

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 6, 1973 to July 3, 1973

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, June 6, 1973

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

Prayer by the Rev. David Holroyd of Gardiner.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Joint Order (S. P. 653)

WHEREAS, Readers Digest in conjunction with other organizations annually sponsors concert tours in foreign countries; and

WHEREAS, Leonard Bernstein and others have selected Foxcroft Academy Band from 43 musical groups to tour Rumania in the summer of 1974; and

WHEREAS, it is a great tribute for a small school of 400 students when a quarter of the enrollment place first in an overall national selection process and 3rd musically; now, therefore, be it

ORDERED, the House concurring, that We, the Members of the 106th Legislature of the State of Maine, now assembled in regular session, take this opportunity to commend the Foxcroft Academy Band and its Director Robert Thorne, for their outstanding accomplishment in the field of music and express along with our best wishes for the tour every confidence that they can move mountains of musical emotions toward better understanding and good will for our State and nation; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to the Principal and Band Director of Foxcroft Academy in token of our pride.

Came from the Senate read and passed.

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

From the Senate: The following Joint Order: (S. P. 654)

ORDERED, the House concurring, there is hereby created the Maine Marine Resources Commission consisting of 5 members appointed by the Governor, one of

whom shall be the Commissioner of Sea and Shore Fisheries and one of whom shall be the State Geologist. The members shall serve without pay for their duties in connection with the commission but shall be reimbursed for their expenses.

It shall be the duty of the commission to:

1. Advise the Governor and the several departments; bureaus and offices of the state as to problems associated with the marine resources of the State;

2. Study, evaluate and make recommendations on the administration of the marine resources of the State;

3. Participate on behalf of the State of Maine, on request of the Governor, in the conduct of negotiations leading to determination of marine geographical boundaries of the State.

If a vacancy shall occur by death, resignation or otherwise of those appointed as commissioners, the Governor shall fill the same.

The Department of Sea and Shore Fisheries and the Bureau of the Maine Geological Survey of the Forestry Department shall provide such administrative assistance as may be needed by the commission in the discharge of its responsibilities.

There is allocated from the Legislative Account the sum of \$4,500 to carry out the purposes of this order.

Came from the House, the Order was read and passed in concurrence.

The SPEAKER: Will the Sergeant-at-Arms kindly escort the gentleman from Stockton Springs, Mr. Shute, to the rostrum.

Thereupon, Mr. Shute assumed the Chair as Speaker pro tem and Speaker Hewes retired from the hall.

**Reports of Committees
Ought to Pass with
Committee Amendment**

Committee on State Government on Bill "An Act to Establish a Committee on Problems of Corrections" (S. P. 407) (L. D. 1209) reporting "Ought to pass" as amended by Committee Amendment "A" (S-200).

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

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-200) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

Ought to Pass in New Draft

Committee on Appropriations and Financial Affairs on Bill "An Act to Implement Section 14-D of Article IX of the Constitution of Maine" (S. P. 561) (L. D. 1732) reporting "Ought to pass" in New Draft (S. P. 651) (L. D. 1995) 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.

Later Today Assigned

Committee on Natural Resources on Bill "An Act Creating a Study Commission on Environmental Laws" (S. P. 197) (L. D. 542) reporting "Ought to pass" in New Draft (S. P. 642) (L. D. 1977) under same title.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by (S. "A" S-187) (S. "B" S-198) (S. "C" S-210).

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

(On motion of Mr. Rolde of York, tabled pending passage to be engrossed and later today assigned.)

Ought to Pass with Committee Amendment Tabled and Assigned

Committee on Labor on Bill "An Act to Reform the Methods of Computing Benefit Payment under Workmen's Compensation Act" (S. P. 427) (L. D. 1287) reporting "Ought to pass" as amended by Committee Amendment "A" (S-177).

Came from the Senate with the Bill passed to be engrossed as amended by Committee Amendment "A" (S-177) and Senate Amendment "A" (S-207).

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-177) was read by the Clerk and adopted. Senate Amendment "A" (S-207) was read by the Clerk.

(On motion of Mr. Trumbull of Fryeburg; tabled pending the adoption of Senate Amendment "A" and specially assigned for Friday, June 15.)

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act to Amend the Personal Property and Homestead Exemption Laws to Provide for Realistic and Liberalized Exemptions" (S. P. 462) (L. D. 1497) reporting "Ought to pass" as amended by Committee Amendment "A" (S-202).

Report was signed by the following Members:

Messrs. TANOUS of Penobscot
BRENNAN of Cumberland
— of the Senate.
Mrs. BAKER of Orrington
KILROY of Portland
WHITE of Guilford
WHEELER of Portland
Messrs. DUNLEAVY of Bangor
HENLEY of Norway
CARRIER of Westbrook
GAUTHIER of Sanford
— 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. SPEERS of Kennebec
— of the Senate.
Mr. PERKINS
of South Portland
— of the House.

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

In the House: Reports were read.

On motion of Mrs. Baker of Orrington, the Majority "Ought to pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-

202) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Taxation on Bill "An Act to Exempt Child Placement Agencies from Payment of Sales Tax" (S. P. 208) (L. D. 552) reporting "Ought to pass."

Report was signed by the following members:

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

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

In the House: Reports were read.

On motion of Mr. Susi of Pittsfield, the Majority Report was accepted in concurrence, the Bill read once and assigned for second reading tomorrow.

Non-Concurrent Matter

Bill "An Act Relating to Definition of Hotel under Labor Laws" (H. P. 744) (L. D. 957) which the House passed to be engrossed on May 31.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-208) in non-concurrence.

In the House: On motion of Mr. Simpson of Standish, the House voted to recede and concur.

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. Shute of Stockton Springs returned to his seat on the floor, amid the applause of the House, and Speaker Hewes resumed the Chair.

Non-Concurrent Matter

Bill "An Act to Provide Additional Requirements for Investigation of Railroad Company Accidents by the Public Utilities Commission" (H. P. 1540) (L. D. 1970) which the House passed to be engrossed on May 30.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-197) in non-concurrence.

In the House: On motion of Mr. Soulas of Bangor, the House voted to recede and concur.

Messages and Documents

The Senate of Maine
Augusta

June 5, 1973

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

The President appointed the following Conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, An Act Relating to Psychotherapist and Patient Privilege. (H. P. 1226) (L. D. 1601):

Senators:

- TANOUS of Penobscot
 - SPEERS of Kennebec
 - BRENNAN of Cumberland
- Respectfully,

(Signed)

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

The Senate of Maine
Augusta

June 5, 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 Indef-

initely Postponed Bill, An Act Relating to Venue of Personal and Transitory Actions Involving the Residents of Brunswick and Harpswell. (H. P. 1169) (L. D. 1508)

Respectfully,
(Signed)

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

House Reports of Committees Leave to Withdraw

Covered by Other Legislation

Mr. Farnham from the Committee on State Government on Bill "An Act Establishing the Profession and Regulation of Soil Scientists in Maine" (H. P. 280) (L. D. 430) reporting Leave to Withdraw as covered by other legislation.

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Perkins on the Committee on Judiciary on Bill "An Act to Impose a Surcharge on Fines and Penalties for Operation of the Maine Law Enforcement and Criminal Justice Academy" (H. P. 495) (L. D. 649) reporting "Ought to pass" in New Draft (H. P. 1575) (L. D. 2004) under new title "An Act to Insure Permanent Funding of the Maine Law Enforcement and Criminal Justice Academy."

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

Divided Report

Majority Report of the Committee on Liquor Control on Bill "An Act Relating to Sale Price of Liquor" (H. P. 1120) (L. D. 1458) reporting "Ought not to pass."

Report was signed by the following members:

Messrs. OLFENE

of Androscoggin

SCHULTEN of Sagadahoc

FORTIER of Oxford

—of the Senate.

Messrs. STILLINGS of Berwick

IMMONEN of West Paris

CRESSEY

of North Berwick

CHICK of Sanford

FARNHAM of Hampden
FAUCHER of Solon

—of the House.

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

Report was signed by the following members:

Messrs. RICKER of Lewiston

TANGUAY of Lewiston

GENEST of Waterville

KELLEHER of Bangor

—of the House.

Reports were read.

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

Mr. FARNHAM: Mr. Speaker and Ladies and Gentlemen of the House: I move acceptance of the Majority "Ought not to pass" Report and would speak briefly to my motion.

The SPEAKER: The gentleman from Hampden, Mr. Farnham, moves the Majority "Ought not to pass" Report.

The gentleman may proceed.

Mr. FARNHAM: Mr. Speaker and Ladies and Gentlemen of the House: The effect of this bill would be to have the same price in the liquor store at Sanford as will be in the new store being opened up at the Kittery interchange. If you fail to accept the "ought not to pass" report, what you are going to be subject to is an amendment that would put every liquor store in the State of Maine on the same basis as the one at Kittery. So if you don't want to have 35 or 40 amendments covering each liquor store in the State of Maine, I would urge you to accept the "ought not to pass" report.

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 signed out the minority report for just the very reason that Representative Farnham stated on the floor of this House. I think that if you want to do your own constituents a favor, then we shouldn't just let them reduce the price of the sale of liquor in York County. They are nice people down there, but there are nice people in Penobscot and Aroostook and Washington as well.

I would suggest that you vote down the majority "ought not to pass" report, if you want to do your constituents a favor, and I mean really do them a favor, because they are kind of howling in my area and I am sure that they are in the other parts of the state and if we have to put on — I don't know whether it would be 30 amendments, we could do it with one, I am quite sure, but if not, if you want to put an amendment on for your respective area, I would suggest you do so. I would ask you to vote against the majority report so it will just be equal for everyone in the state.

You know, you can buy a bottle of liquor in York County for \$5 and you would have to pay \$6.50 in Penobscot or Aroostook County and I think that we ought to be fair to our constituents and give them the break like we have given it to them down in York County.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker and Ladies and Gentlemen of the House: I agree with Mr. Kelleher. I don't see why the people in this state should be subjected to paying 40 percent more in other parts of the state than they are in Kittery. And I hope that you don't accept the "ought to pass" report and I would like to speak on this matter; it is my bill.

In presenting this bill to you, L. D. 1458, An Act Relating to the Sale Price of Liquor in the Sanford store, I would like to give you my reasons for my decision for introducing this bill. After the November election, I was approached by many of the Sanford and Springvale businessmen expressing their concern about the fact that many sales and business transactions would be lost in the City of Sanford because of the 40 percent differential in the purchase of liquor. This savings was made possible to shoppers in New Hampshire, and Sanford being only about 8 or 10 miles away from the border of New Hampshire caused a lot of sales in the clothing stores, grocery stores and

others, since people would do all of their shopping where savings were possible. Our businessmen had a particularly great loss during vacation months, where we have quite a few of the lakes around Sanford and the people are coming in from other states, Massachusetts, they are coming in from New Jersey and New York. And instead of doing their shopping in Sanford, which is one of the biggest helps to the town of Sanford and the businessmen in the summer months, they are losing this trade to New Hampshire.

Another thing, too, secondly, the residents of Sanford, like Mr. Kelleher has just mentioned to you, and you people in the state here were of the opinion that these two are selling liquor near the New Hampshire State line at a price competing with our neighboring state, it seems discrimination to allow this privilege only to the Kittery store. Why should your constituents in your town in your liquor store have to pay 40 percent more? Your consideration will be greatly appreciated, and I hope you don't accept the "ought to pass" report and I ask for a roll call. I hope you will accept the minority report on this.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: It seems to me we are opening up quite a can of worms here. I think there are a lot of questions to be answered before we proceed in the direction that we appear to be going. I certainly agree with having a uniform price on liquor perhaps statewide. I don't see how you can start amending one store to bring it to the price at Portsmouth without going the whole distance.

I wonder if members of the Liquor Control Committee have attempted to figure what the loss of revenue to the state would be. The liquor business does provide a considerable amount of the revenue for running the affairs of the state, and it seems to me this is something that we should very seriously consider before we

embark upon this idea. I would ask that question, if any member of the Liquor Committee wishes to answer it, what the loss of revenue would be if we set the price of liquor at the level of the Portsmouth store?

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Trumbull.

Mr. TRUMBULL: Mr. Speaker and Members of the House: In answer to Mr. Bragdon's question, I believe that this little bauble will cost in excess of \$9 million.

At this time, I move that this bill and all accompanying papers be indefinitely postponed and I will speak to my motion.

The SPEAKER: The gentleman from Fryeburg, Mr. Trumbull, moves the indefinite postponement of this bill and all accompanying papers.

The gentleman may proceed.

Mr. TRUMBULL: Mr. Speaker and Members of the House: As you are probably all aware, I had a very similar bill to this, which I urged the Liquor Control Committee to kill. The reason I urged them to kill this was because of the price tag on it, because of the fact that I felt that basically the previous legislature had made a mistake in passing the other bill to open up that store down there. If the state had not been so heavily financially committed, at that time in excess of \$300,000, I would have put a bill in to repeal that law. But because they had this heavy commitment, I thought that maybe I had better mind my own business on this, so even though I had the legislation originally drafted up, I did not put in the other bill and then I decided that with the legal ramifications and everything else, the fact that it was discriminatory, that that bill should not get out here, so I therefore urged that it receive an unfavorable report, which it did, and was immediately killed.

I can see no reason at all, even though this one store exists, that you want to make it further at the present time. If you do, you are talking in terms of \$9 million, \$9 million hard-earned tax dollars to the State of Maine. We are just

going to have to make it up somewhere else, and I just can't see why you would want to pass this kind of legislation.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I remember very well the bill that Representative Trumbull put in before the Liquor Control Committee, and I was one who intended to sign the bill out "ought to pass" so that the liquor store at Fryeburg, the town that he represents and borders right on the New Hampshire border, could have the same privileges that they have down in southern York County. But being the only member of the committee that was going to sign it out "ought to pass" and in deference to the gentleman, I agreed to go along with the majority and give it a 17-A, because we had this other bill that was before us.

The \$9 million that he quoted, I think, is a real ball park figure. I am not so sure it is that amount of money or not, but even if it is, we have got one or two alternatives. I think we should vote against this indefinite postponement of both reports and bill and accept the minority report and then you people in good fair judgment can do two things. You can either have increases in the liquor prices in your own cities and towns, or perhaps you could have the York County store go along the line with the rest of the state. I think what is fair for one is fair for another.

I know this is one bill that I regretted voting for two years ago, and somehow it was one of those bills that just came winding through the House in the past and there was no real great debate. It is an extremely unfair situation, but if you want to support an unfair situation, you just vote for the indefinite postponement. If you want to make it uniform across the state and make it fair for everyone, then you vote against it, that is all.

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

Mr. MILLS: Mr. Speaker and Members of the House: I would pose a question through the Chair to anybody who cares to answer. I have heard a lot of talk and a lot of debate about this situation down there. What I would like to know, does that store make a profit down there?

The SPEAKER: The gentleman from Eastport, Mr. Mills, poses a question through the Chair to anyone who may answer if he wishes.

The Chair recognizes the gentleman from Berwick, Mr. Stillings.

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman from Eastport, Mr. Mills' question, we don't know whether the store makes a profit or not. The state has a tremendous investment in a new building and the store is not open. We don't know what the potential loss of revenue will be. Mr. Trumbull has suggested \$9 million, perhaps. I would like to point out just one thing, though, in addition to the fact that we have made a commitment down there — the commitment was made as a result of action by this legislature — that if this bill should pass, what it means is that the investment we have made in Kittery has gone down the drain.

The law that the last legislature passed said that the Commission, with the permission of the Commissioner of Finance and Administration, may establish lower prices at one store — may establish. If this legislature chooses to establish lower prices at more than one store, it would be my guess that the Commission would elect to have lower prices at no store because of the potential loss of revenue.

We now realize about \$40 million in a biennium from our taxes on liquor. We hope that once the liquor prices are reduced in the Kittery store, when that store is opened, our revenues are going to increase, but we would like to have that experience in one store, and I would urge that you wait until we have that experience before you decide whether we want to

cut the prices anywhere else in the state. I would urge that you support the motion for indefinite postponement.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I am wondering here how anyone can sit in a liquor hearing and vote on this if they didn't know what this was going to cost the liquor, what it was going to sell for, what their expenses were and if they were going to make a profit or not. I thought this was the reason why we wanted it in the state, to make a profit, to take it away from New Hampshire.

I do not drink, as you know, but I shall definitely go against indefinite postponement because I tell you, up in my town that I represent, they don't drink so this doesn't bother them anyway. For the others who do like to partake, I hope they get fair treatment. If we cannot afford it in one place, then I don't want to see it in another. If some of the people moved into my area, people who do partake, then I want them to have fair treatment, but my people don't drink.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Oakland said the people up there don't drink. I married a girl from Tennessee and in Kentucky they said they don't drink down there, too, but you ought to see the moonshine that flows around down that way.

Seriously, I would urge that you do support the motion to indefinitely postpone. I think we are apt to lose sight of something here if we are not careful, and that is, in the 105th, the bill that Representative Stillings was talking about was passed with the intention of trying to see exactly how much influence the State of New Hampshire has on the sale of liquor along the borders of the State of Maine, not only in the sale of liquor but also other commodities. Because as the gentle-

man from Sanford said, if they travelled to Rochester to buy liquor, sure enough they are going to go to the shopping center there and purchase some of their other commodities.

We have a tremendous investment in the building in Kittery, which has not opened yet and it is being built under the assumption that it would be able to compete with the large store that is on the other side of the bridge. I am sure all of you have seen that store and have seen what they have put into it in the way of money, and I am talking about the New Hampshire store.

I am quite confident that probably the very first day that our store opens up that there are going to be several law suits or court cases pending as to the constitutionality of us allowing that one store to operate. It will probably be tested in the court and I am sure probably an injunction will be sought from the courts to even close it. I would think it would be very unwise right at this time for the State of Maine to go ahead and start to play with this bill such that we would open it up to amendments that it would take place all over the state.

I happen to be in an industry, I don't handle liquor in my place, but I happen to be a director of Hospitality Associates, which is made up of the Maine Restaurant Association and Maine Innkeepers, and I know that right in that industry alone there is a lot of hard feelings about that one building down there and a lot of these people are travelling all the way across the state by truck to go to Kittery, or will, to pick up their liquor down there because they will be able to buy it cheaper there retail than what they can buy it wholesale otherwise.

There will be some problems, but I think it would be very unwise for us right now to tamper with this, and I think we should definitely indefinitely postpone this piece of legislation.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Certainly

I don't want to act irresponsibly. I think the gentleman from Standish, Mr. Simpson, talked on two points when he mentioned that this thing would be tested in the courts. I think this thing should be tested in the courts through this very bill. That is number one. And I possibly intend to do that as we go along.

This bill does not necessarily mean that — I would like to address myself to another point that the good gentleman from Standish, Mr. Simpson, mentioned, and that is the Maine Restaurant and Hotel Owner's Association. It was my pleasure to speak to them a few weeks ago, and 90 percent of the questions that were asked were based on this issue here. As far as I am concerned, I don't see where the consumer gets too much protection in my area from this bill, and I guarantee you that if this bill passes this morning, I am going right over to the Legislative Research office to have an amendment to put in to include my area, because I have been taught that charity begins at home.

We must, however, look at this loss in another way, and it is on a regressive basis. And again the gentleman from Standish, Mr. Simpson, mentioned it. Many, many people, even though they would lose their discount, will go to these stores. If you ever saw car pools of individuals, you will see car pools for booze on this one, and you can bet your bottom dollar on that one. I know that in my area they are already arranged.

I want to explain now that there are those who say, how did the other one ever get by? The other one got by for a door opener, because if the other got by, this one here will go. It is very obvious that this would happen. The Kittery store closed. It was not doing any business at all and justifiably so. But on this thing here, now they will be within the law. There are a great many people who do not go to New Hampshire because they don't want to go outside the law. There are some people, and we know it by just going by the New Hampshire store and seeing

the Maine plates, who do go. They will go now.

I am asked, and it might very well prove that the loss that the good gentleman from Fryeburg, Mr. Trumbull, mentions might not be that great, might be even greater than that because of the regressiveness of this tax. We have got several areas here—forgetting my own inland area—there are several areas here that border Canada, border other areas that are deserving of this equally as much as Kittery is. There is such a thing as regressive taxation. In my opinion here, the sum of money that we would lose on this thing here might be greater and it might be greater because of regressiveness. As far as I am concerned, whoever made the statement that there will be several amendments on this thing was dead right. House Amendment "A" will be to protect my area—charity does begin at home.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I am kind of surprised that Mr. Trumbull withdrew his bill because we both appeared together and his town is in the same situation as mine. But I understand that if I was in his position that I might have had a relative that was head of the state commission, probably I would have done the same thing. I would ask to kill this bill. But I am going to tell you one thing, your people in your own towns are going to pay for this store in Kittery. They are going to build it at your expense, at your people's expense, at 40 percent cheaper and your people will be paying 40 percent higher in order to pay for this over there. Do you think that is fair? I don't. And I feel that you should not accept the "ought to pass" report and I ask for a roll call. I hope that in your wisdom and for your own people and your own interest in this state—if New Hampshire, the State of New Hampshire, ladies and gentlemen of this House, can sell liquor 40 percent cheaper and the same size of the store, a big store like we have in Kittery

at the present time, why can't the State of Maine do the same thing? Why do they have to soak your people and mine 40 percent more than they do in New Hampshire? I don't agree with that.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: There is another way to handle this bill. I think we should keep it alive this morning and instead of putting in amendment to bring down the prices to the Kittery store, we should put in one amendment to bring up the price of the Kittery store along with what they pay in the other stores.

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

Mr. KELLEY: Mr. Speaker and Members of the House: We would all like to see cheaper liquor in our home towns. We know it would make a lot of voters happy. But the revenue from the sale of liquor is very important to the State of Maine. This problem at Kittery is a very simple one. By operating that store down there at lower prices, we should compete for the nonresident business and the transients going through and make money doing it. This is the only justification for it. We have had a store down there that could not survive. They have got a big investment from liquor revenue and a new store set up to make money for the State of Maine, and we can't make money for the State of Maine if we reduce prices all over the state.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: For the very statements that Representative Kelley made, it is like the Highway Department coming in and telling you you ought to vote for a cent or two cent increase in the gas tax because the tourists will pay it three months of the year. What about the other nine? I don't buy the arguments that the store is going to generate any great profits from the tourists coming in. I think we want to be

fair to the people of the state; let's not gear ourselves to the tourists on this one, as we shouldn't gear ourselves to the tourists on the cent increase in the gas tax. I don't buy that argument one bit. I think we should think of the people in our areas. They live here 12 months a year and they are not tourist coming in for three months of the year.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker and Members of the House: I would just like to speak as a person from that area. Actually, I don't see that much wrong with this bill, but I would like to say that the people in our area, border towns, aren't receiving any special benefit from the store in Kittery, because if it wasn't there we would still buy from New Hampshire. I always bought in New Hampshire and probably still will. I believe it would still be a little cheaper. So I would like to say that as far as the argument that the people of Kittery and southern Maine will be able to buy liquor a lot cheaper than they will in any other part of the state really isn't valid because we could before, we can now without this store operating, and we will be able to afterwards and without Kittery we still would.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. McNally.

Mr. McNALLY: Mr. Speaker and Members of the House: I would like to ask a question through the Chair of the Liquor Committee, particularly how are the people coming in this year from other states going to know there is a store in Kittery that is selling under the prices of all the other stores? How are they going to know but what they have got to stop when they go through New Hampshire like they have in years past and load up before they get into the state?

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

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

Mr. KELLEHER: Mr. Speaker and Members of the House: I think that is a good question, Representative McNally. I don't know, I don't know if anyone else does, but I don't know.

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

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am very pleased that Kittery is getting so much publicity this morning. However, in answer to the gentleman from Ellsworth's question, the new liquor store is very conveniently located on I-95 coming off the new high-level bridge. With the construction of the new high-level bridge, New Hampshire was very much concerned because the tourists would be bypassing their multi-million dollar liquor store at the rotary.

I do not believe that the liquor store in the town of Kittery truthfully is going to benefit the inhabitants of the town because there is a very good liquor store in New Hampshire conveniently located in a large shopping area. On the shipyard's pay night, if you go over there to that shopping center, you would think you were in Kittery.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I do hope this morning that we will look at this as a businessman would from another part of the state that I come, and I can see us going along with this two years ago in anticipation of trying to make a little extra money for the State of Maine. At this point we don't know if it will or not but we have spent a lot of money on the investment and I don't like to jump out of something that we made a commitment for only two years ago without trying it.

We don't say that the Liquor Commission must cut the price of liquor there; we say they may, they may in anticipation of making money. If it doesn't work out, I am sure they don't have to, we just say they may. And I would like to see, having been in business all

my life and know that I have had to meet competition across the street and up the street and down the street. I think the State of Maine is in the same position at the present time.

These people who live in York County, I don't think I agree with them. They haven't got a gripe. If we don't have a cutrate store there it won't bother them one bit, they can easily slip across the bridge — it is not a toll bridge — so the only one who stands to benefit is the State of Maine. There again, we don't tell the Liquor Commission they must do it, we say they may.

If it doesn't work out, I would be the first one to say let's stop this, but I think once the die is cast, we have made a commitment. This House made the commitment, your predecessors, of which I was one, made a commitment that we would try this and see if it would work out, see if it would make money. If we make a lot of money there, maybe we can start cutting prices all over the state, but we have got to make a certain amount of money and I am sure that if the revenue turns out like it may, we might be able to cut the liquor prices somewhere else in the state. But presently, let's try it and see like a businessman would. Let's try and see if it will work out, if we can meet competition. If we can, we might see fit to cut it in Lewiston or some other area, but for goodness sake, we have cast a die and the predecessors in this House have been willing to try a business venture, and I hope you let us continue and defeat this amendment. Let's try it and see if it works. If it doesn't work, probably some of us will still be here and we can do something about it the next time around. But seeing as we have spent this much money, we have gone this far, and to jump out of this right in the middle of the stream, I think is a very unwise move, at least from a business point of view. I do hope we defeat this amendment.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker and Members of the House: I am

sure that if Enfield was in Sanford you would have heard a different speech this morning, and I would like to ask for a roll call.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: This is not the first time that Maine has made a bad investment — remember the sugar industry? I know for a fact, because I have some friends in the New Hampshire legislature, that when we do open the store and we do drop our prices, they are going to go even lower. And they don't care if they lose any money in that Portsmouth store because they have got other stores to cover it throughout the state. So we will never be able to compete with New Hampshire as far as the border stores are concerned. They will always be lower than we are.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: I have kept this on my desk for the whole session hoping that some day I would be able to use it. It is the financial report for the fiscal year ending 1972. The figure was thrown out that \$9 million would be lost; yet the figures here show me that the net income from operation of the liquor stores is \$12.8 million. I doubt if we are going to lose three-quarters of all income should we lower the price by 40 percent.

It would seem obvious then, if the price were reduced by 40 percent, at this rate we would be talking probably around \$4 million. I am not sure right at this point whether I am in favor of either proposal, but I would like to question the statement that was made by the gentleman from Standish, Mr. Simpson, that the question of constitutionality would be asked because I asked that question of the Attorney General last year, and lowering the price in one of the liquor stores would not raise any constitutional question, as I have been told from the Attorney General's office.

Yet, I would imagine that should we lower our prices in all the stores, it would seem obvious then that the loss of income through the enterprise funds or through the sale of liquor would be no where near as great as some people have offered. I would propose then that possibly there could even be an increase in revenue to the state through this item, that is if all stores lowered their prices and became much more competitive in that area. Maine is not a three-month vacationland, it probably runs in the neighborhood of ten months counting the skiing industry, hunting and fishing and the summer people who come here. So Maine is a vacation state and I would guess that those vacationers will spend their dollars here.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: After hearing the remarks from the favorite son from Kittery, the good gentleman, Mr. Kauffman, he is very happy in a store right in his neighborhood which would produce the fire water at a lower rate than we have to pay.

Now, I am not a teetotaller, I am not a hypocrite. When I am really dry I will have something to drink like the rest of them. I really believe that this is discrimination. When you have a store at one part of the state that is selling liquor at a lot less than they are at other places, I do not think it is fair. As a matter of fact, I have had many people contact me and ask me why is it that they have such a difference in price. Well, I tried to explain to them on account of their competitors across the river, that that is why they are doing it, but after listening to them, I think all people should be considered. The Maine people must be considered because they are the ones who help support the taxes that we have in this state and if we do make some profits from the liquor, which sometimes is not a good profit as a result of a lot of sale liquor, I think it has cost us a

lot of money in other areas. I really believe that we should have an equality in prices, because at the present time I think there would be a lot more liquor sold outside of that area if the prices were lower and they wouldn't be trotting down across the line to get some. I really feel as though we should lower the prices all over the state.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker and Members of the House: I am going to vote for indefinite postponement of this bill, and let me tell you why. For years the State of New Hampshire has been living off their neighboring states. They brag about the fact that they have no sales tax and they are surrounded by states that do have them. You would be surprised at the number of car pools that are formed in my area and go to New Hampshire week after week to do their shopping just to save the sales tax.

I questioned some of them one time, it cost you more to go down there than what you save I am sure. But we get the ride and go and have a feed and have a good time. This is my only guess, but I feel that the State of Maine probably loses \$100 million worth of business to the State of New Hampshire year after year, and 5 percent of that is \$5 million. If they don't make a nickel down there, to me it is a way of fighting back.

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

Mr. TANGUAY: Mr. Speaker and Ladies and Gentlemen of the House: As a signer of the "ought to pass" report, which was the minority, I would like to state my reason why I signed the "ought not to pass." I was approached by my colleague, almost a seat from me, and he said, "I would like to get my point across to the people, to my people." I believe he has got his point across to his people he is concerned with. It was also mentioned, discrimination and constitutionality.

Nobody yells discrimination or constitutionality when a class A

restaurant, a hotel or club goes to the liquor store and buys at a reduced price. They buy approximately anywhere from 40 to 70 cents cheaper than our constituents, the walk-in customer who does approximately 80 per cent of the purchases in these liquor stores. Yet, a licensee, they buy approximately 20 per cent of the liquor in the stores which they sell at enormous profits. I have seen some of these hotels and class A restaurants, they get as much as two and three dollars for a drink that would cost them approximately 35 cents at the liquor store.

I believe that this Kittery store was opened simply to try to keep our Mainers in Maine and not have the flow of money going to New Hampshire. The expenses of treating the people who do become alcoholics due to the fact that they are drinking spirits is borne by Maine taxpayers. Therefore, we would like to keep our money in Maine and at a reduced price. I mean, it is appalling to see how many Maine cars are at this Kittery store, not mentioning trucks.

So I hope that you will support the majority "out not to pass" this morning.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: Every one of us here this morning has to live off the other fellow; there is no way out of it. If we didn't, we would starve to death. And everyone here seems to be jealous of the other fellow because he is making a nickel. I am always proud to see the other fellow make a nickel. And through my life when I ever heard of a man that was going through bankruptcy, I always felt bad for him because I thought it could have been me.

Now, if I can get everyone here this morning to go along to reduce the price on liquor all over the state, maybe I can get them to lose enough so they will close up the place and then they will be like my district.

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 Fryeburg, Mr. Trumbull, that both Reports and Bill "An Act Relating to Sale Price of Liquor," House Paper 1120, L. D. 1458, be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Berry, P. P.; Birt, Bither, Boudreau, Bragdon, Brown, Carter, Chick, Cooney, Cottrell, Davis, Dudley, Dunn, Dyar, Farley, Farnham, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Good, Hamblen, Haskell, Herrick, Hoffses, Huber, Hunter, Immonen, Jackson, Kelley, Kelley, R. P.; Knight, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, McCormick, Mills, Morton, Murchison, Murray, Najarian, Palmer, Perkins, Pratt, Rolde, Rollins, Jackson, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Sproul, Stillings, Susi, Talbot, Tanguay, Theriault, Trask, Trumbull, Tyndale, Webber, Wheeler, White, Willard

NAY—Berube, Binnette, Brawn, Briggs, Bunker, Bustin, Carey, Carrier, Chonko, Churchill, Clark, Conley, Connolly, Cote, Crommett, Curtis, T. S., Jr.; Deshaies, Donaghy, Drigotas, Dunleavy, Emery, D. F.; Farrington, Faucher, Fecteau, Gauthier, Genest, Goodwin, H.; Henley, Hobbins, Jacques, Jalbert, Kauffman, Kelleher, Keyte, Kilroy, LaCharite, LaPointe, Littlefield, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McNally, Merrill, Morin, L.; Morin, V.; Norris, O'Brien, Parks, Peterson, Pontbriand, Ricker, Ross, Soulas, Strout, Walker, Whitzell

ABSENT — Albert, Cameron, Cressey, Curran, Dam, Dow, Evans, Goodwin, K.; Greenlaw, Hancock, Maddox, McTeague, Mul-

kern, Santoro, Sheltra, Tierney, Wood, M. E.

Yes, 74; No, 59; Absent, 17.

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

The Chair recognizes the gentleman from Fryeburg, Mr. Trumbull.

Mr. TRUMBULL: Mr. Speaker, having voted on the prevailing side, I ask that you reconsider and hope you will vote against me.

The SPEAKER: The gentleman from Fryeburg, Mr. Trumbull, moves the House reconsider its action whereby this Bill was indefinitely postponed. All in favor will say yes; those opposed will say no.

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

Order Out of Order

Mrs. Lewis of Auburn presented the following Order and moved its passage:

ORDERED, that Jennifer Smith, Joyce Glen, Nancy Levenson and Anne Chaplin of Auburn be appointed Honorary Pages for today.

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary on Bill "An Act Relating to Possession of Marijuana for Personal Use" (H. P. 1210) (L. D. 1562) reporting "Ought not to pass."

Report was signed by the following members:

Messrs. TANOUS of Penobscot
SPEERS of Kennebec
BRENNAN of Cumberland
— of the Senate.
Messrs. PERKINS
of South Portland
CARRIER of Westbrook
HENLEY of Norway
GAUTHIER of Sanford
DUNLEAVY
of Presque Isle
Mrs. BAKER of Orrington
WHITE of Guilford
WHEELER of Portland
KILROY of Portland

— of the House.

Minority Report of the same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" (H-505).

Report was signed by the following member:

Mr. MCKERNAN of Bangor
— of the House.

Reports were read.

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

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

Thereupon, on motion of Mr. Simpson of Standish, tabled pending acceptance of the Majority Report and tomorrow assigned.

Divided Report

Majority Report of the Committee on Liquor Control on Bill "An Act Permitting Sale of Liquor at Certain Golf Courses" (H. P. 1180) L. D. 1519) reporting "Ought not to pass."

Report was signed by the following members:

Messrs. SCHULTEN of Sagadahoc
FORTIER of Oxford
— of the Senate.
Messrs. FARNHAM of Hampden
RICKER of Lewiston
FAUCHER of Solon
TANGUAY of Lewiston
CHICK of Sanford
IMMONEN of West Paris

Minority Report of the same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" (H-507).

Report was signed by the following members:

Mr. OLFENE of Androscoggin
— of the Senate.
Messrs. STILLINGS of Berwick
CRESSEY
of North Berwick
KELLEHER of Bangor
GENEST of Waterville
— of the House.

Reports were read.

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

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

Thereupon, Mr. Soulas of Bangor requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Hampden, Mr. Farnham, that the House accept the Majority "Ought not to pass" Report. 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 30 having voted in the negative, the motion did prevail. Sent up for concurrence.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Labor on Bill "An Act Providing for Protection of Employee Pension Contributions" (H. P. 1401) (L. D. 1843) reporting "Ought to pass" as amended by Committee Amendment "A" (H-506).

Report was signed by the following members:

Mr. KELLEY of Aroostook
— of the Senate.
Mrs. CHONKO of Topsham
Messrs. FARLEY of Biddeford
McHENRY of Madawaska
ROLLINS of Dixfield
BINNETTE of Old Town
HOBBINS of Saco
— 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
HUBER of Knox
— of the Senate.
Messrs. GARSOE of Cumberland
BROWN of Augusta
McNALLY of Ellsworth
— of the House.

Reports were read.

(On motion of Mr. Brown of Augusta, tabled pending acceptance of either Report and tomorrow assigned.)

Divided Report

Report A of the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Service Retirement of State-Mental Institution Employees" (H. P. 181) (L. D. 223) reporting "Ought not to pass."

Report was signed by the following members:

Mr. SEWALL of Penobscot
— of the Senate.
Messrs. BRAGDON of Perham
SPROUL of Augusta
CARTEER of Winslow
HASKELL of Houlton
— of the House.

Report B of the same Committee on same bill reporting "Ought to pass"

Report was signed by the following members:

Messrs. MORRELL of Cumberland
CONLEY of Cumberland
— of the Senate.
Messrs. NORRIS of Brewer
SMITH of Dover-Foxcroft
JALBERT of Lewiston
— of the House.

Reports were read.

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

Mr. NORRIS: Mr. Speaker, I move that the House accept Report B, "Ought to pass."

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves that the House accept Report B.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: As you can see, the Appropriations Committee was quite evenly divided over this particular issue. The issue, very briefly, is whether or not employees of the state who have worked in mental institutions for at least 20 years and have attained the age of 50 should be allowed to retire at one half of the average final compensation of that employee.

I don't think that the division on the Appropriations Committee, although I may be in error and I will be corrected I am sure if I am, was over a disagreement as to the basic desirability of allowing individuals to retire who have been in mental institutions or have been working with patients in mental institutions for 20 years. I think there are other reasons that Report A was signed, probably having to do with the potential cost of this. But it is my position, and I think the position of the other members of the Appropriations

Committee that signed Report B, that this is such an important item that it ought to be entertained and certainly ought to be accepted by the members of this House here today.

There are numerous state employees who can retire after 20 years, particularly, those who work in hazardous and what most of us would consider undesirable lines of work for the state. I think the State Police is one example. This work that the people who are working in mental institutions and dealing each day with the mentally retarded and have to work under the working conditions under which they have to work are hazardous. Very frequently on night duty there are only one or two state employees to 45, 50 sometimes 60 or 70 patients; the potential for danger and injury is very great. I am sure those of you who have visited these state institutions recognize this. If you haven't visited them, I would urge you to do so, because the working conditions are not pleasant, it is very difficult to find employees who want to take the tasks that need to be done there. We are fortunate to find what few people we do have to work there.

This recommendation for 20 year retirement, you may or may not know, has been the recommendation of the Bangor State Hospital Study Committee. They undertook this portion of their study with great seriousness and deliberation. There are members of that study committee here on the floor this morning who I am sure are going to address this very point. But I think the major point is that there is a very serious morale question among the state employees working in these mental institutions, and this was considered to be a major remedy for increasing the morale in the state institutions.

So I hope that the members of the House this morning will consider this matter more seriously and will vote to accept Report B.

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

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

House: As one of the members of the Bangor study committee, I fully concur with Representative Smith, and this was one of the major problems and questions brought up each time when we asked what they most desired when we were visiting the hospital. As Mr. Smith has said before the attendants and employees of mental institutions are in direct contact and in some danger most of the time where there are only two attendants on a shift in a ward.

As legislators, we appropriate money to train attendants at the mental institutions; yet, there is a large turnover at all times. They receive minimum wage usually, and it really is a very small amount compensating them for the amount of work and the patients that they have; and everyone there seemed to be very cordial towards the patients, the ones we visited, and they put up with quite a lot. This seems only fair that they should have some inducement to stay. Possibly, this retirement would induce them to stay for a longer period of time due to the quick turnover.

I am sure that other ones will speak also on this matter, and I am sure that each and every institution of this type is in the same condition.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I was out of the hall, and I was going to make the motion myself to accept Report B. I know of the work that the gentleman from Brewer, Mr. Norris, has done on this situation.

You know, over the many many years, it has always been a wonder to me how we ever got enough people to man our mental institutions. Anyone that would want to go along with my words would only have to visit the institutions, and I am not necessarily talking about some of the people that are across the alley here, I am talking about the worker in the institutions.

The SPEAKER: The Chair recognizes the gentle lady from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker, Members of the House: I am very happy to hear that there are some concerned about hazards in our state institutions. As a committee, we have been told by some of the department heads that there is not those hazards there; that they closed the maximum security because there was no need of harboring these people any longer. They put them in the state institutions, and they are mingling with all of the others there no matter what degree of insanity there is.

I am not opposing this measure, but I just am happy to see that somebody has decided that perhaps there is a degree of hazardousness in our state institutions now.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I had a bill that went before the Retirement Committee this session very similar to this one which was a 30-year retirement for employees in mental institutions that worked in direct contact with patients. The bill received a 17-A as most of the retirement bills did, because, from what I understand, Representative Henley and a good Senator in the other body and their committee are going to come out with an order for a study.

I am happy to see this bill here this morning, because the people that attended the hearing on the bill that I had, there was I would say approximately 100 people from the various institutions in the state, and the testimony that they gave to the Retirement Committee I wish that the majority of the most of you people in this House could have heard, because it is a very hazardous occupation. I would hate to think that I had to work in a mental institution in a ward where there would be 40 to 50 people that are unsound of mind and that any moment they could do bodily harm to you.

I can remember in one instance a gentleman was talking about — he had worked at night with another attendant, and he had 50 people that he had to look after, and some of them were very

dangerous. Now, can you imagine anyone working in a mental institution for 20 years? It is a real combat area. I would say that it is much more dangerous to work in there than to be a policeman. A policeman or a sheriff will bring a person that is mentally unsound to an institution, and they have him handcuffed. They will bring him in, and they will say, "Here," to the attendant, unlock the handcuffs, and they give him the patient. These people have to put up with it. It is a very hard job. They take their work very seriously. They are very dedicated people. The problem is that if they have to stay 25 or 30 years, it is unreal.

We have retirement now for the state police and the game wardens, and I am sure that the game warden doesn't suffer any real problem as far as it being a real serious, hazardous occupation, but these people certainly do.

In consideration this morning, I know that the argument — someone is going to get up and state the cost of what this bill is going to be, but nevertheless, it seems to me to be a very fair and just bill. And 20 years working in one of these institutions would be much longer than I could bear, and I think out of the fairness and out of the patience of the people that work there and stay there and take care of these people that 20 years is not an unjust retirement by any means, not working in these places.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I may disappoint my good friend from Bangor, Mr. Kelleher. I am not going to say that it is too much money, even though I am critical of the bill.

I would give you a brief history of the other bill that was put under book rule 17-A, along with several others. We were approaching in the Retirement Committee a situation that seemed to be creating an endless wheel of commitments, and unless you dig into the whole retirement system, it is hard to realize the potentialities of cost.

Now, what we thought when we — we had this hearing, and I am in complete agreement. The work is hazardous work, tremendously so, and I agree. For that kind of money, I certainly wouldn't even work there. But what we recommended and what we thought that we might come up with in the study is higher pay for hazardous duty. I think that would have been better for our state police rather than to hook onto this type of compensation. For instance, in the military, they pay extra for hazardous duty. They don't say, well, we will pension you a little earlier. They pay for combat duty, a percentage of extra pay.

I feel, in my opinion, without going into too much investigation, that that may be something that the study committee might come up with, is extra pay. Now, anyone that has any particular job at these hospitals that has these problems that my friends have spoken about certainly should not be working for a minimum. I am in complete agreement. That is the only thing I wanted to quote on this.

I know the price is high, and possibly it will go through; but if we do this for the workers in institutions, we will find in the next session that the Highway Department is going to ask for certain increased remuneration or increased benefits because of a lot of their work being hazardous where they have to be working along roadsides when the traffic is traveling by at 70 miles an hour. Certainly that is hazardous, and now and then people are definitely injured, and a good many times they have to be pretty nimble.

So, this is something that we have got to think of when we shorten the period of work and qualify for retirement. I am just urging you to think it over carefully, and then you just make your decision. I am not making any motion whatsoever.

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

Mr DYAR: Mr. Speaker, Members of the House: Probably I shouldn't use the term amused here this morning, but it is amusing in a critical sort of a context

to hear the gentleman from Bangor, Mr. Kelleher, mention handcuffs and danger when we find aids at Augusta State Hospital who have used adhesive tape to restrain a patient and been reprimanded and sent to school as punishment for two weeks.

It is amusing to hear the word "danger" and "hazard" used on the floor here this morning when the department and people in the administration tell us there is no danger and no hazard working in our state institutions.

A teacher aide or a psychiatric aide in our state institutions start at \$94.40 a week. A guard at the Maine State Prison starts at \$109.20 a week. You would find there would be very few people in our state institutions who work at the point of so-called hazard who would stay in that institution for a period of 20 years to retire.

You have got two problems here involved. Number one, you are going to have to increase the base pay so that these people can afford to dedicate 20 years to state service within the state institutions at the point of hazard, and you are going to have to give them some retirement benefits at the end.

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

Mr. SPROUL: Mr. Speaker, Members of the House: I would like to make two or three comments on this. First of all, my friend, Mr. Smith of Dover-Foxcroft, I think indicated there were several departments that might have 20-year retirement. I am only aware of the state police that are in that position, and it is my understanding that they reach that position by foregoing pay increases, and I think we saw the results of that this year when we had requests for pay increases and I think many state troopers' wives in here en masse trying to get an increase after they had received this benefit. So I think we would be opening the door for many many other groups if we go along with this one.

Now, morale, I am sure, is a problem, and I have all the sympathy in the world for these people who do work at the state institu-

tions. But I do believe there are other groups in the state who have some very undesirable, dirty jobs, unsatisfactory hours, and if we talk about morale, I think if we should pass this, I would raise the question in your mind what about the morale of all these other employees of the state who are also unhappy.

The danger is an interesting one, and I am sure there is some danger there. I am not too familiar with this, but I would relate this for your thought. At a visit to the Augusta State Hospital, I was told by the officials there that they had only four people committed to their care who would be of any danger to themselves or to others. So if we assume all four of those are to others — and I can assure you, it has been in the news, too, that two of those have been at large most of the time for the last year. So there are not too many people, apparently, there that are dangerous to these employees.

I would raise one additional point. What about the question of transfers from other departments to the state hospitals and then go on the 20-year retirement. The bill says, "and who has at least 20 years of creditable service." I would think under this anyone could work in a very desirable job for about 18 years and then transfer to one of these institutions for two years and retire on 20 years pay. So I would urge you to consider that, and I would urge you to vote against the motion.

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

Mr. MURRAY: Mr. Speaker, Men and Women of the House: I also served on the Bangor State Hospital study committee along with Mr. Churchill and Mr. Norris, and I would concur with their remarks, that one of the most often made requests of employees that we talked to — most often subject that came up was the retirement benefits for working in the mental institution.

I think we ought to look at this bill and the issue at hand in two lights: one as an employee benefit and one as an institutional benefit. I think that passing this bill is

going to benefit both. We are not just talking about improved conditions for employees, but we are also talking about improved conditions for the institutions, because after 20 years in an institution, sometimes people tend to become institutionalized themselves, and they tend to want to maintain or continue the role that they were playing when they began 20 years prior. It is hard sometimes for institutions and people to change after they have worked for a number of years. So I think that we should look at this bill in both lights, because it was brought up not just by administration but it was brought up by employees themselves that this would also benefit the state hospital.

I think another thing that we should take into consideration is that 20-year retirement isn't something new for the state, that our state police have the benefit, fish and game wardens, some of them have this benefit, as I understand. A number of local police departments have this benefit. So 20-year retirement isn't something brand new. I think also that this last session of the legislature gave 20-year retirement to the prison guards at Thomaston.

So, when we vote on this bill today, I hope that we consider not just an added benefit for our employees but possibly a help for our institutions. I think that retirement is something that all of us work for, and if we check the records, not many people in the state institutions can last under the present situation. Most of them — there are very few under our situation now that can stick it out until retirement age and receive these benefits. Since these people have made a commitment to the State of Maine and have made a commitment to the mentally disturbed and the mentally retarded, I think it is incumbent upon us to make that commitment that we are going to offer them retirement benefits when they want to cease employment. So I urge you to vote for the pending motion.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I dislike having to speak against this measure. Everyone is concerned about the poor state employee and how he should be retired after 20 years. Nobody is concerned or apparently isn't concerned with the little taxpayer who has to work until he is 65 before he can get a pension. In many many cases, he works under conditions far more hazardous than exist in the state hospitals.

Now, I have been a frequent visitor at the Bangor State Hospital, not just in the last few years but over the last 20 years, and I can tell you this, that since the advent of the tranquilizer drugs, it is a picnic up there for an employee compared to what it was 20 years ago. And I think this whole trend of everybody retiring that works for the state after 20 years is all wrong when you stop and think of all the people in the State of Maine who, in the end, foot the bill for this, because the employees' contribution in that 20 years won't pay for 2 years of his pension.

Mr. Speaker and Ladies and Gentlemen, I move for the indefinite postponement of this bill and all accompanying papers.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: As Representative Smith indicated, the committee is evenly divided on this matter. I think that those of us who are on Report A, the "ought not to pass," appreciate the very fine work that the committee has done in trying to introduce legislation in this particular session to improve the conditions at Bangor State Hospital, particularly, and in all our institutions in general.

The signers of Report A certainly are in sympathy with the motives, but unfortunately, occasionally in the House, we have to make some hard decisions and some responsible decisions regarding the allocation of funds. And I think what we are faced with here this morning is the very real decision, which is a tough decision, of

how we can better spend the state's resources.

The cost of this L. D., which hasn't been mentioned up until this point—if we implement this legislation, it is going to add a cost to the state every year of \$2,105,000. So you are talking about nearly \$4.5 million the biennium.

The decision that you are going to have to make is this the most effective expenditure of this amount of money that we can make to improve services for mental health in the State of Maine? Granted, a compelling case can be made for this expenditure. On the other hand, it was the opinion of at least the signers of Report A that the money could be more effectively spent in other areas; that, unfortunately, the resources of the state, not being limitless, that this is an item that we simply cannot afford at this time.

So I think the decision you have to make on this is a responsible individual decision of how we can best improve the mental health services in the State of Maine, a goal that I am sure we all support and whether, in fact, it can be done better by this means or by upgrading the services in other areas, because I think there is general recognition that we have a long way to go before we have first-rate services for mental health in the state.

I think that we have here a situation where this is something we simply cannot afford unless, in the future, we want to be in the position where our resources are so committed here that we can't achieve more desirable improvements in other areas.

So you are faced with a very responsible decision here this morning of whether, in fact, the state can afford this expenditure in this area for this purpose.

The SPEAKER: The Chair recognizes the gentleman from Bangor. Mr. Soulas.

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: L. D. 223 for Maine: L. D. 223 deserves your full support. I don't usually get involved with many many bills, and I try not to speak too often. But to sit in my chair today and say nothing,

then I feel I would do an injustice to the many many telegrams, letters and phone calls I have received in support of this bill. As a matter of fact, this is my bill.

Already this session you have voted favorably to all the other bills presented and related to the Bangor State Hospital Study Committee, L. D. 1588, 1689, 1630 and 1631. The people that this bill affects are the most dedicated, hard working and loyal in our entire state system and for some reason or other I cannot explain, have been neglected when benefits were passed out.

I would like to read to you a few of the benefits given to other employees by the 105th Legislature. The following benefit improvements have been provided under the system during the past biennium as a result of legislation and action by the board of trustees. Credit for teacher service prior to July 1, 1947 changed from 1/70 to 1/60 in benefit. Benefit for forest rangers changed to one-half current annual salary after 20 years of service and attaining age 50. Benefit for law enforcement officers of Inland Fisheries and Game and Sea and Shore Fisheries Department changed to one-half current annual salary for 20 years service. Remarriage restriction for survival benefit recipients removed after age 60. Benefit for liquor inspectors changed to one-half current final compensation from one-half average final compensation. Group life insurance for retired persons revised from five - year average insurance in force before retirement to three year average coverage before retirement. Benefit for certain Maine employees changed to one-half average final compensation for 20 years service at age 50. So we are not opening the door to anything new, this is being done all the time.

Now, I will also give you an idea of what this is going to cost, and this is data I have just received dated June 30, 1972. We will assume that there is only going to be 458 state employees retired in 1972. The average retirement pay is \$228 per month, esti-

mated that no more than 100 employees will retire with the passage of this act in the three institutions, and we will just take that 100 employees and multiply it by 228. That comes to \$22,800, estimated cost per month at maximum number of employees retired. That would be the entire amount of people faced in 12 months, is only \$273,600, not \$2,-100,000.

In view of the above and in line with Section 1095 of the Personnel Code, my bill reads as follows: "Any member who is an employee of a state mental institution or who works with the mentally retarded and who has at least 20 years of creditable service with the institution he is working with under mental retardation may be retired on or before the attained age of 50 on a service retirement allowance which is equal to one half of his average final compensation.

"In addition, every employee who is an incumbent to the position described shall contribute at the rate of 7½ percent of earnings." So you see, this could be easily partly funded with their own money.

I hope you will vote favorably for Report B, vote against the motion to indefinitely postpone and give to these hard working people what is due them, not only financially but morally.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I think the speaker who has just concluded his remarks has given you the very reason why you ought to approach this bill with great care. He says this has been going on over the years, and it certainly has.

Our first exposure to this committee was amazing. You just can't imagine how this retirement fund has been fragmented over the last 20 years or so, special groups, special interests all taking a part of the retirement fund for their own special use.

The state has a good retirement fund, but it is not going to be a

good retirement fund very long if you continue to parcel out every annual session special gifts to small groups. The state has already obligated a tremendous amount of money. From 62 with an unfunded liability of about \$30 million, it has now crept over \$160 million. And you are adding to it rapidly year by year.

I think the Retirement Committee was wise in bundling up many of these measures and asking for a good, thorough study of the retirement fund, something that can tie all these loose ends together and get the thing back on its feet.

Mrs. Najarian of Portland requested a roll call.

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

Mr. SPROUL: Mr. Speaker and Ladies and Gentlemen of the House: It would seem to me that it would be a little late this morning for the sponsor of L. D. 223 to be stating on the floor that he has just received figures on the cost of this L. D., and I would like to make a parliamentary inquiry on this if I may.

The SPEAKER: The gentleman may pose his question.

Mr. SPROUL: Would not the fact that L. D. 223 is on the floor without a figure attached to it be in violation of Rule 46?

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: If there is a price tag to it, the amendment could be drafted and added at the second reading. It might be entirely possible that there is a price tag and that it would have to be made a part of the bill. There is no reason for it to come out of committee without it. It is quite possible that when the bill was drafted, that it was left off with the assumption that there would be no price tag. Any method can be used to derive ways of killing a bill and, of course, this is one of them.

I would point out in reference to earlier remarks made by the gentleman from Augusta, Mr. Sproul, that there are other areas

and other individuals in this state who get the 20-year retirement. I don't necessarily disagree with the gentleman from Livermore Falls who indicated that we have a fragmentation of a system that needs to be reworked. I think this is very much true. But there are other people who were given 20 years, as was pointed out earlier, including the state prison individuals, the game wardens, for example, and others, and I think we shouldn't worry about setting a precedent. Unfortunately or fortunately, that precedent was set many moons ago.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: I might further answer the good gentleman from Augusta, Mr. Sproul. Oftentimes, there is no price tag on a bill. This is to make sure — this rule — that we would catch for instance, referendums, years ago, never had a price tag on a bill. They were not caught, because the price tag was in the printing of the ballot. So this is to make certain — this rule makes it absolutely certain that all bills that are even suspect — there are bills now on the table, on the Appropriations Table that one could make a very very good case that actually there is no price tag on it, but because of the possibility of it and because of suspect that there might be, they lie on the table.

I think his point is well taken. But I assure him of this thing here, that regardless of an amendment or no amendment, when this bill — should it pass for final enactment here and then before it is finally enacted in the other branch, there is one place this bill will land and that is on the Appropriations Table because of that purpose. I think, however, his point is well taken, although I think he knows the bill will land on the Appropriations Table.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: Just to refresh your mem-

ory, I gave him the price tag on this bill. This price tag was developed by the Finance Office, Mr. Garside, in consultation with the retirement system. The price tag on this bill is \$2,105,997 a year with the current staff. So, for the biennium, you have got a price tag of \$4,210,000. So this is the price tag on the bill.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: It is probably unfortunate that this bill didn't get before the Veterans and Retirement Committee. I know that precedence has been established and that we have a lot of irregularities, if you want to call them, in our retirement system. But I believe that where we have a pending study before us right at the present time, that it is unwise to continue the precedent or to extend it any further.

I believe that I wouldn't want to see, anyway, any more given away right now; then suddenly this committee would come in, maybe in the special session of the 107th, and take some things away from the people after we have given it to them.

I would definitely support the indefinite postponement of this, and I believe that we should go along with the idea that the Veterans and Retirement Committee had in reporting out most of the bills "ought not to pass" pending the study, and this is one of those that should be in the study.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: If the good gentleman from Standish, Mr. Simpson, will go down into the library and look up the record of I think the 1945 or 1947 session, he will see where I made some remarks, very brief remarks as a freshman, in which I stated that the day was fast coming when we would wind up with 48-hour weeks, and after I made that remark, in parentheses there was a word "laughter." We are now within 40-hour weeks. Within two to four years, we will

be operating under a system of four-day weeks. Within six to eight years, all systems of retirement will be under one roof, social security, every system. And believe me when I tell you this, that this is not opening up a Pandora's Box at all. The Pandora's Box was open.

I would like to further comment about the Pandora's Box being opened by talking for a moment about the state police and the explanation that the gentleman from Augusta, Mr. Sproul, gave as to why we came up with that 20-year retirement. I will refresh his memory, because I know he has a good one.

The reason that the 20-year retirement for state police was given in the first place was the same reason that everybody, practically, in the Motor Vehicle Department has a car, for political reasons. These were the two big political arms of the party that he belongs to. And if he wants to spend a half an hour with me, I will point out the facts to him with the i's dotted, the commas in their proper places and the periods in their proper places, because he knows that I know what I am talking about.

I was here in the days when Governor Louis J. Brann was in this place here. And believe you me, if you want to go back to the boards of registration, and you check back the members of the State Police in 1933 or '34, if you find over two members who were registered in my party driving one of those hacks I will buy anybody a Hickey Freeman suit, and I like to gamble, and I don't lose too often. And on that period there I am a 55 length buzzy just as sure as Secretariat is going to win that race at Belmont, Saturday.

Now sometimes along the line I can stay still and tolerate and be a good boy. But let us just face the facts here. The reason why things were done years ago were strictly for one reason, and I go along with that philosophy, because believe me, if ever the day comes when we have a Demo in the corner office and a Democratic House here, and the Republican Senate in there, why we will

change the world, make no mistake about that. If you want it to pass, you have got the numbers to kill this bill. It is perfectly all right with us; it is perfectly all right with me. I am for it 100 percent, because it is just going to make us a few more facts.

The SPEAKER: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Members of the House: I think there has been some talk this morning here that there are a few questions about where some of these bills have gone. It has bothered me some that the whole packet of the Bangor State Hospital investigating committee went through Appropriations. This bill otherwise probably would have gone to Retirement and I guess it did and it was requested that it go back to Appropriations.

Also, there was a bill that would lower the age or abandon the age where patients could enter our state institutions. I think probably it was because of the makeup of the Appropriations Committee and the makeup of the Bangor State Hospital investigating committee. There were some on the committee that are on the Appropriations Committee. It has bothered me right along as to where some of these bills have gone.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I was kind of amused when my good friend Mr. Farnham got up a few minutes ago to postpone this bill. When he made the motion I was surprised; I was pleased in a way that he changed his mind, because he mentioned that he was very concerned with the poor fellow who was working in the mills, industries and so forth. But when it came before us saving us 40 percent on the liquor bill that we were debating, he was against us.

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

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: There has been mention of State Police and wardens, both

the Inland Fish and Game wardens and Sea and Shore wardens, and the State Police do have 20 year retirement, but they are also paying a higher percentage of their pay; they are paying 7½ percent.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: I promised a lot of people today in the halls that I wouldn't speak, but unfortunately I listened to a lot of the debate, and as I listened I made some notes. And having a wife that works at Augusta State Hospital, I might pass on some of the things that we discuss at home.

As members of the House, you already know that Maine law provides for a plea in our courts, of not guilty for reasons of insanity. There have been and are today people who have committed violent acts against society who are being held at the mental institutions through the order of the criminal courts. And as you know, state hospitals have done away with maximum security buildings, because mental hospitals are not prisons.

In a most recent court order, a murderer who pleaded not guilty by reason of insanity was sent to the Augusta State Hospital for brutally murdering his girlfriend. He has since escaped and has yet to be captured. At a hearing last fall he appealed for a release from his sentence to the Augusta State Hospital. The hearing was held, and his request was denied. After he heard that his request was denied, he then escaped and is currently at large and is considered dangerous. There is no doubt that he is not insane, but he is a convicted murderer. Was there a considerable threat to the people who were responsible for his custody and care while in Augusta State Hospital? I believe there was and there still is today, so long as the courts continue to send these violent criminals to our state institutions.

L. D. 223 does merit favorable consideration. The staff personnel at state hospitals include nurses

and doctors, and for the most part the workers there are women. Prison guards, at least, have the physical strength to fight back. But what about the women who work at our state institutions? No one here today questioned the dangers which they face every day at work.

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

Mr. DYAR: Mr. Speaker and Members of the House: I stand here in amazement at the words I have just heard from the gentleman from Gardiner, Mr. Whitzell. I certainly hope my being with him last night didn't change his mind that much, but I have to agree with everything he says. I just hope he maintains his stand and sees the light.

I would like to set the gentleman from Lewiston, Mr. Jalbert, somewhat at ease on his predictions and on his gambling. He predicted the 40-hour work week, predicted the 4-day work week, and our state institutions a pleasant time. Through a voluntary effort of some psychiatric aides they are working a 4-day week; they are working a 4-day, 10-hour week to get their 40 hours in. So he has seen the accomplishment of a 40-hour work week, and I hope now that he will be able to know that there is a 4-day work week in some of our institutions.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House. I apologize for rising again on this bill, but as chairman of the Retirement Committee, I am in quite some agreement with the gentlewoman that mentioned the fact that this bill had been in our committee. It was treated out of the committee. I was convinced that possibly it should go to Appropriations and perhaps they have in their deliberations decided right. But I really think we made an error, not because of the divided report. I don't think there would have been a divided report out of Retirement. But this does involve retirement very much. Consequently, it probably should

have stayed in our committee; it probably should have been one of the Rule 17-A bills which should require further study and recommendations. As I stated before, I think the recommendation would be or will be, if it is allowed to be studied, high pay for anything that is considered hazardous duty.

Now on this bill 223, I would like to call your attention to the thing that my good friend from Augusta, Mr. Sproul, brought your attention to. Unless the bill is amended, if it is passed, it will allow a state employee to do any type of state work for 18, 19½ years, then get a job with an institution and retire in six months with 20 years of creditable service. Of course that is only a minor thing but that is something that goes with the bill, and it does allow exactly that.

My good friend Mr. Soulas really gave you about as good a reason why this bill should not go through without further study. Because of these additions, it is creating the same endless wheel, and I don't know where it will get to in a few more sessions if more and more groups get on the band wagon. I expect the next thing will be for a 15 year retirement. I can agree very much with my good friend Mr. Farnham, that we have of course state employees who would like to get better benefits. Of course we received a lot of letters from the people who would be the recipients of this benefit. What else should they do? We are all created quite selfish. We are inclined to go after what we think we can get if it is going to help us, and I am no exception. None of you are either. A lot of us are going after retirement if we get ten years in the legislature. We do not appreciate the fact that it is going to cost the taxpayers some money when we do go after it.

Now these are some of the truths that we know from the Retirement Committee. We know that the fund and the whole system is being nibbled at and eroded. There should be a study, there should be some guidelines produced so that future committees, when bills come up, will say that

the legislature has decided these are the guidelines. If it fits inside them, fine, we will consider it on its merits. If it does not fit inside it, it is completely out. Now, that is what I would like to see. And I would like to see this subject along with the same companion bill, a special bill for the Bangor Institution people that came before us and very interested people from there and very sincere, but we did refer that to this study committee, which there is an order on the table now waiting to be enacted to form this study committee in the interim. And consequently, I can support and will support the indefinite postponement of this bill.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I support the indefinite postponement of this bill, and I hope the majority of you people will. I would like to cite you some of my reasons.

I want to be, for one thing consistent. I was opposed to the Maine State Police having earlier retirement than the others. And as a result of that, they offered to pay in more toward their retirement, which they now do.

The people that I represent, a good part of them work in the woods, and there is more of them killed per capita than any other group of people that work in the State of Maine. Out of the per hundred people, there are more woodsmen killed than there are working in institutions or anywhere else. And they don't feel right about this early retirement.

Another thing involved is a couple of million dollars or more; this should be highly considered. I think we have before this legislature somewhere around here a bill that upgrades the whole system. I probably will support that. But this would impair upgrading the whole retirement system, of which there is a bill somewhere before us here. I tried to find the number of it in a hurry and I couldn't.

While I am on my feet, I was a member of the 102nd Legislature when the Democrats did control

everything, and they didn't really change this thing around a great deal or set the world on fire. And I don't believe if they ever did control it they would make that much difference again. But for today, I would like to see you support the indefinite postponement of this bill. And when we do try to upgrade this retirement system, let's try to upgrade the whole system, not just individual groups here and there. I think that is wrong, I hope you do.

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

Mr. SMITH: Mr. Speaker and Members of the House. Numerous speakers here this morning have alluded to the fact that this ought to go to a study committee. I would just like to point out one more time that this bill and others have been studied very ardently and in great depth by the Bangor Hospital study committee. This was not a group of fly-by-night individuals. I think that from the cross section here on the floor that you see, and the others that have worked on this committee, this committee worked with great confidence and there was a diversity of point of view on this, and this bill came out of this great diversity of point of view. So I think that further study on this particular matter really wouldn't add much to the issue. And we ought to go ahead and pass this thing along.

The SPEAKER: The Chair recognizes the gentlewoman from Union, Mrs. McCormick.

Mrs. McCORMICK: Mr. Speaker and Members of the House: I am going to go along with the indefinite postponement of this bill today. I could go along with the bill if it was a point of hazard. But this bill does not cover a point of hazard.

I think we have done a lot for state employees throughout the years. We have also got a bill going on its merry way, number 492, which is going to help all state employees, not just one little special interest group. And as Mr. Jalbert mentioned Pandora's Box that we opened years ago, maybe

that is so, but do we have to keep the lid open forever?

I will support the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Dunn.

Mr. DUNN: Mr. Speaker and Members of the House: I just happened to be on the study committee in regard to this. Some people enjoy the work they are doing, that is why they are at the particular places of work. Most work of professions do have certain drawbacks. Coming in here every morning could be dangerous. It seems to me, rather than to pick out certain occupations and groups, we should forget it. And now a person is considered an adult at 18. I suggest maybe this could be amended to read that no person could be hired until they are 18 years of age, and make retirement mandatory at the age of 21 years, as long as a pension fund is available. And when the fund is no longer available, everyone could go to work again.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very, very briefly, because we certainly have discussed this at great length. I am always amazed on the floor of this House when all of the champions of the people, the retirement fund, get up and say you shouldn't do this, you shouldn't do that with it. I ask, whose fund is it anyway? Does this fund belong to the people in this House or does it belong to the workers? Who contributes to the fund? Who is the majority, where does the majority of the money come from for this? It comes from the working man, it comes from those poor devils, some of them up in Bangor State Hospital who get hit over the head, beaten, and so forth and so on, and there are many, many cases of it. So let's just bear in mind these people who are looking out, looking out for the other person, the other person's money.

I would mention very briefly to Mr. Farnham, who apparently is an expert on mental health. He

certainly indicated by the fact that you blast them with tranquilizers and put them away. I mean put them away, bury them, get rid of them. Let's hope that he or I never have to go to Bangor State Hospital or Augusta State Hospital and then have them grab us and blast us with tranquilizers and forget about us.

And that is what this whole report is about. It is about the people that go into these institutions, and what are you going to do with them when you get them in there? Do you treat them or are you going to forget about them? So, it is very easy to say to tranquilize them. They have four policemen, last summer four policemen brought him in, a man that weighed about 260 pounds, he was about 6 foot 6 inches tall, and the poor policemen came struggling in the corridor, they put him in the door of the admission ward, and there were a couple of little attendants standing there and they said, "you take care of him and we will bring you another one in a little while." Now, you give them tranquilizers and there were no doctors available or no qualified personnel to give the tranquilizers, we are understaffed up there right now ladies and gentlemen.

The other point that I wanted to bring out was that in this bill, it would require a 7½ percent — it would increase it from 5½ to 7½ percent, the amount of money that would be put in by the employees who receive this.

So, I certainly implore you this morning for these people who work in terrible circumstances, and it is getting harder and harder to find the properly qualified people to uplift the morale in these three institutions and go against the indefinite postponement of this bill.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: While the gentleman from Brewer was talking about where the money would come from, I did grab a pencil and did a little figuring; and if we assume that one of these workers averaged \$5,000

a year and over the 20-year period, they would contribute 7½ percent. They would, therefore, contribute \$3,750. They would be entitled to a pension of \$2,500 a year, half pay. So in 15 months, they would have gotten back all of their contribution. Now, there would be some interest earned by that money during the 20 years, so we will be broad minded and say they would get it back — all of it back in two years. Now, at age 50, you are expected to have a life span of 28 more years. So, the worker has contributed enough to pay for his pension for two years and the state's taxpayers will do the next twenty-six years.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: In response to a statement by the gentleman from Brewer that this is a fund primarily contributed by the employees, now this is a state retirement fund and believe me, the word "state" means state money.

The state is contributing almost 4 percent of the current salary. They are also contributing another almost 6 percent towards the unfunded liability, and I think that dwarfs the employee's contribution.

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

Mr. CHURCHILL: Mr. Speaker and Members of the House: I would like to rebut the statement, someone said there were no hazards there. Three years ago when we visited the Bangor State Hospital, it was either in K-1 or K-2 that the nurse in there in charge at the time told us to be careful, a lady that we were observing had just tried to smash a chair over someone's head the day before. Now, I don't know whether they call this a hazard or not.

Last year when we were visiting there, there was one patient — I am not sure whether it was the same patient Mr. Norris referred to, but he did several thousand dollars worth of damage to the ward. He smashed up everything he could get his hands onto.

Well now, the little lady there in charge that day probably weighed about 98 pounds. So, when you say there is no hazard, no danger, I don't know how much more you would ask for.

He referred to Thomaston. Well, Thomaston, they are all locked in a cell. This past year when we visited, there was no locks on the doors. We were informed that they did not lock the door, they didn't have that type of treatment now. They were all on good conduct there, and we went from one room to another, and there wasn't a room that was locked. There was one person who was restricted to his room. Other than that, why, we didn't see a locked door. We all had keys, we could go anywhere we wanted to.

I really believe that these little attendants are in more direct contact than their high-salaried personnel working there, the psychiatrists or the top ones. They are in contact daily, and they see these. The whole shift is there; whereas, if you had a psychiatrist, he only sees patients possibly five minutes or fifteen minutes, possibly once a week or possibly every two weeks. The people we are trying to help are the low paid people.

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

Mr. BRAGDON: Mr. Speaker, Members of the House: Granted, there has been very lengthy debate this morning on this matter, and I think it is a matter of serious enough importance so that the debate is well justified. It has been attacked and defended from almost every angle.

I was somewhat surprised to see the gentleman from Lewiston bring the political angle in it. I am not going to attempt to comment on that. I simply want to say that I signed the Report A "ought not to pass" for two or three what I consider to be very good reasons. Number one, I do not believe in the philosophy of 20-year retirement, and I think the debate here this morning has shown that even the state police who have acquired this enviable position realize that their salaries

are being nipped from a day to day basis; and if you carry this to the overall, there is no other way than accept the money that you receive each day, and each week more and more has got to be taken out of it and contributed to this so-called retirement fund. There is no other way that the fund can remain solvent. The money has got to be put in there to take it out. Now, the members of the Retirement Committee have pointed this fact out to you very well, and I just happened to mention it in passing.

I think that one other reason that I signed this report as I did, I feel that this idea will not stop here. If this — I don't buy the idea of the dangers in this particular area, and if we go just one more step, you are pretty near ready to go make the big jump and do the same thing state wide. I don't think the day is very far away that this would happen if we take this step this morning.

I think this is a crucial decision that you are making this morning, and I hope there are enough of you here who agree with me that we better go slow, attempt to study this thing a little more and come up with what is obviously the right decision. I don't believe this one is, and I hope you go along with the indefinite postponement that has been moved.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: I will be very brief. I would like to say that early retirement for the Maine State Police didn't help the police system any, because we are constantly training men and they are constantly retiring, and I think we have — we don't have the benefit of the well-trained men that we had prior to this early retirement.

The other thing I would like to say, I consider it a hazardous position where people lose their life. So for that reason, I would like to question these people that are for this bill, how many people have lost their life on this

job, and this is where I would decide it was a hazard.

Now, my seatmate, Mr. Kauffman, has worked in a shipyard, and they constantly lose men there, and I would consider that a hazardous job where men lose their lives. Representative Birt of East Millinocket lost a son in a mill, and it is not too frequent they lose men in that industry. And nearly every industry that I represent in my area has lost men quite consistently, and I don't know of any time — I live near Bangor enough to know that they don't have any loss of life there, at least it is not very consistent.

So, I, for one, don't consider this a terribly hazardous job, and I, too, visited this hospital on many occasions. My mother-in-law spent the last part of her life there, and I was there a lot. The only problem I had in there was them trying to borrow my key to get out, the inmates. They never bothered me any other way, except annoying me trying to borrow my key to get out.

So, for this reason, I, for one, don't consider this a very hazardous job, not in view of the fact that my constituents are losing life quite constantly every year, both in industry and in the woods, and that is what I call a hazardous job. If there had been a great loss of life there, it hasn't been to my knowledge.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: I favor this bill, and I am going to tell you, we are talking about loss of life. I think any person that spends 20 years in one of these establishments has lost all of their life.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I am rising to support Report B on behalf of the employees at Pineland Hospital. Their work may not be all that hazardous. It is certainly very frustrating and singularly unrewarding. They spoon feed these kids day after

day and mop up urine and clean feces, and I don't see how any human being can work there. Anyone who can work there 20 years certainly deserves an early retirement.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I did not truly intend to debate this. I apologize for taking your time. After — we didn't have to go to the Bangor State Hospital to have a blast of tranquilizers from someone I thought should be a little bit more responsible. We were told that this did not cost the taxpayers any money for our retirement system.

We were told by the Finance Committee that this particular bill would cost around \$2 million. As it stands now each biennium, the Highway Department puts in \$9 million through its tax money; the general fund puts in \$9 million through its tax money and then for the teachers on their retirement, the taxpayers put in \$22 million. Now, that is money that should be thought about. Perhaps I should be on the Appropriations Committee, too.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: We welcome the good gentleman from Lubec up there, he is very astute.

To answer Mr. Dudley's question, Dr. Hadeen, who was the superintendent of the Bangor State Hospital for many many years, an elderly man, he died a couple of years ago at the age of 99, and during his tenure there, I spent quite a bit of time talking to this wonderful gentleman over the years. Probably, this was the major reason that I got involved in the manner that I have. Up to the time that he retired, off the record in my conversations with him, about 20 aides had been killed up at the Bangor State Hospital. Now, that is back from the time he took over until he — in recent history, I don't know exactly what the figure is but going by Dr.

Hadeen, who I would take as being certainly a bona-fide authority on the number of aides that had been killed.

The other thing that I would just touch briefly on are the statements by my good chairman, Mr. Haskell, who I hate to disagree with, but if you had 100 people retire under this system, if you can do ordinary arithmetic — which we all can do — if you can do ordinary arithmetic, it would amount to \$273,600. Now, you can figure it any way you want to, and you can get computer figures, and you can do anything you want to, but it is right here, \$273,600.

I would say to Mr. Lynch, my good friend, that as far as this retirement system goes, as I understand it, again he brings exactly the point I guess I was trying to make, that certainly the state contributes towards this. A person works for the state, and this is part of the compensation he receives, is the money that the state puts into the retirement system. And in my opinion, that money no longer belongs to the state. The man who puts his work in — the money is put in a retirement system, and that belongs to the workers and is part of the agreement that they receive and part of the salary that they work under. This part of the compensation is their retirement. So, when Mr. Lynch says, well, the state does this and the state does that, the state does no more than when they agree to pay him "X" number of dollars a week and retire him at a certain compensation for so much a year. So it is fine, he can put the state up as a benefactor, but the state is like any other employer, whether it be private industry or the state. If they offer them a retirement plan, this is money that they earn at the time that they put their work in, and the money that goes in there no longer belongs to the state nor do I think that the state is a benefactor. I think it is part of the workers' compensation.

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

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

House: The point I was trying to make is that giving early retirement, 20 years, is causing a great deal of dissatisfaction amongst the members of the state retirement fund. Those who are not getting it are very highly dissatisfied. So the trend is going to be that each year you are going to have bills coming in for a special group to have retirement after 20 years.

Now, with the state contributing as they do, you aren't going to be too many years away from a revolution of the taxpayers who have to work more than 20 years. Now, somebody in this state is going to be very very much disturbed if they are going to have to work 35 or 40 years to get their retirement and in the meantime paying highly through taxes for others to retire in 20 years.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. McNally.

Mr. McNALLY: Mr. Speaker and Members of the House: Probably due to the fact that I am a little bit dull and don't see things too quickly and never considered this bill before until now, after a few bits of information that I collected out in the corridor a little while ago, I would hope that somebody would table this for at least a day to give me a chance to see whether my information was correct or not. I am quite certain that it is.

I understand that this particular bill was gone over by the people who handle the pensions and retirement fund, and they got an agreement from all the people who have contributed into this fund of 1½ more percent than they will put into it, and of course the state will have to go along with their part also. But the state does put in so much money. Now I think, well, is this going to cost any more at this time? The gentleman I was talking to said, "No, if anybody thinks that it is, let them confer with the actuaries that handle this and they will see that we have made arrangements so at this time this bill could be passed and paid for without any new taxes." That was out in the corridor. And as I say, I am quite

sure that my information is correct on it, but I would surely welcome it if somebody would just put this over one day so I could have a chance to check it myself. I don't always believe everything I hear or see, either.

The SPEAKER: The Chair recognizes the gentleman from Parsonsfield, Mr. Pratt.

Mr. PRATT: Mr. Speaker and Members of the House: I guess everyone else has spoken on this. I would like to set Mr. McNally straight on his figures he got in the corridor. I don't think it is a good source. But the figures he is talking about are L. D. 492, not this bill that is before us.

The present contribution by the state employees and teachers is 5 percent. The state contributes roughly 9½ percent. Under 492, the bill which we have sent on its way to passage, the state employees and teachers will contribute 6½ percent. That is on L. D. 492; that is not this bill here that is before you. L. D. 492 will give these people a boost, the same as the teachers and other state employees, and their retirement will be figured on one-fiftieth instead of one-sixtieth.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I just heard the young lady, Representative Najarian, who is a good friend of mine, state that at Pineland they had to clean urine. I don't think the young lady every lived on a farm and raised any cattle.

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 Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I hate to take your time, but I might just as well round out the group and give you the reasons why I signed the "ought not to pass" report. There is not much more that I could add that hasn't already been said on the floor of this House, but the reason that I signed the "ought not to pass" report is not because I am not in sympathy with the aims of this bill. I believe that the aim of this bill involves a majority policy decision by the legislature. If we are going to do this, we must do this based on actuarial figures, and this is what concerns me. We are faced here with an actuarial problem and it must be resolved or at least we must be aware if there is a problem before embarking on this decision. That is why I signed the "ought not to pass" report and I would hope that you would go along with the motion to indefinitely postpone. If it is the desire of this legislature to go in this direction, let's have a thorough study of this problem.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I would just like to inform Mr. Brawn that I would rather be a farmer than an employee at Pine-land Hospital.

The SPEAKER: The pending question is on the motion of the gentleman from Hampden, Mr. Farnham, to indefinitely postpone Bill An Act Relating to Service Retirement of State Mental Institution Employees." House Paper 181, L. D. 223, and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Berry, P. P.; Binnette, Birt, Bither, Bragdon, Brawn, Cameron, Carter, Chick, Dam, Deshaies, Donaghy, Dudley, Dunn, Evans, Farnham, Garsoe, Hamblen, Haskell, Henley, Herrick, Hunter, Immonen, Kauffman, Kelley, Kelley, R. P.; Kauffman, Lawry, Lewis, E.; Lewis, J.; Lynch, McCormick,

McMahon, McNally, Merrill, Morton, Palmer, Parks, Pratt, Shaw, Silverman, Simpson, L. E.; Snowe, Sproul, Stillings, Susi, Trask, Trumbull, Willard, The Speaker

NAY — Albert, Berube, Boudreau, Brown, Bunker, Bustin, Carrier, Chonko, Churchill, Clark, Conley, Connolly, Cote, Cottrell, McKernan, McTeague, Mills, Crommett, Curtis, T. S., Jr.; Davis, Drigotas, Dunleavy, Dyar, Emery, D. F.; Farley, Farrington, Faucher, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Huber, Jalbert, Kelleher, Kilroy, Knight, LaCharite, LaPointe, LeBlanc, MacLeod, Mahany, Martin, Maxwell, McHenry, Morin, L.; Morin, V.; Murchison, Murray, Najarian, Norris, O'Brien, Perkins, Peterson, Pontbriand, Ricker, Rolde, Rollins, Ross, Santoro, Shute, Smith, D. M.; Smith, S.; Soulas, Strout, Talbot, Theriault, Tyndale, Walker, Webber, Wheeler, Whitzell

ABSENT — Briggs, Carey, Cooney, Cressey, Curran, Dow, Hancock, Hoffses, Jackson, Jacques, Littlefield, Maddox, Mul-kern, Sheltra, Tanguay, Tierney, White, Wood, M. E.

Yes, 53; No, 80; Absent, 18.

The SPEAKER: Fifty-three having voted in the affirmation and eighty in the negative, with eighteen being absent, the motion does not prevail.

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

Consent Calendar

First Day

(S. P. 287) (L. D. 834) Bill "An Act Relating to Marine Fishery Regulations" — Committee on Marine Resources reporting "Ought to pass."

(S. P. 398) (L. D. 1212) Bill "An Act Providing for Suspensions of Domestic Corporations by the Secretary of State" — Committee on Business Legislation reporting "Ought to pass as amended by Committee Amendment "A" (S-199).

(H. P. 623) (L. D. 821) Bill "An Act Relating to Forfeiture of All

Property Used in Delivering Il-legal Drugs" (H. P. 623) (L. D. 821) — Committee on Judiciary reporting "Ought to pass" as amended by Committee Amendment "A" (H-508).

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

Consent Calendar Second Day

(S. P. 193) (L. D. 538) Resolve to Locate the Public Lot in Township 2, Range 6 W.B.K.P., Franklin County

(S. P. 317) (L. D. 983) Bill "An Act to Clarify Title to Roads and Ways"

(S. P. 457) (L. D. 1473) Bill "An Act to Create a Commission to Prepare Legislation Revising the Trial Court System" (C. "A" S-191)
(S. P. 500) (L. D. 1608) Bill "An Act to Establish Title to Islands in Maine's Coastal Waters and to Create the Maine Coastal Island Registry" (C. "A" S-195)

(H. P. 939) (L. D. 1236) Bill "An Act Relating to Seasonal Employment under the Employment Security Law" (C. "A" H-498)

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

Orders Out of Order

Mr. Hobbins of Saco presented the following Order and moved its passage:

ORDERED, that Wendy Minor, Margaret Smith, Fred McDonald and Ricky LeClair of Saco be appointed Honorary Pages for today.

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

Mr. Carrier of Westbrook presented the following Order and moved its passage:

WHEREAS, it appears to the House of Representatives of the 106th Legislature that the following are important questions of law, and that the occasion is a solemn one; and

WHEREAS, there is pending before the 106th Legislature Legislative Document No. 1775, entitled "AN ACT Relating to Bylines for Editorials in Maine Newspapers,"

which proposes that it would be a crime for any daily or weekly newspaper in the State to publish an editorial without disclosing the name of the person who wrote the editorial; and

WHEREAS, the constitutionality of the Legislative Document No. 1775 has been questioned; and

WHEREAS, it is important that the Legislature be informed as to the constitutionality of Legislative Document No. 1775; now, therefore, be it

ORDERED, that the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the House of Representatives, according to the provisions of the Constitution, on its behalf, their opinion on the following questions, to wit:

1. Does Legislative Document No. 1775 constitute an abridgement of freedom of speech or freedom of the press in violation of the First Amendment to the United States Constitution?

2. Does Legislative Document No. 1775 constitute a regulation or restraint on freedom of the press in violation of Article I, Section 4 of the Maine Constitution?

3. Does Legislative Document No. 1775, to the extent that it applies to editorials appearing in certain kinds of newspapers only, and does not include within its prohibition editorials appearing in magazines, leaflets, brochures or broadcasts over radio or television, constitute a violation of either the Due Process Clause or Equal Protection Clause of the Fourteenth Amendment to the United States Constitution?

4. Does Legislative Document No. 1775, to the extent that it applies to editorials appearing in certain kinds of newspapers only, and does not include within its prohibition editorials appearing in magazines, leaflets, brochures or broadcasts over radio or television, constitute a violation of either the Due Process Clause or Equal Protection Clause of Article I, Section 6-A of the Maine Constitution?

5. Does Legislative Document No. 1775, to the extent that it fails to provide the nature of the penalty to be imposed for violating its provisions, constitute a violation of

either the Due Process Clause or Equal Protection Clause of the Fourteenth Amendment to the United States Constitution?

6. Does Legislative Document No. 1775, to the extent that it fails to provide the nature of the penalty to be imposed for violating its provisions, constitute a violation of either the Due Process Clause or Equal Protection Clause of Article I, Section 6-A of the Maine Constitution?

The Order was read and passed.

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

ORDERED, the Senate concurring, that the Joint Standing Committee of the 106th Legislature on County Government report out a supplemental bill on county budgets. (H. P. 1578)

The Order was read.

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

Mr. MARTIN: Mr. Speaker, I move this lie on the table one legislative day pending passage.

Thereupon, Mr. Henley of Norway requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that this Joint Order be tabled for one legislative day pending passage. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

73 having voted in the affirmative and 10 having voted in the negative, the motion did prevail.

Passed to Be Engrossed

Bill "An Act to Authorize Bond Issue in the Amount of \$3,000,000 for Acquisition of Real Property for State Parks" (S. P. 476) (L. D. 1537) (C. "A" S-193)

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

Second Reader

Tabled and Assigned

Bill "An Act to Create a Department of Marine Resources" (S. P. 637) (L. D. 1972)

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 to Correct Errors and Inconsistencies in the Fish and Game Laws" (S. P. 645) (L. D. 1980) (S. "A" S-204)

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

On motion of Mr. Kelley of Southport, the House reconsidered its action whereby Senate Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Senate Amendment "A" and moved its adoption.

House Amendment "A" to Senate Amendment "A" (H-514) was read by the Clerk and adopted.

Senate Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

Second Reader

Tabled and Assigned

Bill "An Act Relating to Regional Planning" (H. P. 1573) (L. D. 2003)

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 to Correct Errors and Inconsistencies in the Maine Housing Authorities Act" (H. P. 1571) (L. D. 2001)

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

Later Today Assigned

Bill "An Act Relating to the Certification and Regulation of Geologists and Soil Scientists" (H. P. 1570) (L. D. 2000)

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

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

Bill "An Act Amending the Mountain Resorts Airport Authority Act" (H. P. 1572) (L. D. 2002)

Bill "An Act Creating the Power Authority of Maine" (S. P. 550) (L. D. 1760) (S. "A" S-184)

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 Revising the Rate Tables of Tax Imposed on the Income of Individuals" (H. P. 835) (L. D. 1105)

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

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

The SPEAKER: Will the Sergeant-at-Arms kindly escort the gentleman from Eagle Lake, Mr. Martin, to the rostrum?

Thereupon, Mr. Martin assumed the Chair as Speaker pro tem and Speaker Hewes retired from the hall.

Passed to Be Enacted Emergency Measure

An Act Establishing the Aroostook-Prestile Treatment District (H. P. 1276) (L. D. 1748)

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. 101 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.

Bond Issue

An Act to Authorize Bond Issues in the Amount of \$25,000,000 to Provide Funds for School Building Construction (H. P. 1391) (L. D. 1800)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution and a two-thirds vote of the House being necessary, a total was taken.

Thereupon, Mr. Simpson of Standish 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 passage to be enacted. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House is necessary. All in favor of passage to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Berry, G. W.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Bustin, Cameron, Carey, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Conolly, Cottrell, Crommett, Curtis, T. S., Jr.; Davis, Deshaies, Donaghy, Drigotas, Dunleavy, Dunn, Dyar, Emery, D. F.; Evans, Farley, Farnham, Farrington, Faucher, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Herrick, Hobbins, Hoffses, Huber, Hunter, Immones, Jackson, Jalbert, Kauffman, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maxwell, McCormick, McHenry, McKernan, McMahan, McNally, McTeague, Mills, Morin, L.; Morin,

V.; Morton, Murchison, Murray, Najarian, Norris, Palmer, Parks, Perkins, Peterson, Pontbriand, Pratt, Ricker, Rolde, Rollins, Ross, Santoro, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Talbot, Theriault, Trask, Trumbull, Walker, Webber, Wheeler, White, Willard, The Speaker pro tem.

NAY — Berry, P. P.; Cote, Dam, Dudley, Henley, Merrill, Tanguay.

ABSENT — Briggs, Bunker, Cooney, Cressey, Curran, Dow, Gauthier, Hancock, Haskell, Jacques, Kelleher, Kelley, Maddox, Mahany, Martin, Mulkern, O'Brien, Sheltra, Tierney, Tyndale, Whitzell, Wood, M. E.

Yes, 122; No, 7; Absent, 21.

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

Passed to Be Enacted

An Act Relating to Books for Recording in Office of Register of Deeds (S. P. 63) (L. D. 166)

An Act to Authorize Oxford County to Raise Money for the Development of an Airport in the Rumford- Mexico Area (H. P. 464) (L. D. 612)

An Act to Establish Privileged Communication for School Counselors (H. P. 533) (L. D. 715)

An Act Relating to Winter Maintenance of State Aid Highways and Town Ways by Municipalities (H. P. 549) (L. D. 730)

An Act to Authorize Issuance of Warrants for Administrative Searches (S. P. 344) (L. D. 1043)

An Act Establishing Privilege to Refuse Disclosure in a Patient-Psychiatrist Relationship (H. P. 881) (L. D. 1168)

An Act to Correct Errors and Inconsistencies in the Maine Business Corporation Act (S. P. 403) (L. D. 1231)

An Act Revising the Enforcement of Money Judgments Act (H. P. 1126) (L. D. 1461)

An Act Relating to Commencement of Desertion and Nonsupport Actions (H. P. 1223) (L. D. 1593)

An Act Relating to Support, Judicial Separation and Annulment Actions by Military Nonresidents Stationed in Maine (H. P. 1227) (L. D. 1602)

An Act Relating to Illuminated Advertisements on Motor Vehicles (H. P. 1460) (L. D. 1885)

An Act Authorizing the Department of Health and Welfare to Pay Medical Expenses when these Expenses Constitute a Financial Catastrophe (H. P. 1543) (L. D. 1971)

An Act Providing for Interest on Late Payment of Insurance Claims (H. P. 1544) (L. D. 1975)

Finally Passed

Resolve Providing for Purchase of Copies of History of Monson (H. P. 1414) (L. D. 1854)

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

Order Out of Order

Mr. Greenlaw of Stonington presented the following Order and moved its passage:

ORDERED, that Terri Weed, Mark Morey, Terri Cormier and James Wymann of Deer Isle be appointed Honorary Pages for today.

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

Supplemental No. 1 was taken up out of order by unanimous consent.

Passed to Be Enacted Emergency Measure

An Act Relating to Group Life Insurance for Judges and Justices of the Courts (H. P. 371) (L. D. 500)

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 of the House being necessary, a total was taken. 101 voted in favor of same and none against and accordingly the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Relating to Legislative Service Under State Retirement System (H. P. 49) (L. D. 56)

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.

Enactor**Tabled and Assigned**

An Act to Create the Department of Business Regulation (S. P. 350) (L. D. 1102)

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

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

An Act Relating to Contributions by Participating Local Districts under Retirement Law for Former Employees (H. P. 952) (L. D. 1249)

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.

Orders of the Day

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

Bill "An Act Appropriating Funds for Public Housing Authorities for Operating Subsidies" (H. P. 1365) (L. D. 1821)

Tabled — June 4, by Mr. Simpson of Standish.

Pending — Motion by Mr. Curtis of Orono to accept the Majority "Ought to pass" Report.

On motion of Mr. Simpson of Standish, retabled pending acceptance of the Majority Report and specially assigned for Friday, June 8.

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

Bill "An Act Providing for a Tax on Petroleum Products and Refineries to Promote Environmental Protection" (H. P. 819) (L. D. 1149)

Tabled — June 4, by Mr. Mills of Eastport.

Pending — Motion by Mr. Susi of Pittsfield to accept the Majority "Ought to pass" Report.

On motion of Mr. Simpson of Standish, retabled pending acceptance of the Majority Report and tomorrow assigned.

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

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

Tabled — June 4, by Mr. Palmer of Nobleboro.

Pending — Acceptance of Committee Report "Ought to pass" as amended by Committee Amendment "A" (H-488).

On motion of Mr. Palmer of Nobleboro, the Report was accepted and the Bill read once. Committee Amendment "A" (H-488) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

The Chair laid before the House the fourth 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 — June 4, by Mr. Martin of Eagle Lake.

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

On motion of Mr. McTeague of Brunswick, retabled pending acceptance of the Committee Report and specially assigned for Friday, June 8.

The Chair laid before the House the fifth 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 — June 4, by Mr. Martin of Eagle Lake.

Pending — Passage to be engrossed.

On motion of Mr. Simpson of Standish, retabled pending passage to be engrossed and specially assigned for Friday, June 8.

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

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

Tabled — June 4, by Mr. Birt of East Millinocket.

Pending — Passage to be engrossed.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: You recall that on Monday I promised that I would be ready on Wednesday. Well, I am ready, but the amendment isn't. It hasn't been distributed yet, so I would ask someone to table this for one day please.

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

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

Resolution Proposing an Amendment to the Constitution to Provide for Indian Representatives to the Legislature (H. P. 214) (L. D. 287).

Tabled — June 5, by Mr. Birt of East Millinocket.

Pending — Further consideration.

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

Mr. DYAR: Mr. Speaker, I move the House recede and concur.

The SPEAKER pro tem: The gentleman from Strong, Mr. Dyar, moves that the House recede and concur.

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

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: Last week, after rather lengthy debate, at which time it was brought out that we could obtain the objectives of this resolution under House Rule 21 — after this debate, we indefinitely postponed it by a vote of 83 to 44. The other body, in their wisdom, has decided that it would be in the best interests of the State of Maine to have Indian representatives in this House.

Now, I am not hard-nosed, and I am willing to compromise. And I would like to offer House Amendment "A" under filing number 511, which I believe you have on your desks; and therefore, I move that we recede.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: I wonder if the gentleman could explain his amendment?

The SPEAKER pro tem: The gentleman poses a question to the gentleman from Wayne, Mr. Ault, who may answer if he wishes to do so.

The Chair recognizes that gentleman.

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: I move that we recede and then I will offer the amendment, explain it, unless he prefers that I explain it now.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Wayne, Mr. Ault, that the House recede. The Chair will order a division. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 87 having voted in the affirmative and 21 having voted in the negative, the motion did prevail.

Thereupon, the Majority "Ought to pass" Report was accepted and the Bill read once.

Under suspension of the rules, the Bill was read a second time.

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

House Amendment "A" (H-511) was read by the Clerk.

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

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: All the amendment does, Mr. McTeague, is provide that instead of Indian representatives to the legislature, we would have two Indian Senators.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: I am glad to have the explanation at this time. I think, though, that the time of the year is late. We deal with a matter that is at least serious to a small segment of our population. There is a history and tradition and there are Indian representatives in the legislature now under restricted form. It seems to me that the gentleman's amendment shows a very innovative mind but doesn't really address itself to the question. To my mind, we should either go along with the idea of having Indians allowed privileges of the floor but not vote or we should kill the matter.

I really would question the — I guess it is germane, legally germane, the amendment, but I think the laughter in this House when it was introduced, when it was read, shows what we are really dealing with.

It might not be serious to me, it might not be serious to the gentleman from Wayne, but it is serious to some of our people, and I would ask that you reject the amendment, either vote the concept up or down but not fool with it any more. I make the motion to indefinitely postpone the amendment, and I ask for a roll call.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: With all due reverence to my good friend, Mr. McTeague from Brunswick, I feel that it is very well taken. This House, it seems to me, is the one that is — the people that should make the decision as to whether we are going to seat Indian representatives. This House decided emphatically not to. I fail to see where the other body, being not concerned whatsoever with who we seat in this House, should feel that, in their wisdom, they should rule us out.

Possibly, there is a bit of comedy involved here and a bit of being facetious. But I still feel that the amendment is well taken.

I want to see the bill completely dead, because I opposed it before, and I have opposed it every session

here. I think it would be rather ridiculous to seat two representatives here in this House who would only be representing a little, small group of people on the floor of the House. We do pay their representatives as it is to lobby for them, and they do a wonderful job. And I am not convinced that the Indians themselves particularly want this bill. I haven't been convinced of it, I haven't been lobbied, and I know a lot of you haven't been. I don't know whose idea it is, but it comes up every session, and every session we have the same thing.

Since 1952, I believe it is, the Indians are ably represented by the regular representatives on the floor of this House just the same as everyone else, every other citizen of Maine is. Consequently, I believe that this amendment is just exactly as germane and just exactly as sensible as the action taken in the other body.

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 concerned with the attitude of this amendment, and I am concerned with the attitude of certain members of this body.

For the new members, the Indians did sit in this body until 1941. The Penobscot tribe had representation starting in 1823 and the Passamaquoddys in 1842.

I hate to indulge in taking your time this morning with the lateness of the hour, but I think there should be a few facts and possibly a few points of bigotry and so forth removed from this legislation.

To go back to 1941, I have not taken the time to check the record to see why the Indian representatives were ousted at that time, but you may remember that the World War II was starting in 1939, 1940 and 1941. At that time, the Indian residing here in the State of Maine was not an American citizen. And yet, I believe many Indians in the State of Maine and this nation served honorably in the service, and I remember that several received the Congress-

sional Medal of Honor for their service.

The gentleman from Norway, Mr. Henley, has raised a question relative to whether or not the Indians want this legislation. The tribal council of both tribes have endorsed the legislation and approve of it. The tribal council represent the two tribes. The two councils met together to discuss this legislation.

At the present time, we have broken the color barrier. We have the gentleman from Portland, Mr. Talbot, who is serving his people. We have first generation people from Europe sitting in this House. We have a predominance of Franco-Americans who are doing an excellent job in this House. All nationalities, I think, can be found here. Yet, we sit here today with humor and reject the true citizen of this state and deny him a seat in this body.

Certainly we pay the Indian representatives, the so-called Indian lobbyist. We pay them a token so they can come down here in the early part of the session, but they are not here today. If they are here today, they come at their own expense or travel expense.

Many here in this House will say the Indian is a drunk; he is a slob; he is lazy; he is looking for welfare, and I can agree with you a hundred percent. But who put him there? The white man put him there. We stole his land in this state back in the 1700's. We have not made restitution to him as of this day. We have jeopardized the position of those who would seek to restore their rights. If you are fearful of having two Indians representing the true American, the first resident of this state, if you are afraid of having these two people sitting on the floor of this House who merely have a seat, who can address you under unanimous consent only, who have no vote, then I wonder just how you think.

I wonder how many of us can go home at night and say we have done a perfect job for our constituents and say it with

honesty. I wonder how many Indians in this state — with no disrespect for the present legislators — can say that they are truly served by the people who are so-called elected to represent the Indians.

You can use the term "long knife" and the term "forked tongue" anyway you want it. But I think possibly both of these terms apply in a very serious manner.

I believe, for a Maine Indian to be elected as a true representative by the House, this Indian would have to be a person who becomes a sports hero or a war hero of national prominence. A Maine Indian who is born on the reservation, who works for a living, who educates himself, who is interested in government, who is interested in serving his people will never serve in this body as an elected official.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I favor this amendment, because I do think that we should do more for Indians. However, we defeated this bill 83 to 44 on May 29, but the Senate insisted that we do more for Indians. So therefore, let's comply with the basic concept of human rights, and give them the further honor of serving in the upper body rather than in this lower House.

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

Mr. HOFFSES: Mr. Speaker and Ladies and Gentlemen of the House: I would like to pose a question to anyone who may answer if they will. My question is are the two tribes of Indians, namely the Old Town and the Passamaquoddy, being represented here by the gentlemen from those various legislative districts or not? If they are represented by members of this House now in their respective legislative districts, if we were to pass this bill, would it not be a case of double representation?

The SPEAKER pro tem: The gentleman from Camden, Mr. Hoff-

ses, poses a question to anyone who may care to answer if he or she wishes.

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

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: In answer to Mr. Hoffses, it is my understanding that Mr. Mills represents the Passamaquoddy and Mrs. Murchison the Penobscots.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: To begin with, the amendment which we have here today which is now under the motion of indefinite postponement was never discussed in the committee.

Now, what this bill only calls for is a referendum vote. If you have this L. D. 287 in front of you, I would call your attention to what the black lettering calls for and it reads: "and in addition to such membership, the Passamaquoddy and Penobscot Indian tribes in this state shall each be entitled to elect a non-voting representative to the legislature who shall have a seat on the floor of the House of Representatives and such other duties and privileges as may from time to time be established by law." To me, that is clear and concise.

As far as the bill is concerned, it has been approved by both tribes, governor and council, in lengthy debates there.

What we would do here with this type of bill is simply extend the courtesy that they once had to sit in this House. You are not degrading, you are upgrading with the passage of such a bill.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I would like to pose a question through the Chair to anyone in this House who may care to answer. In the many years past when the Indian representatives sat in the lower House, did they ever sit in the upper chamber?

The SPEAKER pro tem: The gentleman from Bangor, Mr. Kelle-

her, poses a question to any member of the House who may choose to answer.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: There has never been any record of that occurrence.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: I rise to support the amendment that was presented by Representative Ault, and I do think that we should give them an opportunity to place them in the most—not to say that the other body is more important, but they seem to think they have the distinction of being more important. And if that is the place they should be, then I am willing to consolidate my differences, and let them sit over in the Senate for a while.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I would like to pose a question to the gentleman from Bangor. If this amendment is defeated, would Mr. Kelleher then vote for the original bill?

The SPEAKER pro tem: The gentleman from Portland, Mr. Connolly, poses a question through the Chair to the gentleman from Bangor, Mr. Kelleher, who may answer if he wishes.

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

Mr. KELLEHER: Mr. Speaker I will have to answer that question after the vote is taken, Mr. Connolly.

Mr. Talbot of Portland 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 Brunswick, Mr. McTeague, that House Amendment "A" to L. D. 287 be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Baker, Berry, P. P.; Berube, Boudreau, Brown, Bustin, Carey, Carter, Chonko, Connolly, Cooney, Cottrell, Curtis, T. S., Jr.; Dow, Dunleavy, Dyar, Faucher, Fecteau, Fraser, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Jalbert, Kilroy, LaCharite, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Lynch, Mahany, Maxwell, McKernan, McTeague, Mills, Morton, Murray, Najarian, Palmer, Perkins, Peterson, Rolde, Rollins, Santoro, Smith, D. M.; Smith, S.; Soulas, Talbot, Theriault, Tyndale, Wheeler, White, Whitzell, The Speaker pro tem.

NAY — Ault, Berry, G. W.; Binnette, Birt, Bither, Bragdon, Brawn, Cameron, Carrier, Chick, Churchill, Clark, Conley, Cote, Crommett, Dam, Davis, Deshaies, Donaghy, Drigotas, Dunn, Emery, D. F.; Farley, Farnham, Farrington, Ferris, Finemore, Flynn, Gahagan, Garsoe, Gauthier, Good, Hamblen, Henley, Hoffses, Hunter, Immonen, Jackson, Jacques, Kauffman, Kelleher, Kelley, R. P.; Knight, LaPointe, Littlefield, MacLeod, McCormick, McHenry, McMahon, McNally, Merrill, Morin, L.; Morin, V.; Murchison, Norris, Parks, Ricker, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Sproul, Strout, Susi, Tanguay, Trask, Trumbull, Walker, Willard.

ABSENT — Briggs, Bunker, Cressey, Curran, Dudley, Evans, Hancock, Haskell, Herrick, Huber, Kelley, Maddox, Mulkern, O'Brien, Pontbriand, Pratt, Sheltra, Stillings, Tierney, Webber, Wood, M. E.

Yes, 57; No, 72; Absent, 21.

The SPEAKER pro tem: Fifty-seven having voted in the affirmative and seventy-two having voted in the negative, with twenty-one

being absent, the motion does not prevail.

Thereupon, House Amendment "A" was adopted and the Bill read once.

Under suspension of the rules, the Bill was given its second reading, passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

Bill "An Act Relating to Service Retirement Benefits Under State Retirement System" (S. P. 184) (L. D. 492).

Tabled — June 5, 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.

Mr. Binnette of Old Town presented the following Joint Order and moved its passage:

WHEREAS, on the evening of June 6, 1973, the 106th legislative family assembled for an evening of delightful relaxation, courtesy of Republican Senators; and

WHEREAS, there is a need in every legislative session for informal gatherings of Legislators and staff, as opposed to more formal meetings and sessions, to promote good will among members and to allow all to know one another better; and

WHEREAS, the magnificence of this setting, warmth of good fellowship, competitive athletics, combined to guarantee a memorable respite from legislative duties; now, therefore, be it

ORDERED, the Senate concurring, that the enthusiastic thanks of the members of the 106th Legislature be tendered to our hosts, Republicans, Senators, or otherwise and especially to our dear friends from Belgrade, Mr. and Mrs. Herman Sahagian, for their warm and gracious hospitality in making his magnificent lake-shore facilities available for our use and enjoyment; and be it further

ORDERED, that thanks be given to our Divine Creator for favoring all our hopes and prayers that it would not rain; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to the Honorable Herman Sahagian in token of the sentiments expressed herein. (H. P. 1579)

The Order was read.

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

Mr. BINNETTE: Mr. Speaker, Members of the House: I think you will notice at the top of the order it says June 6. That should have been June 5, that was yesterday.

Passed and sent up for concurrence.

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

At this point, Speaker Hewes returned to the rostrum.

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

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

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

Bill "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" (H. P. 1565) (L. D. 1999).

Tabled — June 5, by Mr. Simpson of Standish.

Pending — Motion by Mr. Dyar of Strong that the House adopt House Amendment "A" (H-502).

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

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House. I speak not as House chairman of County Government, but as an individual. At this point and juncture, I would oppose House Amendment "A".

This amendment provides that if and when the federal government lifts the pay guidelines, the county commissioners and the county

delegation may see fit to adopt the pay for individual office holders on the county level to the extent that the commissioners originally recommended.

This year in particular has been very unusual for the County Government Committee to operate and to be just in giving pay raises to county officials, because we were held to 5.5 raises. IRS told us that each individual constitutional office had to be considered as a unit. Now, some disagree and say that whatever this House wants to do, they consider it would stand up, and there wouldn't be much said about it. But where we, as a committee, did inquire of these agencies and whereas they told us that this was all that would be allowed, we felt very strongly that we should stay along these guidelines.

As you recall earlier in the session, you voted not to make these positions retroactive in pay. You also recall this House has given state employees or planned on giving state employees a substantial raise. We thought where the circumstances in the first place was that you as delegation members from each county had authorized far more pay increases than what this committee has granted in this document, that possibly there might be a compromise, and you could, under an amendment that I propose to offer, possibly go along with making this pay effective July 1.

My reason for doing this was only the very fact that you have already, when you sanctioned your budgets in the first place at your initial meetings, had authorized far more money for these positions than these people are now able to get under a 5.5 pay increase.

My opposition to this amendment which we are now talking about that I felt that I should give you this information that I have just given you is that it is setting a precedent and, of course, we do meet in January, and this period of time is not too far ahead, and I don't think the federal government is going to change their standing on the guideline before next January anyway, so I really don't see any need of this amend-

ment at this time. But I do think we should take into consideration the fact that these office holders, because of the cost of living, should have an increase starting July 1. I move that this amendment be indefinitely postponed.

The SPEAKER: The gentleman from China, Mr. Farrington, moves the indefinite postponement of House Amendment "A".

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

Mr. DYAR: Mr. Speaker and Members of the House: I too speak as a member of the Committee on County Government.

The ruling of the Internal Revenue setting this salary increase to 5½ percent can be interpreted in many different ways. The legislation that we have before you in the form of the pay bill statutorily ties in a county employee from actually having his own rights, because under the federal guidelines, any person who comes under Phase II or III, as it applies to salary, if he can prove that he has an increased workload, increased job responsibility or has a hazardous position, he will be able to have a fair hearing and possibly get more than a 5½ percent increase.

Now, this 5½ percent increase sounds big in a way, but this is a 5½ percent increase over two years which is actually 2 and ¾ percent increase per year. When we passed the Part I budget here last week, we gave the state employees an 11 percent across-the-board pay increase.

I would like to clarify one statement made by the gentleman from China, Mr. Farrington, that House Amendment "A" says the county commissioners may increase the salaries of the statutory and constitutional officers as approved by them and by the majority of the county legislative delegation to the salary approved by these two groups that was referred to the Committee on County Government into January 1973. Now, to clarify this, in case there is any problem, if the Cumberland County delegation approved the salary increase for a county official in Cumberland from \$6,500 to \$7,800 — and this

was approved by the majority of the delegation — this is the salary the county commissioners could use provided the federal rules and regulations are rescinded. This does not allow the county commissioners to go above that figure in any way, shape or manner or go above a figure that is not approved by the county delegation.

Now, in the indefinite postponement of House Amendment "A", you are denying county employees the right to have a pay increase in calendar years 1974 and 1975. The amendment that will be offered to make this 5½ percent pay raise retroactive to July 1 this year, to me, is an absolute farce to cover up some possible mistakes made by the committee.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: My good friend, Mr. Dyar from Strong, I am sure the committee has been faithful in its duties this year. I am equally as sure that many, because they have served on other committees, could not attend all the hearings and also not attend the executive sessions. Seems to me if you have a Committee on County Government to go through the county budgets — and this is the process — and we come here by way of an amendment in this fashion where the rules and regulations definitely specify that the County Government Committee, in behalf of the legislature, should go over all the budgets — and certainly we had not this year considered the elevation of a lot of these salaries, because on the ruling from the IRS, we had no reason to. We simply added 5½ percent effective next January for all of these positions. Now, if we authorize the commissioners and the county delegations to give raises outside of the legislative branch, I think perhaps it might be in some way circumventing the original intent of the legislation governing pay raises for county officials. This certainly would be setting a precedent, and I am not in favor of it.

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

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

Mr. Simpson of Standish requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Old Town, Mr. Binnette, that L. D. 1999 lie on the table one legislative day. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

41 having voted in the affirmative and 44 having voted in the negative, the motion did not prevail.

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

Mr. CHURCHILL: Mr. Speaker and Members of the House: I desire to support Mr. Dyar's amendment for the simple reason that we granted the part time deputies and the full time deputies \$3 a day raises. And this sailed through here and there was nothing said about wage stabilization. If my figures aren't wrong, I believe this would only allow them at 5.5 percent something like 99 cents or around a dollar. We gave them \$3 a day raise, and the chief deputies and the part-time deputies are receiving more pay than our sheriffs are at this time. This is one of the big oppositions and the reason for this amendment. And I do feel that if this is lifted we should allow them the increase because it has already been included in their budget at the time the County Commissioners prepared these budgets.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support Mr. Farrington in favor of indefinite postponement of this for several reasons.

First, as a member of the County Government Committee, I attended the several meetings that were held with the Internal Revenue people. And in my opinion, they

were quite specific about what we could do regarding these statutory and constitutional officers since we are charged with specifically appropriating their salaries.

Secondly, and I think importantly, because of the attitude shown by the Internal Revenue Service, the committee did not give what I consider as full consideration to these various county delegation approved salary bills. It was sort of assumed, certainly by myself, and I think by most of the others on the committee, that our hands were tied to the 5½ percent increase. Therefore, we were not — we didn't look as closely as we would have otherwise at each county's request.

Thirdly, each county very readily revised their request to go along with the 5½ percent when it became obvious that they had to.

And regarding deputy sheriffs, we had a thorough discussion on that subject and they fall into, I feel, an entirely different category than do the constitutional and statutory officers.

So, I would hope this is indefinitely postponed, and if there are changes in the pay guidelines, the County Government Committee and the entire legislature can take up the subject when next we meet.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Committee on County Government, I support the amendment of Mr. Dyar of Strong. I never did really wholeheartedly go along with this so-called federal freeze on wages of the salaries of the county officers. I think somewhere along the line that the IRS is mixed up in some of their rulings and some of their thoughts. Because when we limit our officers in the counties to 5.5, and then we see municipalities with 800 and 900 employees given 11, 12 and 14 percent raises and nothing is being done there, it makes quite a hard feeling between the county officers and those working for the municipalities. This has happened in several areas in the state. And if the IRS is going to freeze it

in one area, why don't they freeze it in all the areas?

Now, any time you go over to the office, depending on the person you talk to, you can get a different interpretation of the law, because this has happened before and it will happen again. It depends on whose opinion you ask on what the law says. So, therefore, I do favor this amendment.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: I would like to answer Representative Churchill, in regards to that raise. I think if he will recall that raise was from \$18 to \$21. That is \$3 a day. I put an amendment to come within the government's 5½ percent of \$1 a day and it was defeated.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: When the vote is taken I move that it be taken by the yeas and nays.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, requests a roll call.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: Quite briefly, I don't know as I have an opinion as to whether we should allow a string of amendments to come onto this bill at this time. If we do, I would suggest that we made a mistake in not tabling this bill and let every county put out the amendments that they want to put on it. If not, we are likely to be here another two or three weeks, that is all. It would take quite a bit on every individual amendment that some county may want to put on.

I think the County Government Committee has a tremendous job this year. They were involved in limitations on increases. They had to go into a lot of these studies. And it seems to me the time to have fought this out is gone. This is June 6; we hope to get out of

here in possibly the next two or three weeks. I just wonder if we aren't letting ourselves for a grand, merry old time if we start letting one amendment come in representing one county.

So, if we are going to do that, let's table it and all get in on the bandwagon.

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

Mr. DYAR: Mr. Speaker and Members of the House: I think maybe I can clarify the statement he has just made. This amendment applies to 16 counties and not one county. And add to what Mr. Dam said, the State of Maine is unique; we are the only state in the Nation that the Internal Revenue has made such a ruling on.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: Just on behalf of the County Government Committee, this bill was reported out unanimously. I had no qualms with the gentleman from Strong, Mr. Dyar's adding an amendment. I think that is a privilege that anyone has in the House. I am sure a great many of his people in his county, and I am sure others have had the same request from their county officials, that something substantial be done about the pay increases. No one can deny that the cost of living has gone up substantially. These people are justified. The fact that they knew what they were getting when they run for the job, as far as I am concerned, is an outmoded attitude.

I certainly have found our committee very agreeable and all who spoke for Mr. Dyar's amendment, as far as I am concerned, are privileged to do so. I would have hoped, in the first instance, that the bill had gone through as the committee reported it out, but when we are voting on this amendment of Mr. Dyar's, bear in mind we are voting on a debt—no insurance that the federal government is going to lift the guidelines.

If you want to do something substantial, tell these employees that they can get a raise starting

July 1st, which is a compromise between your failure to make it retroactive to January 1st of '73. I don't see anything too world-breaking about Mr. Dyar's amendment, except that I think it will never come to pass. You will never have the opportunity to grant these raises, because I don't think IRS will do a thing before we meet again in January.

I hope you kill the amendment.

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 China, Mr. Farrington, to indefinitely postpone House Amendment "A". All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Berry, P. P.; Binnette, Bragdon, Cameron, Carter, Cooney, Dunn, Farrington, Ferris, Garsoe, Gauthier, Goodwin, H.; Hoffes, Hunter, Kauffman, Keyte, Lewis, J.; McKernan, McMahon, Perkins, Pratt, Rolde, Snowe, Susi.

NAY — Ault, Berry G. W.; Berube, Birt, Bither, Boudreau, Brawn, Brown, Bustin, Carey, Carrier, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cote, Cottrell, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dunleavy, Dyar, Emery, D. F.; Farnham, Faucher, Finemore, Flynn, Fraser, Gahagan, Genest, Good, Goodwin, K.; Greenlaw, Hamblen, Henley, Hobbins, Jackson, Jacques, Jalbert, Kelleher, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Littlefield, Lynch, MacLeod, Mahany, Martin, Maxwell, McCormick, McHenry, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Murchison, Murray, Najarian, Palmer, Parks,

Pontbriand, Ricker, Rollins, Ross, Santoro, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Stillings, Strout, Talbot, Tanguay, Theriault, Trask, Trumbull, Tyndale, Walker, Wheeler, White, Whitzell, Willard, Wood, M. E.

ABSENT — Albert, Briggs, Bunker, Cressey, Crommett, Curran, Dudley, Evans, Farley, Fecteau, Hancock, Haskell, Herrick, Huber, Immonen, Kelley, Kelley, R. P.; Maddox, Mulkern, Norris, O'Brien, Peterson, Sheltra, Soulas, Sproul, Tierney, Webber.

Yes, 25; No, 98; Absent, 27.

The SPEAKER: Twenty-five having voted in the affirmative and ninety-eight in the negative, with twenty-seven being absent, the motion does not prevail.

Thereupon, House Amendment "A" was adopted.

Mr. LaCharite of Brunswick offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-515) was read by the Clerk.

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

Mr. LaCHARITE: Mr. Speaker and Members of the House: This amendment increases the salary of two sheriffs, one being in Cumberland County the other in Sagadahoc County. The amount that the delegations had requested were both much higher than the amounts that are on this amendment. The Cumberland County delegation asked for \$12,000 for the sheriff, and Sagadahoc County asking for \$8,500. But we have given these gentlemen an additional 5½ percent and the reasons for this are many.

First of all, both sheriffs do not receive housing allowances, and neither receives any fees for the collection of civil debts due to having civil deputies.

The other thing is that I went down to see Mr. Larouche down in the Attorney General's office, who is handling wage controls, and he told me if both sheriffs could prove that they are working a sufficient number of hours to be receiving less than \$2.50 an hour, therefore they would be entitled

larger increases and are not under the wage guidelines.

I have received letters from both sheriffs, and both stating that they are working a number of hours of which we computed the \$2.50 and they are under the wage guidelines. Therefore, I would ask for the adoption of this amendment.

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

Mrs. GOODWIN: Mr. Speaker and Members of the House: As you can see, this is an attempt at reconciliation between Sagadahoc and Cumberland counties, and perhaps also an attempt by the gentleman from Brunswick to make sure that he is in good with the sheriff of whichever county he ends up in.

However, I seriously would like to support this. In Sagadahoc County we are very proud of our sheriff. He is a very dedicated man, a very effective man, and probably one of the most respected sheriffs in the state.

Now our delegation and our county commissioners asked that his salary be raised from \$7,000 to \$8,000. The County Government Committee gave him \$7,385. Our sheriff works 10 to 12 hours a day, six days a week, sometimes seven days a week. So he certainly falls below the \$2.50 an hour. So we would very much like to see this amendment pass. We are proud of him, we think he deserves it.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Someone mentioned that under the guidelines it would not apply to a position of hazardous duty. Just yesterday, I presented a bill to the County Government Committee to let our county pay certain claims as ordered by the chairman of the Industrial Accident Commission to a deputy sheriff in Sagadahoc County who was shot in 1970, eventually lost his leg, has had three prostheses ever since then, and is now, completely incapacitated. If this is not hazardous, I do not know what is.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: It is hard to maybe take exception to the three speakers previously, but unfortunately I guess this has got an amendment pertaining to two different counties, and I congratulate the gentleman from Brunswick for making sure he has himself well covered.

However, I do feel that the County Government Committee has done an exceptionally fine job in this particular bill, and I agree with the gentleman from Norway, Mr. Henley, who a few minutes ago said that if we start to nit pick away at this thing right now, after the County Government Committee has completely and thoroughly studied it, I think it would be unwise, as we are going to open it up wide open. I would have to say the same remarks about the sheriff in Cumberland County, even though he is of the opposite party than I am, as the remarks from the gentlewoman from Bath. And I am sure that we are just as proud in Cumberland County as she is in Sagadahoc. However, I do feel that this has had a good hearing and I just don't want to see it open up. And I would move the indefinite postponement of House Amendment "D".

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves the indefinite postponement of House Amendment "D".

The Chair recognizes the gentleman from Brunswick, Mr. LaCharite.

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: I, too, agree that the County Government Committee did a good job on this but they did make all salary increases to 5.5 percent. And in this case here, the 5.5 percent just doesn't hold. Therefore, for that reason and that reason alone, I ask that you do not indefinitely postpone this amendment.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I heard my good friend from Bath, Mr. Ross, state about the gentle-

man down there that was shot. I would like to ask the gentleman, if that man didn't come before the Legal Affairs Committee and get a good settlement for that?

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I don't mind one bit being solidly trounced on one bill, but we did have a policy in the committee. I want to reiterate that if we start change now and, incidentally, where the other amendment of Mr. Dyar has gone by the board, I am not offering my amendment today in hopes that we can pass this bill pretty much like it was.

I am not objecting to the increases in pay Mr. LaCharite wants for his sheriff. I think they should have more in a lot of instances. But we adopted a policy and I think the policy should stand. For your information, in any case where you want to file an exception with IRS, they agreed that they would consider it. Now if there is no exemption filed, there may be forthcoming action, I don't know. But I do hope that you won't mess this bill up too much. Let's get it on the way.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do not go along with the indefinite postponement motion. When Cumberland County presented our budget, we presented an increase of 5 percent as a unit, with the exception of two people that we granted an additional increase, figuring that we had the half percent from all others and that we would still be within the 5½ percent increase.

I will ask for a roll call on the motion.

Mr. LaCharite of Brunswick was granted permission to speak a third time.

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to add one thing and that was that the Cumberland County delegation did meet after this redraft did come

out and decided to get the increase, although it would not be the \$12,000 which that department asked for, the majority voted to try to get this amended to give the increase in salary.

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

Mr. DYAR: Mr. Speaker and Members of the House: Normally I would be against this type of amendment. But I think this follows through on what I hope my amendment may accomplish if they repeal the federal rules and guidelines.

I hope you will vote against indefinite postponement this morning, because if we can get this amendment on the bill, this will allow the Internal Revenue to go into the State of Maine and take action against these two sheriffs and have to prove in court that the rules and guidelines they sent down to the Committee on County Government are correct. This would be an opportunity for legal action to be taken so we will really know whether we are right here in the State of Maine or whether some person down in Washington can interpret a law to affect the State of Maine.

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 Standish, Mr. Simpson, that House Amendment "D" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Berry, G. W.; Berry, P. P.; Birt, Bragdon, Brown, Cameron, Carey, Chick, Cooney, Curtis, T. S., Jr.; Dam, Davis, Donaghy, Drigotas, Dunn, Emery, D. F.; Farnham,

Farrington, Gahagan, Gauthier, Goodwin, H.; Hamblen, Herrick, Hoffses, Huber, Hunter, Kauffman, Lawry, Lewis, J.; Littlefield, MacLeod, McKernan, McMahon, Morton, Palmer, Parks, Pratt, Rolde, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Stillings, Strout, Susi, Trask, Trumbull, Walker, White, Willard, Wood, M. E.

NAY — Albert, Ault, Berube, Binnette, Bither, Boudreau, Brawn, Bustin, Carrier, Carter, Chonko, Churchill, Clark, Conley, Connolly, Cote, Cottrell, Deshaies, Dow, Dunleavy, Dyar, Faucher, Ferris, Finemore, Flynn, Fraser, Garsoe, Genest, Good, Goodwin, K.; Greenlaw, Hobbins, Jackson, Jacques, Jalbert, Kelleher, Keyte, Kilroy, Knight, LaCharite, LaPointe, LeBlanc, Lewis, E.; Lynch, Mahany, Martin, Maxwell, McCormick, McHenry, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Murchison, Murray, Najarian, Perkins, Peterson, Pontbriand, Ricker, Ross, Smith, D. M.; Smith, S.; Talbot, Tanguay, Theriault, Tyndale, Wheeler, Whitzell.

ABSENT — Briggs, Bunker, Cressey, Crommett, Curran, Dudley, Evans, Farley, Fecteau, Hancock, Haskell, Henley, Immonen, Kelley, Kelley, R. P.; Maddox, McNally, Mulkern, Norris, O'Brien, Santora, Sheltra, Soulas, Sproul, Tierney, Webber.

Yes, 54; No, 70; Absent, 26.

The SPEAKER: Fifty-four having voted in the affirmative and seventy in the negative, with twenty-six being absent, the motion does not prevail.

Thereupon, House, Amendment "D" was adopted.

Mr. Fraser of Mexico offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-509) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: This amendment at least is different. It is not asking for any raise, it is merely asking to maintain the salary of our three commissioners at the same point

it was before. All other employees in our county asked for and received some raises. Our county commissioners did not ask for any raises, they were satisfied to stand pat. Consequently, they were reduced by \$250 a year each. And this amendment merely places it to where it was before.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Trumbull.

Mr. TRUMBULL: Mr. Speaker, Ladies and Gentlemen of the House: I wholeheartedly concur with the gentleman from Mexico that this amendment should pass. I feel — and I was the mover of the original cut — that this should be restored. This happened back in the days when I was Baby Trumbull; I think I have grown up a lot since.

This undoubtedly should pass, and I hope that it will get your wholehearted support.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I suppose I could be a bit candid and question what the gentleman just said from Fryeburg, but I won't.

The committee voted quite strongly in favor of this bill. I kind of hate to have to get up here and explain it all over again. I see where this thing is developing just as I predicted it would. I wonder how many more amendments we are going to try to hook onto this bill.

The three county commissioners of Oxford County employed an executive secretary to the tune of eight or nine thousand dollars a year. The majority of the delegation didn't think much of it, but inasmuch as the federal funds were at that time, and I believe they will for the rest of this month, pay his salary, there wasn't much we could do about it. That is one of the other slipshod situations we find ourselves in regarding County Government. But I might inform you that during an informal meeting with those same county commissioners prior to our deciding upon the budget, at least one of the county commissioners was known to state that he would

rather take a thousand dollars less than to lose the executive secretary.

Now it is a relatively small county, and we were paying more money to our treasurer and his deputy than we thought we should, because somehow or other they worked a hooker in there, and there was a deputy treasurer whom a lot of us didn't even know existed who was getting \$7,000 a year, I believe. So we kind of had to overlook that also, because we couldn't find anywhere we could actually do anything about it. All we could do about it, ladies and gentlemen, was to take the gentleman at his word. And we knocked off \$200 a year from each of their salaries.

Now bear in mind that the county commissioners in Oxford county meet once a month. If we could get \$2,000 a year for meeting once a month, I think it would be very good pay. I resent having individual members of the delegation coming in at the last minute when we are nearly done here, and trying to change something which they were unable to change at the general meeting of the delegation during the approval of the budget.

We did allow the executive secretary to stay on. We did cut some of the pay that they had requested. But we also took some away from the treasurer, and we suggested officially, recommended that they join the two jobs of executive secretary to the deputy treasurer's job, therefore allowing the executive secretary to get the same pay he had been getting or more. But at the same time, as I say, we did vote, good strong majority, to deduct that \$200, and I hope that at this time you will sustain our judgment, the majority of the committee, and oppose this amendment. I move for indefinite postponement.

The SPEAKER: The gentleman from Norway, Mr. Henley, moves the indefinite postponement of House Amendment "B".

The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker and Members of the House: I would like to state my position on this matter, where I am a member

of the Oxford County delegation. I voted for the cut because I understood that the commissioners would take the cut, wanted it, to keep the executive secretary. But I later found out that they didn't want it. So I would go along with the amendment and vote against indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker and Members of the House: I was present at this informal mentioned here before, and one of the commissioners did make that remark but I am sure he wasn't sincere; he didn't really mean what he said when he was willing to accept the cut of a thousand dollars, because I talked with him afterwards.

And then at the meeting of the Oxford County delegation, I had to divide my time between Executive Session of the Transportation Committee and our county delegation, and toward the end, I left to go to the other meeting. So I didn't know about this cut. The following Saturday night after I was home I got a call from the commissioner who lives in my town, and says, "What is the idea of cutting our salary?" I said, "I don't know anything about your salary being cut." Well, he said, "I just got a call from this other gentleman, this one that said he was willing to take a thousand dollar cut, all upset and quite mad because of the cut." Well, I said, "I don't know anything about it, but I will inquire into it, and if it has happened I promise you I will put in an amendment to try to restore it." And this is just what I have done.

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

A vote of the House was taken.

27 having voted in the affirmative and 73 having voted in the negative, the motion did not prevail.

Thereupon, House Amendment "B" was adopted.

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

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

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

A vote of the House was taken.

64 having voted in the affirmative and 39 having voted in the negative, the motion did prevail.

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

Mr. ROSS: Mr. Speaker, I move that we reconsider our action whereby the Resolution on Indian Representation was passed to be engrossed and I hope you all vote against me.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that the House reconsider its action of earlier in the day whereby Resolution Proposing an Amendment to the Constitution to Provide for Indian Representation to the Legislature, House Paper 214, L. D. 287, was passed to be engrossed. All in favor of that motion will vote yes; those opposed will vote no.

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

The Chair laid before the House the following matter:

Bill "An Act Creating a Study Commission on Environmental Laws" (S. P. 197) (L. D. 542) under new draft (S. P. 642) (L. D. 1977) which was tabled earlier in the day and later today assigned.

Senate Amendment "A" (S-187) was read by the Clerk.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The reason I tabled this bill earlier today was a problem with two of the three amendments

that were put on this bill in the other body.

I am going to ask for your support of Senate Amendment "A", and your rejection of Senate Amendment "B" and Senate Amendment "C".

This bill sets up a commission to study the state environmental laws. The Natural Resources Committee discussed at some length what the composition of this commission should be. It was finally decided and decided unanimously that the commission should consist of the Commissioner of the Department of Commerce and Industry, the Commissioner of the Department of Environmental Protection, five public members appointed by the Governor representing industry, labor, conservation, real estate and law plus the current members of the Natural Resources Committee.

Two of the Senate amendments would change the composition of the commission. Amendment "B" adds the Commissioner of Transportation; Amendment "C" removes the Commissioner of Commerce and Industry and adds a municipal member.

Our committee had many requests from state agencies and other groups that wished to be included on this commission. It seems to me that if we add or change for one, we must do it for all of the others who could logically be on the commission, such as the State Planning Office, the Department of Agriculture, Forestry, Inland Fisheries and Game, et cetera, et cetera.

I have spoken to the sponsor of the bill who is the chairman of the Natural Resources Committee, and he has told me that he would prefer to see the commission left as the Natural Resources Committee decided it should be. Amendment "A" merely sets forth the purpose and intent for the commission and does not change the bill in any manner. So I would ask you to support Senate Amendment "A" and reject Senate Amendments "B" and "C".

Thereupon, Senate Amendment "A" was adopted in concurrence.

Senate Amendment "B" (S-198) was read by the Clerk.

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

Mr. ROLDE: Mr. Speaker, I move the indefinite postponement of Senate Amendment "B".

The SPEAKER: The pending question is on the motion of the gentleman from York, Mr. Rolde, that Senate Amendment "B" be indefinitely postponed in non-concurrence. The Chair will order a division. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Senate Amendment "C" (S-210) was read by the Clerk.

On motion of Mr. Rolde of York, Senate Amendment "C" was indefinitely postponed in non-concurrence.

Thereupon, the Bill was assigned for second reading tomorrow.

The Chair laid before the House the following matter: Bill "An Act

Relating to the Certification and Regulation of Geologists and Soil Scientists." (H. P. 1570) (L. D. 2000) which was tabled earlier in the day and later today assigned:

On motion of Mr. Martin of Eagle Lake, tabled pending passage to be engrossed and tomorrow assigned.

On motion of Mr. Birt of East Millinocket, the House reconsidered its action whereby it voted to recede and concur on Bill "An Act Relating to School Busses." (S. P. 622) (L. D. 1936)

Mr. Birt of East Millinocket moved that the House recede.

On further motion by that same gentleman, tabled pending his motion to recede and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Simpson of Standish,

Adjourned until eight-thirty tomorrow morning.