supreme Judicial Court asking for an opinion on this bill. This has already gone to the courts, which we are presently awaiting that decision, and so we felt that the procedure that ought to be taken was to report this out to the floor and then when it gets here in the second reading, the gentleman from Standish, Mr. Simpson, is going to move that it be tabled unassigned, awaiting the decision of the Supreme Judicial Court.

I thought you might want to know as to what procedure we were taking and where we were going with the matter of public lots.

Thereupon, on motion of Mr. Simpson of Standish, tabled unassigned pending passage to be engrossed.

Bill "An Act Relating to Possession of Marijuana, Peyote or Mescaline" (H. P. 1553) (L. D. 1986).

Bill "An Act to Provide Penalties for Sale of Counterfeit Substances which are not Drugs" (H. P. 1556) (L. D. 1989).

Bill "An Act Relating to Criminal Trespass in Buildings" (H. P. 1558) (L. D. 1991).

Bill "An Act Relating to the Practice of Nursing" (H. P. 1555) (L. D. 1988).

Bill "An Act Relating to Veterans Preference in State Employment" (H. P. 1560) (L. D. 1993).

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**

Bill "An Act to Provide Protection of Fetal Life and the Rights of Physicians, Nurses, Hospitals and Others Relating to Abortions" (H. P. 1559) (L. D. 1992).

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

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

Bill "An Act Relating to Criminal Penalties for Knowingly Being in the Presence of Cannabis" (H. P. 1554) (L. D. 1987).

Bill "An Act Equalizing the Financial Support of School Units" (H. P. 1561) (L. D. 1994).

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**

Bill "An Act Creating Androscoggin County Commissioner Districts" (H. P. 271) (L. D. 378) (C. "A" H-485).

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

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

Bill "An Act Relating to Election of Jury Trials in Misdemeanor Proceedings" (H. P. 161) (L. D. 203) (C. "A" H-486).

Bill "An Act Relating to Physician Assistants" (H. P. 1557) (L. D. 1990).

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

**Passed to Be Enacted
Emergency Measure**

An Act Appropriating Funds for Medical Care Development Incorporated (S. P. 468) (L. D. 1496)

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. 102 voted in favor of same and 6 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Authorizing Cumberland County to Participate in Social Services Program (H. P. 1347) (L. D. 1780)

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. 106 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Prohibit Outdoor Motion Picture Theatres from Exhibiting Motion Pictures Portraying Certain Sexual Conduct in such a Manner that the Exhibition is Visible from Public Ways or Places of Public Accommodation (H. P. 1532) (L. D. 1962).

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of same and one 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 Increasing Minimum Wages (H. P. 91) (L. D. 112)

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

Mr. Whitzell of Gardiner 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 passage to be enacted. This being an emergency measure, a two-thirds vote of the entire elected membership of the House is necessary. All in favor of passage to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Baker, Berry, G. W.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Bunker, Bustin, Cameron, Carey, Carter, Chick, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cottrell, Cressey, Crommett, Curtis, T. S., Jr.; Dam, Davis, Donaghy, Dow, Drigotas, Dudley, Dyar, Farnham, Farrington, Faucher, Fecteau, Ferris, Finemore, Fraser, Gahagan, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Haskell, Herick, Hoffses, Huber, Hunter, Jackson, Kauffman, Kelleher, Kelley, Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, McTeague, Mills, Morin, L.; Morin, V.; Morton, Mulhern, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Parks, Perkins, Peterson, Pontbriand, Rolde, Ross, Shaw, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Stillings, Talbot, Tanguay, Tierney, Trask, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Wood, M. E., The Speaker.

NAY — Dunn, Emery, D. F.; Garsoe, Henley, Immonen, Pratt, Rollins, Willard.

ABSENT — Ault, Berry, P. P.; Brown, Carrier, Conley, Curran, Deshaies, Dunleavy, Evans, Farley, Flynn, Gauthier, Genest, Hancock, Hobbins, Jacques, Jalbert Kelley, R. P. LeBlanc, Littlefield, Merrill, Ricker, Santoro, Sheltra, Silverman, Strout, Susi, Theriault, Trumbull.

Yes, 114; No, 8; Absent, 29.

The SPEAKER: One hundred fourteen having voted in the affirmative and eight having voted in the negative, with twenty-nine being absent, the Bill is passed to be enacted, will be signed by the Speaker and sent to the Senate.

An Act to Lease Management and Cultivation Areas in Maine's Coastal Waters (H. P. 731) (L. D. 937).

An Act to Amend Municipal Regulation of Land Subdivision Law. (H. P. 1513) (L. D. 1943).

An Act Relating to Liability for Physical Harm to Users, Consumers or Bystanders from Defective Goods or Products. (S. P. 631) (L. D. 1963).

Was 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. Simpson of Standish was granted unanimous consent to address the House.

Mr. SIMPSON: Mr. Speaker and Members of the House: A few minutes ago we took the education tax relief bill and put it through the second reading here and sent it to the Senate. It is the intention that it will go over there where an amendment is going to be offered to it and it will be placed on the table there unassigned for quite some time.

On your desks this morning came another approach along the same line of tax relief, which is a three-page summary of in essence what the proposal would do as it has been drafted from our particular office. There will be a printout later on this particular proposal and it will be thoroughly discussed in at least our caucus and I am sure it will probably be discussed in the Democratic caucus also. Meanwhile, we would like to have

you look it over because it is a different approach. I think all of us are talking basically the same amount of money each year, it just depends on how you finance it and how it is delegated back to the communities.

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, I would ask if the House is in possession of L. D. 1953.

The SPEAKER: The Chair would answer in the affirmative. L. D. 1953, An Act Relating to Regulating and Inspection of Plumbing is in the possession of the House.

The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, having voted on the prevailing side, I now move for reconsideration of this item.

Mr. Shute of Stockton Springs requested a vote on the motion.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: In reference to L.D. 1953, which is a redraft of L.D. 943, if you will remember we lost the motion "ought to pass" on this bill last Friday when there were a considerable number of people who were absent.

I would like to draw your attention to two or three different factors. First of all, this bill was a unanimous committee report from the Committee on Legal Affairs.

Second of all, it has been amended by House Amendment H-482 and House Amendment H-477. The amendments provide for an individual owner to do repair work on his own plumbing facilities, he is not prohibited from doing that.

We feel that this bill is an important factor for the State of Maine to guarantee adequate, safe plumbing. We feel that it is necessary to provide the Department of Health and Welfare with the necessary regulatory procedures to guarantee that plumbing installations meet minimum health standards.

Furthermore, we feel that unless some uniform, meaningful plumbing regulations are passed, we may be in for some trouble in the near future with faulty regulations, faulty plumbing facilities, especially in some of the older communities in the state. I would hope that you would vote to reconsider.

The comment was made here last Friday that many small municipalities around the state do not have adequate personnel. However, a list has been supplied to me which shows that practically all municipalities, regardless of size, in the State of Maine have plumbing inspectors, and this is not an undue hardship on these inspectors if they only do the job for which they have already been appointed.

Therefore, I would hope that you would reconsider your action where you moved indefinite postponement of this bill last Friday, and I hope that L.D. 1953 will be adopted.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I am somewhat confused at the remarks made by the gentleman from Rockland when he says that some of these communities have their own plumbing inspectors, and they have rules and regulations.

Let me tell you in my community, you almost have to have a federal act of Congress to build anything or to do anything. I believe we have enough rules, enough regulations, enough inspectors, and I very much oppose the reconsideration motion.

We have more than enough at the present time. It seems to be confusing me and maybe the House, too, telling the older communities they have these inspectors and it isn't going to be working that much of a hardship. I say we have got enough now, and this bill isn't necessary at all.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: When

the vote is taken I would ask for the yeas and nays.

I would like to ask the gentleman from Rockland, Mr. Emery, if he knows how many of these plumbing inspectors in the towns are plumbers in these towns. I would like to ask him if he realizes how many are plumbers, how many are capable of telling you what to do?

I have one town out of 17 that I understand that this might mean making calls to do it. I have got one town out of 17 that has got plumbers for inspectors, and the rest are — in one case I understand one is a woman, just a housewife. I wonder if they are capable of doing the job?

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

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: I certainly can't speak for all the smaller towns in the State, and I simply can't speak for the Town of Bridgewater, but I know that in the City of Rockland we have a code enforcement officer who is not a plumber and he is not an electrician, and he is not a carpenter; but yet, he is trained in code enforcement, and he is familiar with the various standards and requirements.

Therefore, I think that this is no particular hardship in the City of Rockland. He does a fine job, and as far as I am concerned, similar situations can exist in almost any town regardless of size. I don't see where this is a hardship.

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

Mr. DYAR: Mr. Speaker, Members of the House: I think the question before us this afternoon is not plumbing inspectors, the question before us is plumbers.

I think that in our rural areas we have all kinds of plumbing inspectors. You can get anybody appointed, as I brought out before this body last week, when the gentleman from M a g a l l o w a y

Plantation was appointed a plumbing inspector. I am quite sure that same gentleman in Magalloway Plantation if he wanted a plumber to comply with this piece of legislation, he would have to go into Rumford some 35-45 miles away to find a plumber.

Now, in the district I represent this is a problem. We have plumbing inspectors, they are a dime a dozen, but the plumbers are few and far between. Until we can get the Department of Health and Welfare, the Sanitary Division to upgrade their laws as they pertain to the license of plumbers, to change their provisions within their examination and the state plumbing code so that we do have plumbers in the state who will be available, I don't think we need this type of legislation. You can pass it today, the amendment says you can do plumbing in your own home and at your cottage, but if you have a business or if you have a rent or an apartment, you have to hire a plumber. And if the plumber is 40 miles away and you have pipes that are broken and frozen and water running all over the place, I am quite sure they will be pleased that we put them in this position by passing this type of legislation.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: This is a very — well, I will say this is a very sensitive bill. I agree with the gentleman from Aroostook, it is a hard thing to get an inspector, sometimes. As a matter of fact, in my town I know an inspector who could not pass the plumbers' test, and yet, he was an inspector.

I asked the reason why these plumbers didn't want to do that job. We have some very good plumbers up there, but they would not want to serve as an inspector because, they say that someone would accuse them of partiality in letting others do what they shouldn't do. So I don't think we need this bill at all.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: In the committee I voted for the bill. But then after the bill came here, I voted against that bill. And the reason I am voting against that bill is because it says that you can only plumb in one building and one building where you actually reside. Now, myself, I have a cottage, and I have other homes. I can't do any work in those other homes, and the only place I can do it is in the house where I actually live.

Now, the garage I have has plumbing. I can't go out and touch it because that is a second building. It says only one building, so I hope that you don't reconsider.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I am still confused by the talk about plumbing inspectors in this bill. The bill is primarily aimed at raising the standards for plumbing inspectors. We have plumbing inspectors under the existing code and will still have them. But this bill pertains to having training and certification for plumbing inspectors and to try and upgrade the type of administration of the plumbing code which has been generally acknowledged to have failed.

There is one other aspect of this bill. There was so much concern in environmental circles about the administration of the plumbing code that I had a separate bill in that would have transferred the administration and regulation of septic tanks from the Department of Health and Welfare to the Department of Environmental Protection. I later withdrew that bill in favor of this bill, because this bill will also regulate subsurface systems. And I think it is an important bill that we have to upgrade our plumbing code.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: We do already in the law have — much of what is in this bill is already

in the law, except you would find it under different sections than what this bill shows. For instance, your plumbing regulations appear in the bill under Section 3221, and in the present law, they appear under 351. Now as far as the permit fee, they refer in the bill to 3223, and under the present law they refer under 3352. And there has been no change in the permit fee or in the plumbing regulations as such.

I would like to point out several things, and as the gentleman from York, Mr. Rolde, said, this will upgrade the plumbing profession and the inspectors. I do like the provision in the bill for certification of inspectors. I would have rather seen the bill say that the inspectors would be appointed for an indefinite period subject to cause for removal so that it wouldn't be a year to year political thing involved with the municipalities, because some municipalities want regulations and others do not.

I have other gripes with the bill, number one, of course, being that a man can only do his own plumbing in the house that he occupies. Now, I have talked to the lobbyists on this bill, and he says that the word "occupies" can be construed anyway that you want. Well, this is all again subject to the local inspector whether you are going to appear in court and again pay money out of your pocket to defend your action or you are not going to appear in court. I don't think this is very well for a man that has an apartment that he can't do his own plumbing providing he gets a permit. And that is what the law right now allows, that you can do your own plumbing providing you get a permit and the work is inspected by an inspector. And this is the way it should be, there should not be a burden put on the homeowner. If we pass this with the amendment, what it is going to do is assume that you have a large house or let's say you are a family, man and wife, 62, 64, 65, and they no longer need this large home, but they would like to build an apartment upstairs.

Well, it would become questionable whether the man, if he were capable of doing his own plumbing, could do the plumbing upstairs, because he would not be occupying that part of the house, only the downstairs. And this would make him go out and hire a plumber.

Now, there are other things I would have liked to see changed in the bill, and there are things if the bill passed, there are things I would have liked to have seen in the bill. I would like to have seen something written in where the Department of Health and Welfare, Division of Sanitary Engineering would have backed up the local plumbing inspectors. Now, as Mr. Rolde says, this upgrades the local plumbing inspectors.

Well, I can assure you people it is very hard to go out and file a complaint and then have the state come in and tell you to forget it. I am a plumbing inspector for the Town of Skowhegan, and I have here a bunch of permits that is going over — I was going to take them today but I figured as long as this bill was coming up, I would hang on to them. So, I have done quite a little work in the past month in Skowhegan. There are two bunches there. But I had a case last year, and I don't know how many of you people get the annual report from the Division of Sanitary Engineering, but in the 1971 report, it listed two court cases that was in the State of Maine. Well, one of those court cases was a case that I took into court in the Town of Skowhegan. In your 1972 report, which would be the 35th annual report up to December 1972, one of those cases is another one I took in on the Town of Skowhegan. But I had a case also in the Town of Skowhegan where I rejected a job because it was in a nursing or boarding home where they had put in a water closet, and this is what a flush toilet is referred to in the code, as a water closet, for anybody that might wonder.

They put in a water closet in a room with no ventilation or no window. That in itself is contrary to the code. But also, they put in the water closet with no stack

or vent pipe. I had the state inspector come up and look at the job, but I was told not to press it because the other inspector that had certified the home as being fit for a boarding home to board people in had certified the home as being okay. He hadn't seen that part of it. We went down in the cellar. I showed him also where plumbing had been connected and the stack terminated under the window sill of one of the bedroom windows, where the law quite clearly states that the stack shall go above the highest part of that window.

If we want to upgrade the plumbing profession in the state of Maine, then the thing to do is to indefinitely postpone this bill and come back in the special session with a bill that will upgrade the plumbing profession.

I have right here something that is known as a percolation test. This has to be taken and in the statutes it says that it is taken by a master plumber, a registered soil man or surveyor or other qualified person. This one happened to be taken by a registered lab surveyor that is licensed in the State of Maine. The reading is utterly ridiculous on this, and the reason I have it here is because I am going over across the street to confer with them to see how come we came up with such a ridiculous reading.

The whole thing that is ridiculous about the percolation test, as the law allows it now, is that a plumber, a master plumber, can take a percolation test, put the figures down on a piece of paper such as this — he doesn't even have to take this test, because I can sit right down and anybody who is familiar with percolation tests can sit down and write the figures in and submit them to the local plumbing inspector who has no authority whatever to question these figures. He has to accept them as being the gospel truth. I can assure you people that if a plumber wants the job of putting in a subsurface disposal system and he is going to get the job of plumbing the house, that he is not going to find the land too unsuitable for the percolation test.

I would like to see a change in the bill saying at least that the inspector would be present when the reading was taken as far as your inch reading or your inch rate reading per minute.

The other thing, going back, I had a lot of notes made, but I didn't read them, so I have jumped. But going back to your state Division of Sanitary Engineering and the backing up of a local inspector—this is something, as the lobbyists said, it can't be done. It is the policy of the department, and in the first of the bill, it says that you give the department the right to make policy. Well, I think the time has come maybe when it is not the right of the department to make policy, but it should be written into the statutes, because I can go back four years ago when I questioned the practice of dumping raw sewage in the built up portion of a town at an agricultural association piece of land which is known as a fairground. I was told then that that was sticky business, and the department didn't want to get their fingers into it. Well, I am quite happy to say that the Town of Skowhegan did pass a sanitary code two years ago, so we got our fingers into it where the state didn't want to get their fingers into it.

There is a lot of politics in the plumbing game, and with this bill allowing the plumbing inspectors to be appointed by the municipal officers, there is even going to be more politics. It is going to be a case of who knows who, not of what the man knows.

I said at the outset that we do need regulations, and I firmly believe we do need regulations. I believe in the certification of plumbing inspectors. I think this is something that should be done, and I have no fear of certification. I would relish the idea of it, but I don't believe in putting any more burdens on the homeowners, and I don't believe in passing piecemeal legislation. If we are going to operate the plumbing profession in the State of Maine, then I would say, let's come back here in the special session with a complete bill that will do just that.

Now, as far as this bill is concerned, I see nothing in the bill — and maybe someone will point out the provision in the bill — that takes care of the towns that have annual town meetings. If this bill is passed, when are these people going to be appointed? Does this mean the municipalities are going to call a special town meeting for the appointing, or are they going to do the appointing subject to the next annual town meeting. Just how is it going to be done? Because before the municipal officers can appoint, there has got to be some ordinance, and a lot of the communities do not have ordinances. Some communities have tried four and five years to pass them and have still not passed them and others have.

Because of quite a few irregularities in this bill, I would hope that we do not reconsider but that we would hold to the same action that we did the other day of accepting the indefinite postponement.

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

Mr. SHUTE: Mr. Speaker and Ladies and Gentlemen of the House: I find myself about in the same position, I guess, that the gentleman from Oakland, Mr. Brawn, finds himself today.

I was also a member of the Legal Affairs Committee and signed the "ought to pass" report. But I signed the "ought to pass" report with the understanding that amendments would be offered to this bill that would take out some of the objections that I had to it. And after seven amendments here have been offered, the objections still are not taken out of the bill.

One of the largest objections that I have to the bill now is that at the present time, you can work on any real estate that you own, whether it is your cottage, your apartment house or home or what. But under this bill, you can only work on the building which you occupy, so you can't work on your cottage, apartment house or any other piece of real estate. So I hope you don't reconsider your action.

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

Mr. SHAW: Mr. Speaker and Ladies and Gentlemen of the House: The amendment that was put on last week specifically exempts private owners plumbing in a dwelling house or place and its appurtenant structures by the owner who occupies the same. Now, that means any person who lives in the house, any farmer — he can do any work he wants to on his garage, his barn. If he has his own cottage and he lives in his cottage, he can take care of that. If he has an apartment house or rental cottages, he is expected to hire a plumber to do his work.

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 the motion of the gentle lady from Orrington, Mrs. Baker, that the House reconsider its action whereby it indefinitely postponed L. D. 1953 and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Birt, Boudreau, Briggs, Bustin, Chonko, Connolly, Cooney, Cote, Cottrell, Cressey, Crommett, Curtis, T. S., Jr.; Dow, Emery, D. F.; Faucher, Fecteau, Fraser, Gahagan, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Kilroy, Knight, LaCharite, LaPointe, MacLeod, Mahany, Martin, McKernan, McMahon, McTeague, Mulkern, Murray, Perkins, Peterson, Pontbriand, Pratt, Rolde, Shaw, Smith, D. M.; Smith, S.; Sproul, Talbot, Tierney, Tyndale, Wheeler, White, Whitzell, The Speaker.

NAY — Albert, Berry, G. W.; Berube, Binnette, Bither, Bragdon, Brawn, Bunker, Cameron, Carey,

Carrier, Carter, Chick, Churchill, Clark, Dam, Davis, Donaghy, Drigotas, Dunn, Dyar, Farnham, Farrington, Ferris, Finemore, Good, Hamblen, Haskell, Henley, Herrick, Hunter, Immonen, Jackson, Kauffman, Kelleher, Kelley, Keyte, Lawry, Lewis, E.; Lewis, J.; Lynch, Maddox, Maxwell, McCormick, McHenry, McNally, Mills, Morin, L.; Morin, V.; Morton, Murchison, Norris, Parks, Rollins, Ross, Shute, Simpson, L. E.; Snowe, Soulas, Stillings, Tanguay, Trask, Trumbull, Walker, Webber, Willard, Wood, M. E.

ABSENT — Ault, Berry, P. P.; Brown, Conley, Curran, Deshaies, Dudley, Dunleavy, Evans, Farley, Flynn, Gauthier, Genest, Hancock, Hobbins, Hoffses, Huber, Jacques, Jalbert, Kelley, R. P.; LeBlanc, Littlefield, Merrill, Najarian, O'Brien, Palmer, Ricker, Santoro, Sheltra, Silverman, Strout, Susi, Theriault.

Yes, 51; No, 67; Absent, 33.

The SPEAKER: Fifty-one having voted in the affirmative and sixty-seven having voted in the negative, with thirty-three being absent, the motion does not prevail.

(Off Record Remarks)

Orders of the Day

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

Bill "An Act to Increase Benefits and Reduce Waiting Period Under Workmen's Compensation" (H. P. 618) (L. D. 816) (C. "A" H-463).

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

Pending — Acceptance of the Committee Report "Ought to pass."

On motion of Mr. Martin of Eagle Lake, tabled pending acceptance of the Committee Report and specially assigned for Wednesday, June 6.

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

Bill "An Act Relating to Educational Assistance for Widows, Wives and Children of Veterans and Wives and Children of Prisoners of War" (H. P. 404) (L. D. 533).

Tabled — May 31, by Mr. Henley of Norway.

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 third tabled and today assigned matter:

Bill "An Act Relating to Educational Benefits for Dependents of Veterans and Prisoners of War and Missing in Action" (H. P. 522) (L. D. 704).

Tabled — May 31, by Mr. Henley of Norway.

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 third tabled and today assigned matter:

Bill "An Act Increasing Tax on Liquor, Wine and Beer" (H. P. 1246) (L. D. 1623).

Tabled — May 31, by Mr. Farnham of Hampden.

Pending — Motion by Mr. Stillings of Berwick, to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: You will remember this is the bill I spoke about the other day. The purpose of this bill is to fund L. D. 76, a bill in regard to public intoxication and the rehabilitation of alcoholics. The gentleman from Berwick, Mr. Stillings, explained that he thought that this would be funded in the Part II budget. But we will not know for a while whether or not it is in the Part II budget.

I would appreciate it if someone could table this to hold it so that we can have it if we need it.

On motion of Mr. Simpson of Standish, tabled unassigned pending the motion of Mr. Stillings of Berwick to indefinitely postpone.

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

Bill "An Act Regulating the Interception of Wire and Oral Communications" (S. P. 377) (L. D. 1108) (S. "B" S-171).

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

Pending — Passage to be engrossed.

On motion of Mr. Simpson of Standish, tabled pending passage to be engrossed and tomorrow assigned.

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

Bill "An Act Relating to Medical Treatment of Persons at State Operated Facilities" (H. P. 1527) (L. D. 1957).

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

Pending — Passage to be engrossed.

On motion of Mr. Martin of Eagle Lake, tabled ending passage to be engrossed and specially assigned for Wednesday, June 6.

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

Bill "An Act to Reform County Government" (H. P. 1385) (L. D. 1802).

Tabled — May 31, by Mr. Henley of Norway.

Pending — Passage to be engrossed.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: Inasmuch as I am partially responsible for the delay in this bill, I thought I ought to explain what is going on. I am working on an amendment to this bill, and I would like to promise it would be ready on Wednesday.

Inasmuch as it is not ready and it will take Sam Slosberg's office a little while to put it together once I give him the final information, I would appreciate it very much if we could table this bill for two more days.

On motion of Mr. Birt of East Millinocket, tabled pending passage to be engrossed and specially assigned for Wednesday, June 6.

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

Bill "An Act Relating to Location of the Women's Correctional Center and Operation of the Halfway House Program" (H. P. 1201) (L. D. 1541) (C. "A" H-367).

Tabled — June 1, by Mr. Dam of Skowhegan.

Pending — Consideration.

The SPEAKER: The Chair recognizes the gentleman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker and Members of the House: I move that we recede and concur with the Senate. And I would speak briefly to my motion.

The SPEAKER: The gentleman from Guilford, Mrs. White, moves that the House recede and concur with the Senate which had passed this bill to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A".

The Chair recognizes that lady.

Mrs. WHITE: Mr. Speaker and Members of the House: The reason we couldn't act on this last Friday was that no one could find the Senate amendment. And by the time I had it tracked down and got back in here, you had voted to table it.

If you have checked the amendment against the bill, you know that it does delete everything except Section 1, which has to do with the Halfway House program. The reason that this has to be done is because we had word from the Attorney General's office, George West, who was concerned particularly about the top of page 2, where "located at Skowhegan, Maine" was deleted. He said that at the time the 90-day period was over after the closing of the legislature, there would be no women's correctional center. So for that reason it seemed necessary to make this amendment.

I hope you will go along with receding and concurring.

Thereupon, the House voted to recede and concur.

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

Bill "An Act Exempting Gas for Cooking and Heating in Homes from Sales Tax" (H. P. 379) (L. D. 508).

Tabled — June 1, by Mr. Cottrell of Portland.

Pending — Passage to be engrossed.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I just feel that committee members should defend their votes, even though they don't do it too energetically or in a too prolonged way.

Now, this is another request for sales tax exemption. This would be on gas for cooking and heating. The price tag would be \$300,000. The reason I voted against it, it was 8 to 5, incidentally, committee report "ought to pass." I was one of the five who voted against it, and I did it because I think next time around we are going to have an exemption for electricity in heating.

Now, it is not too much to be sure, but still this is not in the budget. And at the same time we accepted this majority report, we also accepted another majority report on a 10 to 3 basis. I voted with the majority on this one. And this was to exempt the sales tax on farm machinery. Now, the farms are one of our great industries, and we are in this session going to try to put a sales tax exemption on machinery used in production. And if that goes through, it will be funded by an acceptable increase in the corporation tax, so it won't be a burden on our budget.

But this sales tax on farm machinery would only be \$130,000 in the biennium. So maybe it was because I tried to be consistent. Of course, they say consistency is a sign of little minds, but since I voted to give the sales tax exemption on industry machinery, I thought farms ought to have it. And I thought the gas could wait another year. But I am not going to fight for this. I am not even going to make a motion. The only thing is, it will probably go through to the Appropriation Table and

then somebody will hurriedly make a decision and the sponsor of it will be lucky, and maybe the sales tax exemption will prevail. I don't know.

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

Mr. FINEMORE: Mr. Speaker, I now move this be passed to be engrossed.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to make any motion on this bill, but I would like to call your attention to one thing. We had a bill just a short time ago today in regard to rent control. Now what this bill is going to do, it is going right back again. We are talking about rents being high, the landlords increasing rents. We are putting the sales tax on to oil that heats apartment buildings, and we are charging — if you have a furnished apartment and you are furnishing the gas for that apartment, then you must also allow for the sales tax on the gas, and again you must go up on your rent to pick up the sales tax on your oil and on your gas in your apartment building, because in the bill, if you will look at it, it has been stricken. As far as hotels, I am pretty sure the hotels still pay the sales tax on fuel oil, but apartment houses do not. And it says other buildings assigned for human habitation and sleeping. So we are putting the tax right back in, right where it is going to hurt, on those people that are renting apartments or rooming houses.

And this is one thing I dislike about the bill. As I said I don't make any motion but I wanted to call your attention to this.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: For obvious reasons, I now move indefinite postponement of this bill and all of its accompanying papers.

The SPEAKER: The gentleman from China, Mr. Farrington moves the indefinite postponement of this

bill and all accompanying papers.

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

Mr. DYAR: Mr. Speaker and Members of the House: This bill originally, in my mind, was to exempt the sales tax on LP gas used for cooking and heating in homes.

I did not realize that there had been a provision in the original draft to put the sales tax on oil used for domestic uses, heating and cooking in the homes.

Under the present statutes oil is exempt and there is no sales tax on it. LP gas is taxable. A person heating or cooking with LP gas is automatically paying 5 percent more than the person who might cook or heat with oil. I feel that this bill was put in to correct an inconsistency in a price discrimination, and if somehow, through manipulation, the bill has been rewritten to exempt gas from the sales tax and the sales tax back on domestic oil, then I certainly hope that rather than have this bill indefinitely postponed, that through amendment this bill will be corrected.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Strong seems to be a little confused. The bill is very simple. I know of no changes in it. It is just as it is printed, and all it does is add the word "gas" to all other fuels. So you now have coal, oil, wood and gas. It is an attempt to be consistent in the taxing policy on materials used for heating and cooking. I would have been tickled to death to have been able to get it on electricity, but I didn't seem to get much support for that one. But we are going to get gas in this time, and I think it is a good bill.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I would like to go along a little further on electricity. The reason we didn't put electricity on this, as I believe the gentleman

from Farmington, Mr. Morton, knows, was the fact that we couldn't seem to get any deal out of the electric companies. The electric companies said that the only thing they could do was to figure 50 percent maybe of the total electricity bill, because homes only have one meter, and therefore, they wouldn't put in two meters. It would be almost impossible at the present time to figure how much was used for heat and cooking. So therefore, we didn't add gas at this time.

This bill is a very simple bill, and it just draws the line where it was drawn on oil. So I hope you will go along with it.

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

Mr. COTTRELL: Mr. Speaker and Ladies and Gentlemen of the House: To add to the confusion, Mr. Finemore signed the "ought not to pass" on this bill. I guess we are all getting confused.

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

Mr. DYAR: Mr. Speaker and Ladies and Gentlemen of the House: I want to apologize to the gentleman from Farmington, Mr. Morton. I understood in the presentation that the gentleman from Skowhegan, Mr. Dam, made that the bill had been changed to put domestic heating oil back on the sales tax list and remove the tax on LP gas.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: Unless someone can explain to me what has really happened to this, if you will look at the bill, it says, "coal, oil, wood, gas." then "gas" in big print, "and all other fuels except —" and the word "gas and" is struck out, "electricity when bought for cooking and heating in homes." That is it. Then we see crossed out "hotels, apartment houses and other buildings designed both for human habitation and sleeping," the words "apartment houses" has been struck out. So this means the sales tax is going

back on fuel oil for your apartment houses.

This is as clear as I can see the bill, unless someone else has got something else in some other part of the statutes to take care of this.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Parks.

Mr. PARKS: Mr. Speaker and Ladies and Gentlemen of the House: This is my bill, and I presented it. I was over at the Taxation Office to explain to them. I had a letter from them first, and it was a little confusing to them.

The primary intent of presenting this bill was a few of my constituents heat their homes, some of them have trailers, some of them have built a new home in the country, some of them up around the lake areas, and they resented the fact that they had to pay a tax on propane gas, bottled gas, to heat and cook with where people who were using fuel oil were exempt.

There isn't anything in the bill anywhere that says that they are going to restore the tax back on fuel oil. This is definitely not so.

The Taxation Department drew up a new bill or another section, and it says in here — this is the one that they sent me and this is in the bill, Section 1760, Title 36 of the Revised Statutes as amended. It is further amended by adding a new subsection, 9A, to read as follows: "9A. Gas. Gas when bought by an individual for cooking or heating in his home and delivered through mains or into or in containers of ten pounds or a greater capacity." This is all that is going to be exempt from the sales tax.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I believe that Representative Dam of Skowhegan is exactly right. As the law was prior to the introduction of this bill, coal, oil and wood and all other fuels, except gas and electricity, when

bought for homes, hotels, apartment houses and other buildings designed for human habitation and so forth, these were exempt.

If we were to pass this legislation, it would add another category to coal, oil and wood; namely, gas. So there would be four exempt categories of fuel rather than three, but these exemptions would apply only to the homes, and there would be stricken hotels, apartment houses and other buildings designed both for human habitation and sleeping.

So that is the situation. If you want to pass legislation different from what is proposed here, I think perhaps you had better table it and work it out and put some amendments through, because Mr. Dam does understand it correctly as I see it.

On motion of Mr. MacLeod of Bar Harbor, tabled pending the motion to indefinitely postpone and tomorrow assigned.

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

Bill "An Act Establishing an Office of Early Childhood Development in Maine" (S. P. 515) (L. D. 1639) (S. "A" S-146).

Tabled — June 1, by Mrs. Morin of Old Orchard.

Pending — Enactment.

On motion of Mr. Martin of Eagle Lake, tabled pending enactment and tomorrow assigned.

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

Bill "An Act Relating to Mobile Home Parks" (S. P. 630) (L. D. 1956).

Tabled — June 1, by Mr. Carey of Waterville.

Pending — His motion to Adopt House Amendment "A" (H-483) to House Amendment "A" (H-480).

Thereupon, Mr. Carey of Waterville requested permission to withdraw House Amendment "A" to House Amendment "A" which was granted.

Mr. Carey of Waterville offered House Amendment "B" to House Amendment "A" and moved its adoption.

House Amendment "B" (H-495) was read by the Clerk and adopted. House Amendment "A" (H-480) was adopted, the Bill passed to

be engrossed as amended and sent to the Senate.

(Off Record Remarks)

On motion of Mr. Birt of East Millinocket,

Adjourned until eight thirty tomorrow morning.