

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

Tuesday, June 12, 1973

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

Prayer by Rev. Mr. Ingvald Jungling of Mehrum, West Germany.

The journal of yesterday was read and approved.

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

Committee on Business Legislation on Bill "An Act to Establish the Maine Motor Vehicle Reparations Commission and to Provide for Motor Vehicle Insurance Reform" (S. P. 596) (L. D. 1879) reporting "Ought not to pass."

Same Committee reporting same on Bill "An Act Providing for No-fault Automobile Insurance" (S. P. 580) (L. D. 1770).

Same Committee reporting same on Bill "An Act Relating to the Uniform Motor Vehicle Accident Reparations Act" (S. P. 419) (L. D. 1425).

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

Ought to Pass

Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for Sheltered Group Care Home for Girls" (S. P. 595) (L. D. 1878) reporting "Ought to pass."

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 Bill read once and assigned for second reading tomorrow.

**Ought to Pass with
Committee Amendment**

Committee on Veterans and Retirement on Bill "An Act Providing Minimum Retirement Benefits for Certain Teachers" (S. P. 353) (L. D. 1049) reporting "Ought to pass" as amended by Committee Amendment "A" (S-194).

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

amended by Committee Amendment "A" (S-194).

In the House, the Report was read and accepted in concurrence, and the Bill read once. Committee Amendment "A" (S-194) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act to Regulate Prejudgment Attachment and Seizure of Property" (S. P. 477) (L. D. 1538) reporting "Ought not to pass."

Report was signed by the following members:

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

Mrs. BAKER of Orrington
WHITE of Guilford
KILROY of Portland

Messrs. MCKERNAN of Bangor
PERKINS

of South Portland
CARRIER of Westbrook
HENLEY of Norway
GAUTHIER of Sanford

—of the House.

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

Report was signed by the following members:

Mr. BRENNAN of Cumberland
Mrs. WHEELER of Portland
Mr. DUNLEAVY

of Presque Isle
—of the House.

Came from the Senate with the Majority "Ought not to pass" Report accepted.

In the House: Reports were read.

On motion of Mrs. Baker of Orrington, the Majority "Ought not to pass" Report was accepted in concurrence.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Relating to Possession of Firearms by Persons Convicted of Criminal Offenses" (S. P. 507) (L. D. 1596) reporting "Ought not to pass."

Report was signed by the following members:

Mr. SPEERS of Kennebec
—of the Senate.
Mrs. BAKER of Orrington
KILROY of Portland
Messrs. PERKINS
of South Portland
CARRIER of Westbrook
HENLEY of Norway
GAUTHIER of Sanford
—of the House.

Minority Report of the same
Committee on same Bill reporting
"Ought to pass" as amended by
Committee Amendment "A" (S-
218).

Report was signed by the follow-
ing members:

Messrs. TANOUS of Penobscot
BRENNAN of Cumberland
—of the Senate.
Mrs. WHEELER of Portland
WHITE of Guilford
Messrs. DUNLEAVY
of Presque Isle
McKERNAN of Bangor
—of the House.

Came from the Senate with the
Minority "Ought to pass" as
amended report accepted and the
bill passed to be engrossed as
amended by Committee Amend-
ment "A" (S-218).

In the House: Reports were
read.

On motion of Mrs. Baker of
Orrington, the Majority "Ought
not to pass" Report was accepted
in non-concurrence and sent up
for concurrence.

Non-Concurrent Matter

Bill "An Act Creating Andros-
coggin County Commissioner Dis-
tricts" (H. P. 271) (L. D. 378)
which the House passed to be en-
grossed as amended by Commit-
tee Amendment "A" (H-485) and
House Amendment "A" (H-500)
on June 5.

Came from the Senate with Com-
mittee Amendment "A" (H-485)
indefinitely postponed and the Bill
passed to be engrossed as amended
by House Amendment "A" (H-
500) in non-concurrence.

In the House: On motion of Mr.
Cooney of Sabattus, the House
voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Provide a Maine
Citizen's Preference on State Civil
Service" (H. P. 678) (L. D. 885)

which the House passed to be en-
grossed as amended by House
Amendment "A" (H-418) on May
31.

Came from the Senate with the
Bill and all accompanying papers
indefinitely postponed in non-con-
currence.

In the House:

The SPEAKER: The Chair rec-
ognizes the gentlewoman from
Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker, I
move that we insist and ask for a
Committee of Conference.

The SPEAKER: The Chair rec-
ognizes the gentleman from Brew-
er, Mr. Norris.

Mr. NORRIS: Mr. Speaker, I
move that we recede and concur.

The SPEAKER: The gentleman
from Brewer, Mr. Norris, moves
that the House recede and concur,
which has priority.

Thereupon, Mr Good of West-
field requested a vote.

The SPEAKER: The Chair rec-
ognizes the gentlewoman from
Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and
Members of the House: The Chair-
man of this committee and the
personnel board, the Personnel De-
partment worked on an amend-
ment which they came up with that
was satisfactory to all. Therefore,
I think that if we can get this
satisfaction of the Personnel De-
partment, it is a little different
than the amendment that has
been offered, and this is why I
would like to insist and have a
Committee of Conference.

The SPEAKER: The pending
question is on the motion of the
gentleman from Brewer, Mr. Nor-
ris, that the House recede and con-
cur. All in favor of that motion will
vote yes; those opposed will vote
no.

A vote of the House was taken.

16 having voted in the affirma-
tive and 70 having voted in the
negative, the motion did not pre-
vail.

Thereupon, on motion of Mrs.
Berry of Madison, the House voted
to insist and ask for a Committee
of Conference.

Orders

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

Mr. COONEY: Mr. Speaker, relative to item 8, page 2, I would like to move reconsideration and ask everyone to vote against me.

The SPEAKER: The gentleman from Sabattus, Mr. Cooney, moves the House reconsider its action of earlier in the day whereby the House voted to recede and concur on Bill "An Act Creating Androscoggin County Commissioner Districts" (H. P. 271) (L. D. 378). All in favor of reconsideration will say yes; those opposed will say no.

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

Mr. Martin of Eagle Lake was granted unanimous consent to address the House.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, as you well remember, I got up during orders and made some comments about the fact that a picture in the Bangor Daily News was in error. This morning I want to recommend to you the front page of the Bangor Daily News, which carries a picture and reversing itself and indicating that indeed they were wrong. I think if a newspaper can do that and do it in about the same amount of space as they carried the error — this is a first to my knowledge. Usually most newspapers, as I normally view it, around this country, the papers carry the error on the front page and they carry the correction on page 47 or 48. As far as I am concerned, I wish to congratulate the Bangor Daily News for having taken the steps they have, and I am sure that the citizenry are going to be happy that even though we were wrong in not changing the law perhaps, I am sure the gentleman from Bangor would agree with me, then at least they know where they are going and where the law presently stands and what the consequences will be.

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

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

merely going to give a little of the philosophy that I have given ever since I have been here. It might be good, it might be bad, but it is the philosophy that I have always practiced and I thought I would pass it on to the gentleman from Eagle Lake, Mr. Martin, with whom I have discussed this situation on several occasions.

I heard Friday about erroneous statements in the Bangor Daily News and I heard yesterday about erroneous statements in the Bangor Daily News, and I heard today about corrections in the Bangor Daily News. Here is the philosophy that I go by. If they print my name, spell it correctly, I am happy. If it is against me, it is the opinion of one man; if it is for me, I buy a hundred copies.

House Reports of Committees Ought to Pass in New Draft Tabled and Assigned

Mr. Cooney from Committee on State Government on Bill "An Act to Establish a Revenue Bonded State Flexible Interest Rate Mortgage Program" (H. P. 457) (L. D. 606) reporting "Ought to pass" in New Draft (H. P. 1596) (L. D. 2022) under new title "An Act Authorizing the State Housing Authority to Establish Capital Reserve Funds."

Report was read.

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

Ought to Pass Printed Bill

Mr. Haskell from Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Additional Funds to Various Departments for the Fiscal Year Ending June 30, 1973" (H. P. 1603) (L. D. 2024) pursuant to Joint Order (H. P. 1592) reporting "Ought to pass."

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

Divided Report

Majority Report of the Committee on Transportation on Bill "An Act Changing the Dates for Registration of Automobiles" (H. P.

1465) (L. D. 1890) reporting "Ought to pass" in New Draft (H. P. 1597) (L. D. 2023) under same title.

Report was signed by the following members:

Messrs. GREELEY of Waldo
SHUTE of Franklin
CIANCHETTE

of Somerset

— of the Senate.

Messrs. WOOD of Brooks
KEYTE of Dexter
FRASER of Mexico
WEBBER of Belfast
STROUT of Corinth

Mrs. BERRY of Madison
McCORMICK of Union

— 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. DUNN of Poland

McNALLY of Ellsworth

JACQUES of Lewiston

— of the House.

Reports were read.

On motion of Mr. Wood of Brooks, the Majority "Ought to pass" Report was accepted.

The New Draft was read once and assigned for second reading tomorrow.

Consent Calendar

First Day

(S. P. 603) (L. D. 1897) Bill "An Act Relating to the Cost of Operation of and Venue in the Superior Courts"—Committee on Judiciary reporting "Ought to pass" as amended by Committee Amendment "A" (S-219).

On the request of Mr. Martin of Eagle Lake, was removed from the Consent Calendar

Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-219) was read by the Clerk and adopted in concurrence and assigned for second reading tomorrow.

Consent Calendar

Second Day

(H. P. 1212) (L. D. 1574) (C. "A" H-538) Bill "An Act to Amend the Employment Security Law."

On the request of Mr. Martin of Eagle Lake, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-538) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 1409) (L. D. 1849) (C. "A" H-539) Bill "An Act to Amend the Workmen's Compensation Act to Make Compensation for Permanent Partial Incapacity Coextensive with the Duration of Disability."

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

Passed to Be Engrossed

Bill "An Act to Authorize Bond Issue in the Amount of \$19,800,000 to Build State Highways" (S. P. 187) (L. D. 494) (C. "A" S-216)

Bill "An Act to Reestablish the Maine Commission on Drug Abuse" (S. P. 635) (L. D. 2008)

Bill "An Act Relating to Town's Matching Funds for Resurfacing State Aid Highways" (S. P. 656) (L. D. 2009)

Bill "An Act to Make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1974 and June 30, 1975" (S. P. 657) (L. D. 2010)

Bill "An Act Relating to Supplemental County Budgets" (H. P. 1594) (L. D. 2018)

Bill "An Act Relating to Family Planning Services" (H. P. 1367) (L. D. 1823)

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

Later Today Assigned

Bill "An Act Relating to Access and Egress to Great Ponds" (H. P. 1417) (L. D. 1855)

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 Providing for Fine or Suspension under Liquor Law" (H. P. 1595) (L. D. 2019)

Bill "An Act Relating to Commitment of Juvenile Offenders" (H. P. 1203) (L. D. 1542) (C. "A" H-541)

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 Unassigned**

Resolution Proposing an Amendment to the Constitution Relative to Apportionment of the House of Representatives (H. P. 606) (L. D. 804)

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

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

Bill "An Act Relating to Severance Pay for Employees" (H. P. 1585) (L. D. 2012)

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

**Passed to Be Enacted
Emergency Measure**

An Act to Establish an Advisory Committee on Corrections (S. P. 407) (L. D. 1209)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of same and 6 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 to Exempt Child Placement Agencies from Payment of Sales Tax (S. P. 208) (L. D. 552)

An Act Relating to Liquor Purchased from State Liquor Stores (S. P. 387) (L. D. 1133)

An Act Relating to Seasonal Employment under the Employ-

ment Security Law (H. P. 939) (L. D. 1236)

An Act to Amend the Personal Property and Homestead Exemption Laws to Provide for Realistic and Liberalized Exemptions (S. P. 462) (L. D. 1497)

An Act Relating to School Buses (S. P. 622) (L. D. 1936)

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

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

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

**Enactor
Tabled and Assigned**

An Act to Implement Section 14-D of Article IX of the Constitution of Maine (S. P. 651) (L. D. 1995)

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 to Amend the Mountain Resorts Authority Act (H. P. 1572) (L. D. 2002)

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.

Order Out of Order

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

Ordered, the Senate concurring, that the Joint Standing Committee of the 106th Legislature on Taxation be authorized and directed to review and assess the several legislative proposals relating to tax reform presently before this session and such other pertinent information that may come to their attention from the Executive or legislative branches or other reliable sources outside the government in order to consolidate and

distill such thinking and means of funding within a single responsible document for legislative consideration; and be it further

ORDERED, that the Committee may avail itself of legislative staff services for the purposes of this study and shall report out the results of its findings and recommendations in bill form to the House no later than Wednesday, the 20th day of June, 1973. (H. P. 1607)

The Order was read.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am certainly not taking issue with this order. I would like to talk it over with some people. I would like to make some remarks about it tomorrow. I certainly would appreciate it — I rarely table anything — if this could be tabled for one legislative day.

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

Mr. KELLEHER: Mr. Speaker, Members of the House: I don't know but Mr. Jalbert is right. They just passed the order out now and I don't know but we should have an opportunity to look at it.

Thereupon, on motion of Mr. Martin of Eagle Lake, tabled pending passage and later today assigned.

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

Passed to Be Enacted Emergency Measure

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 Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Providing Pensions for Former Governors and their Widows (S. P. 363) (L. D. 1077)

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

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

Order Out of Order

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

ORDERED, that Susan Nelson, Louise Ingalls and Cindy Lent of East Millinocket be appointed Honorary Pages for today.

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

Mr. Birt of East Millinocket was granted unanimous consent to address the House.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Before I make the announcement prior to recessing, I have just been handed a news clipping that some of you might be interested in. I think I will read the first two paragraphs of it into the record. I think some day he might be interested in coming back.

It says, "John McKernan of Bangor, former Bangor High and Dartmouth College tennis star recently captured the men's singles of the A. and J. invitational tennis tournament at South Portland High's courts. He defeated unseeded Glen Mayberry of Portland 6-2, 6-4 in the finals. Mayberry reached the finals by upsetting top ranking Dick Norton 1-6, 6-3, 6-4."

I think all the members of the House extend to John our congratulations for his excellent job on the tennis court. He is doing as well there as he is in the legislature. (Applause)

On request of Mr. Birt of East Millinocket, by unanimous consent, unless previous notice was given

to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed for lunch and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider would be allowed.

On motion of Mr. Birt of East Millinocket,

Recessed until eleven o'clock this morning.

After Recess
11:00 P.M.

The House was called to order by the Speaker.

Orders of the Day

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

Bill "An Act to Provide Elected District Attorneys" (S. P. 474) (L. D. 1569) (C. "A" S-183).

Tabled — June 8, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

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

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

Bill "An Act Providing Full-time Prosecuting Attorneys and Public Defenders" (H. P. 1380) (L. D. 1861) (C. "A" H-484).

Tabled — June 8, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

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

Mr. COONEY: Mr. Speaker, I would ask that this lie on the table until later in today's session.

Thereupon, Mr. Simpson of Standish requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Sabattus, Mr. Cooney, that this matter be tabled until later in today's session. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

40 having voted in the affirmative and 49 having voted in the negative, the motion did not prevail.

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

Mr. MARTIN: Mr. Speaker, I wonder if the majority floor leader would indicate what the procedure is that is being followed so that all of us could realize where we are going and what he is attempting to do so we will know what we are doing?

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair to the gentleman from Standish, Mr. Simpson, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I would be delighted to help the gentleman out if he doesn't know where he is going.

I would say that we have got three district attorney bills before us, and we would like to take and debate this one right here before we take action on the other two.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I thank the gentleman for being funny, but I wonder why he would table the first one until later in today's session. Why didn't we use that approach?

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I personally happen to support full-time prosecuting attorneys being appointed by the Attorney General, and also the public defender system which we have in this particular bill. I be-

lieve that the best interest of the state is to get the elected Attorney General or the elected county attorneys or the elected attorneys away from the election process and put them under the Attorney General's office for continuity and in the best interest of the prosecution system in the State of Maine.

It is about time we started to take and work along these lines. The Governor's message itself said that he goes along with appointment of a public defender, especially at the state level. I believe we have got the two vehicles right here which would do exactly what we are looking for, and I would urge that you would pass this bill to be engrossed and that we continue the bill on its way and put it into enactment.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I am going to let other people discuss the merits and demerits of the proposal, but I do thank the gentleman for at least telling us what his feelings were and why the first one was tabled and not the second one. It didn't matter in what order we discuss them, but apparently it mattered to the gentleman from Standish.

I would hope now, at this point, now that the issue is in front of us, that members of the legislature would debate the issue as to which one they prefer.

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry that the political parties seem to be taking rather hard lines on whether we should have elected or appointed district attorneys. I think it is good that the two political parties have represented differing academic positions on this idea, but I am sorry to see that the majority party refuses to discuss or refuses to in any way consider the real importance of putting the election of at least part of our prosecuting system out to the people.

As I look at prosecution, it seems to me that either we have to elect our prosecutors on the local level and have our attorney general appointed, or we have to do it the other way around. We have to have our attorney general elected by the people and allow him to appoint district attorneys. But it seems to me that the public must have an input. That is the most important thing.

I spoke previously about the election of the attorney general, and I spoke against it for several reasons. I still do not favor that as a first choice myself. But I would be willing to consider it in conjunction with appointed district attorneys.

But that is not the question we have today. We have the question of whether or not we are going to get some meaningful reform in our county attorney system. And I think we know that unless the two political parties make some effort to resolve their differences, what I consider to be a rather academic debate, then we are not going to make these reforms.

I think it is also important to realize that although our court systems have problems, we certainly don't have the acute problems that other states are facing. So we should take every bit of time necessary to reach the best possible conclusion.

Now, when I make my decision, I not only do my own thinking, but I make up my mind on advice and counsel I get from people who are involved. I have here a couple of pieces of information that I would like to share with you. One is an article that says Maine prosecutors back the elected county attorney bill. I also have here a letter which I am going to read to you which I think represents that position. I would like you all to listen to it because I think it does represent the feeling of our prosecutors on the county level.

"Dear Mr. Cooney:

The Maine Prosecutors Association" that is all of our prosecutors "comprised of county attorneys and their assistants from throughout Maine, has attempted to take an active role in securing a full-

time prosecutorial system for Maine. We endorse and support L. D. 1569 (as amended) which we believe will provide Maine with the best and most effective of all proposals now before the 106th Legislature."

That is not the bill we are now taking action on, and I hope we will have a chance to take action on it.

They go on to say: "L. D. 1569 (as amended) will provide all courts and law enforcement agencies with access to the services of full-time prosecution offices. In addition, we believe that this bill constructs the best foundation on which to build a full-time prosecution system.

"L. D. 1569 (as amended) calls for the election of district attorneys to serve four-year terms at an annual salary of \$23,500."

And those, of course, are important features, the four-year term and an adequate salary.

"The Maine Prosecutors Association firmly believes and supports the concept of elected district attorneys. Your support on this issue will be greatly appreciated.

"The Maine Prosecutors Association is comprised of prosecutors throughout the state, including eleven Republican and five Democratic county attorneys. We believe election of prosecutors on the local level best serves the interest of the people and the state.

"Local prosecutors exercise a large degree of power and discretion in setting priorities, establishing policies and procedures, in initiating investigations, in deciding to bring charges and in recommending disposition of cases. Each should be free to set goals necessary for his locality and not be subject to broad general powers from one central office. Law enforcement problems differ throughout the state and only prosecutors operating independently in the area can adjust to meet required needs. If the local district attorney does not act effectively to meet the local needs or abuses his power, he should be subject to review and removal by local voters, similarly he should be rewarded by re-election by local voters for a job well done.

"In establishing a full-time prosecutorial system, one goal is to secure persons willing to make a career of the position or at least remain on the job for several terms to avoid the turnover of past years. With this idea in mind, any District Attorney should rise and fall on his own merits and not depend upon appointment from one man. Appointment by the Attorney General or Governor would create a complete turnover of prosecutors each time there was a new Attorney General or Governor. It would generate into the system more politics than is already present. Election of the District Attorney would provide more job security for a qualified and experienced person in that he is not dependent on the rise and fall of another. He makes it on his own.

"In 1972, eleven counties had no contest for the position of county attorney in the general election and thirteen counties had no primary contest. No county had a primary contest on both Republican and Democratic ballots. An attractive salary would enable qualified and experienced attorneys to seek the positions without extreme personal hardship and sacrifice. An expanded jurisdiction, i.e. creation of districts by combining counties would open the position to more persons.

"We urge the adoption of a full-time prosecutorial system which provides for election of prosecutors to four year terms and creates prosecution districts providing the whole state with improved services. It is our opinion that L. D. 1569 (as amended) is the only proposal that adequately fills the needs of Maine and implements a practical, efficient and effective system.

"Your support is appreciated. Very truly yours, Thomas E. Delahanty, II, Androscoggin County Attorney, President, Maine Prosecutors Association."

Now, I could not have said it any better than Mr. Delahanty, so that is why I read you the letter.

I am sorry that we come to this position where we have to take

party line positions on what really is an academic debate of whether we want elected or appointed county attorneys. What we really want is district attorneys and a better, more efficient system. I don't like the idea of putting this thing off. And if we allow this thing to be politically maneuvered as seems to have been the case this morning, it is very possible that we might lose our opportunity to improve our prosecutorial system in this session.

I hope very much that we will not pass the bill before us, that we will take the opportunity to go back when we come to the tabled until later in today's session, L. D. 1569, and that we will give it the consideration and the passage that it really deserves.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Before this debate gets too involved, I think perhaps I would like to throw in my five cents worth.

Briefly, I subscribe to the idea of elected fulltime prosecuting attorneys. I think I am kind of up tight against such a group of prosecuting attorneys and being appointed by one man. I think my feeling is that they are going to be slanted all in one direction. Now this may be good; it may be bad. It all depends on how you want to see this thing slanted.

I also have a great deal of faith in the elective process which we have participated in over the years, and certainly we may get some—if we elect these full-time attorneys—we may get some that are not as competent perhaps as appointed ones would be, but on the whole, I think it is a pretty darn good system to stick to. Politics or not, I am going to stick with it.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: The only reason that I am getting into this debate this morning is because I was the sponsor of L. D. 82, which has been given a leave to withdraw by the committee. My

bill also called for elected district attorneys.

I agree very much with the remarks just made by the gentleman from Perham, and also the remarks made by the gentleman from Sabattus. I feel that although I might not personally agree with all the decisions that the voters make; I think generally they do a pretty good job. I feel that the people ought to be given the opportunity to say yes or no when a candidate comes up for election. I feel that the office of prosecuting attorney, regardless of what the official title might be, is a job which is much more important than merely an administrative position. It differs tremendously from some of the other county offices.

Law enforcement, law and order, and justice are issues that we read about in the paper every day. I feel that the people ought to be given an opportunity on a regular basis to select those who will be prosecuting on their behalf.

I am going to support the legislation which has been tabled. It provides for elected district attorneys and I would certainly hope that the House would consider that action too.

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

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: The county attorneys are presently elected and I believe that the people should retain this right. And for that reason I move the indefinite postponement of this bill and all accompanying papers, and ask for a roll call.

The SPEAKER: The gentleman from Brunswick, Mr. LaCharite, moves the indefinite postponement of L. D. 1861 and all accompanying papers, and requests a roll call.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I think in the past we have had very good results in electing our county attorneys. I don't see any rhyme or reason why we should not continue to elect a full-

time attorney. I think the public defender is a good system, and I think the people in different parts of the state would have their own ideas as to who they would like to see serve. If we had it as an appointive position, be it Democrat or Republican, that thing could be slanted from top to bottom all the way through, it all depends upon your Attorney General.

I think right now that the only thing we should do is to continue doing as we have been doing. Let us elect our officials.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I have always been opposed to appointments rather than elections, except once, when I sponsored a bill in this House to have the clerks of court appointed rather than elected. This was enacted into law, but the very next year it was repealed. However, this time I approve of the Attorney General appointing district attorneys for two reasons. We are going to go to districts rather than counties, it would be more difficult to campaign there and they would not be as close to the people as they are in counties.

The second reason, we are talking about professionals who as lawyers should be the best qualified and not the most popular. I believe this method makes for better and more competent court procedures.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I think at least we have arrived for the second session, that I can recall, having been here, at a consensus on one very important point; that is the need for full time prosecution. It is too bad, that although we share I think almost unanimously those views that we have differed in the past, possibly somewhat on political lines. The original argument, I recall, was whether the Governor or the Attorney General should appoint the individuals involved. At the time,

in the last legislative session when that was a hot issue, we were also dealing with the fact that we had an incumbent Governor and a legislative minority of that party, an incumbent Attorney General in the ball game running for governor of the other party.

Fortunately, in this legislative session we have, if you will, a lame duck Governor, and we have an Attorney General, who although in many ways is a very fine gentleman and I am certain we all aspire to other posts and higher posts, he does not seem to be the leading candidate of the Republican party for even higher office.

So, I would hope there may be something we can do this session that would achieve what we all want to, because we do need full-time prosecution.

I think that there is a technical aspect, as the gentlemen from Bath, Mr. Ross, has pointed out, to the work involved. But it is not technical in the sense that say the work of a chemist is when he analyzes a sample. It does involve the exercise of significant amounts of judgment and discretion. And this has been mentioned before, but I would like to repeat it. It seems to me there are two fundamental areas of discretion. Number one, when to prosecute and when not to prosecute an offense and at what level to prosecute, as a felony, misdemeanor or as a heavy felony or not so heavy one.

A system, in order to work, must repose that degree of discretion in the prosecuting officer. But it is a matter of judgment and it isn't always the man who has the highest grade on the bar exam, if you will, who is the most competent man in doing the job.

We have seen in the two counties in which I primarily experienced, Cumberland and Sagadahoc, Republican and Democratic prosecutors almost alternately. In Sagadahoc now we have a second term prosecutor who happens to be of the Republican faith who, by the way, was unopposed, frankly he was kind of a consensus candidate.

We have now in Cumberland County a Republican prosecutor who is a competent man, experienced in the field. Previously we had a Democrat of the same high quality.

It seems to me, though, that there is one potential danger in terms of appointment and really control all this discretion in all our counties by one man, whether that man be the Governor or the Attorney General or whomever, and that is this. I am certain there have been in our past histories at the federal level of Democrats who have occupied the office of Attorney General who have not been all they should be. We have had in the more recent past a former Attorney General, John Mitchell of New York, now under indictment, as you all know, there. Our federal district attorneys are not elected; they are appointed. They are kept, I believe, on a rather tight rein out of Washington.

If you have an individual who is involved in the recent unfortunate situation which happens to involve one party now, but in other times in our history has involved the other party, you are able to get on the telephone or have one of your aides do it in Washington or Augusta and spread the word there will be no prosecutions, don't look into this area, it is politically censored, you have got a problem.

You have tremendous power inherent in prosecution. It is perhaps true, at least from an abstract point of view, that you could erect a more perfect system if it were a completely unified system under the dominion of one man. But it is also true, and here I think there is risk involved, that if it is under the dominion of one man, and it matters not in this sense whether he be Governor or Attorney General or Auditor, or Treasurer, if there is a problem, and if there is a problem perhaps in corruption, that problem can be confined under our present system to the individual, to the area involved, and we have the Attorney General as a check, if you will, on a basis of discretion and even corruption on the individual prose-

cutors. But if all power flows out of Augusta, it seems to me that although you have the possibility of an administratively more perfect system, you also have the possibility that if there are actions which should not occur, corruption or some other type action at the top level, that it will inevitably spread down to everything else.

I should note, Mr. Chairman, if I may, because obviously if we are going to pass anything in this legislature, it is going to take not a partisan effort but a bipartisan one, with no one seeking to place blame or grab credit. But these views are not views that I have discussed in our Democratic caucus, and the views that I have expressed are those of an individual.

I think the fact brought out by the gentleman from Bath, Mr. Ross, about the rather sad history of the matter of appointments of clerk of courts, how that was passed at one legislative session and killed in another, should be a warning to us. I don't think we should put all these eggs in one basket, and I have the greatest admiration for the gentleman involved. Jon Lund has served in this legislature with many of us for a number of terms. I think he is an excellent man, he is a qualified man with experience himself in prosecution. I have a great deal of confidence in Jon.

But we shouldn't pass a Jon Lund law or Jim Erwin law or Ken Curtis law. We should pass a law for all times and all seasons that will give us full-time prosecution without the possibility of state-wide abuse.

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

MR. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: This is a matter which has been debated in previous legislatures as we remember, those of us who were here before.

Two years ago we came very close to having unanimity in this body in favor of the type of bill that is now before us. Unfortunately, as we know that particular

proposal, although passed by the legislature, never became law.

We have four possibilities now, as I see it. First of all, we can do nothing and continue the present county attorney elected, part-time, underpaid system in which perhaps in most cases the county attorney is paid less than his assistants even, and we can continue exactly the same type of prosecution as we have at the present.

Secondly, we can provide for a full-time county attorney, still elected, pay him a substantial amount of money — we have the bill pending before the legislature which would provide for the more populous county attorneys full pay of up to \$23,500 a year.

Thirdly, we can have a new arrangement, new districts, a district attorney, either one of two possibilities, either elected, as has been discussed here somewhat, or appointed. The advantages to either one of those bills are that a larger area would be served, more expertise could be developed, the district attorney would be full-time and would be provided with full pay.

I am going to suggest that there are a couple of problems with the elected system. First of all, the high turn-over rate which now exists might continue, even with increased pay. Secondly, if the pay is one standard sum, as it would have to be for each elected official as a county attorney, it would never increase based upon his tenure in that office or his improvement in his ability. And finally, I would suggest that the qualities which result in success at the polls may not result in success in the courts or prosecuting in the name of the people of this state.

It is understandable, of course, that the present incumbents would perhaps prefer that provision, and that is why letters have been written by a Cumberland County attorney supporting that particular type of proposal. They, after all, have been successful at the polls, and they naturally would like to be paid more for a job that all, most of them, at least, deserve more money.

But finally, the proposal that we are now really debating that is before us, L. D. 1861 as amended, would indeed provide what many people have talked about, but I don't think any other system, any other bill would provide, and that is a system, a real state-wide prosecution system, in which there could be one standard, substantial training of personnel, expertise developed throughout this state, and as provided in this bill, a local resident prosecutor who could be backed up by further expertise available at the direction and discretion of the attorney general.

The compensation could, indeed, be a standard arrangement and be similar to our classified pay increases, depending partly upon expertise and tenure and success in the job. I think that that system would tend to lead to a higher retention rate than we presently have either in the counties among the prosecutors there or in the Attorney General's office and among the assistants there.

Finally, I think it would be worthwhile to remember that many of the crimes that are developing now in the state are indeed state-wide crimes, and in order to properly combat them, we ought to have a single direction provided from the State House here in Augusta.

I would say, if I had my way, which I obviously couldn't, we would also provide that the Attorney General of this state would be popularly elected by the people. That would answer, I think, the one criticism that I really think we ought to try to answer, and that is, how do we make the person at the head of any system truly responsive to the will of the people? Unfortunately, that bill was considered by the legislature and was defeated rather overwhelmingly. It is a change in the Constitution and it would require the two-thirds vote, anyway. But I suggest any alternative that the legislature is indeed responsive to the people and that the Attorney General, under our present system, is elected by the legislature.

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 Brunswick, Mr. LaCharite, that this Bill "An Act Providing Full - time Prosecuting Attorneys and Public Defenders" House Paper 1380, L. D. 1861, and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, P. P.; Berube, Binnette, Boudreau, Bragdon, Bunker, Bustin, Cameron, Carey, Carrier, Carter, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Crommett, Dam, Deshaies, Donaghy, Dow, Drigotas, Dunleavy, Emery, D. F.; Evans, Farley, Farrington, Faucher, Fecteau, Fraser, Gahagan, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Jacques, Jalbert, Kelleher, Kelley, Keyte, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, J.; Lynch, Mahany, Martin, Maxwell, McHenry, McNally, McTeague, Mills, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, O'Brien, Palmer, Peterson, Pontbriand, Ricker, Rolde, Sheltra, Smith, D. M.; Smith, S.; Talbot, Tanguay, Theriault, Tierney, Webber, Wheeler, Whitzell.

NAY — Ault, Baker, Berry, G. W.; Birt, Bither, Brawn, Briggs, Brown, Chick, Curtis, T. S., Jr., Davis, Dudley, Dunn, Dyar, Farnham, Ferris, Finemore, Flynn, Garsoe, Good, Haskell, Henley, Herrick, Hoffses, Huber, Hunter, Immonen, Jackson, Kauffman, Kelley, R. P.; Knight, Lewis, E.; Littlefield, MacLeod, Maddox, McCormick, McKernan, McMahon, Merrill, Morton, Murchison, Parks, Perkins, Pratt, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Sproul, Stillings, Strout, Susi, Trask, Trumbull,

Tyndale, Walker, White, Willard, Wood, M. E.

ABSENT — Cressey, Curran, Genest, Hamblen, Norris, Santoro, Soulas.

Yes, 81; No, 62; Absent, 7.

The SPEAKER: Eighty-one having voted in the affirmative and sixty-two in the negative, with seven being absent, the motion to indefinitely postpone does prevail.

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

Mr. MARTIN: Mr. Speaker, having voted on the prevailing side, I would move we reconsider our action and ask you to vote against my motion.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves the House reconsider its action whereby this Bill and all accompanying papers were indefinitely postponed. All in favor of that motion will say yes; those opposed will say no.

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

Sent up for concurrence.

The Chair laid before the House the third 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 8, by Mr. Martin of Eagle Lake.

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

On motion of Mr. Martin of Eagle Lake, retabled pending acceptance of the Committee Report and tomorrow assigned.

The Chair laid before the House the fourth 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 8, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

Mr. Simpson of Standish offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-552) was read by the Clerk and adopted.

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

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

Bill "An Act to Amend the Elderly Householders Tax Relief Act" (H. P. 1265) (L. D. 1641).

Tabled — June 8, by Mr. Finemore of Bridgewater.

Pending — Adoption of Committee Amendment "A" (H-528).

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: We had this tabled last week in the hopes that perhaps we might be able to reduce the appropriation. The cost of L. D. 1641, which included liberalized eligibility requirements, a formula based on taxes and rent, and the addition of people under age 62 who receive social security disability would be \$501,000 over the amount appropriated in Part I.

The Taxation Committee, however, has added people who receive state retirement disability and veterans who receive service connected or non-service connected total disability. After doing some considerable checking, I have discovered that while only 180 people receive state retirement disability, there are over 1,100 service connected disability veterans and 2,300 non-service connected disability veterans. So the amendment would make approximately 3,500 eligible who are not now eligible, and the additional cost over L. D. 1641 would be at least \$300,000. So I think it would be best perhaps if we leave the committee amendment on for now with the appropriation at \$820,000.

I would also like to point out that there is another vehicle now in the Senate by which we can fund disability tax relief if we want to, and I think perhaps we should leave that up to the Appropriations Committee.

I now move the pending question; I move the adoption of Committee Amendment "A".

Thereupon, Committee Amendment "A" was adopted and the Bill assigned for second reading tomorrow.

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

Bill "An Act Creating Public Defender Services" (S. P. 402) (L. D. 1260) New Draft (H. P. 660) (L. D. 2015)

Tabled—June 11 by Mr. Simpson of Standish.

Pending — Acceptance of either Report.

Thereupon, on motion of Mr. Simpson of Standish, the Majority "Ought to pass" Report was accepted in non-concurrence. The New Draft was read once and assigned for second reading tomorrow.

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

Bill "An Act Increasing the Gasoline Tax" (H. P. 647) (L. D. 863)

Tabled—June 11, by Mr. Simpson of Standish.

Pending—Motion by Mr. Susi of Pittsfield to accept the Majority "Ought to pass" report as amended by Committee Amendment "A" (H-540).

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

Mr. GAHAGAN: Mr. Speaker, Ladies and Gentlemen of the House: As a Representative from Aroostook County, I am very concerned that we haven't gotten our fair share of the highway allocation.

The State of Maine is now paying the second highest gas tax in the nation, and I am very concerned that the expense of the Department of Transportation is out of line. I would recommend that perhaps they could cut down on their expenses and save us the added tax.

We are operating our highways in Aroostook County—the road, as Mr. Briggs has so eloquently described, moose trail, the situation is not acceptable in my mind and in the minds, I am sure, of many other Aroostook County legislators.

I would seriously recommend that if you are going to receive support from myself and others of my colleagues, you would take a look toward Aroostook County and try to build a road up there that is worthy of the transportation on it. You have to spend your time coming to Augusta beating off the potato trucks, school buses, people who are backing out of their driveways to go to the grocery store and their children to school and all of this because it is our only highway.

We are in desperate need of a transportation facility comparable to that in the rest of the state. The rest of this state is served in its direct route traffic by a major turnpike. This we have not seen in Aroostook County as yet.

The last session there was an increase in the gasoline tax. The person who sponsored this increase was the Representative from the City of Caribou. One of the selling points was that if there was an increase in our gas tax last session, Aroostook County would see its fair share. I don't believe we have seen it yet; I don't think there has been time to see the results of this. Therefore, I would move the indefinite postponement of this bill and all its accompanying papers and would ask for a roll call.

The SPEAKER: The gentleman from Caribou, Mr. Gahagan, moves the indefinite postponement of this bill and all accompanying papers and requests a roll call.

The Chair recognizes the gentleman from Auburn, Mr. Drigotas.

Mr. DRIGOTAS: Mr. Speaker and Members of the House: As we all know, the first tax of one cent was levied in 1923. The increases from the initial levy were, I would say, minimal and justified by the great increase in highway use. However, I am disturbed and believe me, the people are disturbed by the pattern that has been developing since 1967. In 1969, the legislature imposed another one cent increase. In 1971, we did the same, and now, in 1973, we are being asked to again do the same.

I think the motoring public would be grateful to the 106th Legislature for the breathing spell

this 106th would give it by voting "ought not to pass" on this legislation.

I would like to read to you a timely editorial from the Lewiston Daily Sun dated yesterday, June 11. The editorial reads:

"The people of Maine, and the visitors of this state, pay one of the highest gasoline taxes in the country. In fact, only one state levies a higher tax and now the 106th Legislature is being urged to match that state!

"At present, the Maine tax on gasoline is nine cents a gallon. There is also a four cent federal tax piled on." And also, there is on the federal level a contemplated two cent increase in the tax. In other words, that would be raised from 10 to 14 cents.

"The Transportation Committee of the Legislature has taken a stand in favor of the gas tax increase and in opposition to the highway bond issue recommended by Gov. Kenneth M. Curtis last January. That issue would fund the highway program without an increase in the tax.

"The Legislature should take a hard look at the situation. There should be no increase in the gas tax this year. If that requires additional dependence on bonds, so be it.

"Today's motorist is getting less mileage from the gasoline, due to air pollution control devices, and paying a higher price for it than ever. In addition, today's motorist is paying off bonds for road construction of the past and current highway program expenses. He should not be required to pay for the roads of the future, too.

"Each of the last two legislatures increased the gasoline tax by one cent. It's time to call a halt."

For these reasons, ladies and gentlemen, I hope you accept the "ought not to pass" report of the Taxation Committee.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Caribou has made a statement in reference to the amount of roads

that Aroostook has or is not getting served or is getting served or should be getting it and isn't getting it. I suspect that you will find that 99 percent of the inhabitants of Aroostook County quite agree with him. But of course, if you went around your own county, you would find, I think everyone would agree that they are not getting enough of their share. It is not whether or not they are satisfied with what they are getting. I think everyone feels they are not getting enough. I don't think this is a problem that is just applicable to Aroostook County.

We in Aroostook say that Cumberland gets it all, and I am sure that the people of Cumberland say that Aroostook gets roads that they don't need. It is one of these arguments that we will probably never be able to solve.

The issue before us this morning is one which I view with some fear in knowing and trying to arrive at decision as to what way I am going to go. I, for one, have not reached that conclusion as to what direction I am going to take. I view the problem this way. I view it as this legislature going in one of three ways. I view it as going with the recommendation of the Governor with the bonding indebtedness being raised to \$19,800,000, which is what was recommended in the original bill.

The second alternative that we could do would be to take the recommendation of the Highway Committee and go the \$7,800,000 in bonding and one cent in the gasoline tax. Or third would be to go in neither direction and simply to have 7.8 in bonding.

Keep in mind that whichever one of those we choose there are consequences. Keep in mind that some thought has to be given as to where we are going to go. For the first time this morning, we raised it in our caucus, but we raised it not on the basis of trying to arrive at a decision this morning, but in an attempt to try to make the members feel and to think about what and where they would like to go.

I, for one, have not decided finally as to what direction I am going to take. I do not feel, how-

ever, that the proper time has come to indefinitely postpone this bill. I think it would be placing us in a bad position. My feeling would be that what we ought to do is to accept the "ought to pass" report at this time and to let it go and then when it comes up for enactment, which would be at least four or five legislative days, we would arrive in both caucuses, members of all, everyone concerned, would arrive at a decision where we would have to arrive at what we are going to be doing. So this morning, I am going to vote against the motion made by the gentleman from Caribou, Mr. Gahagan, and vote against the motion of indefinite postponement, even though in the final analysis, I could very well be in his position. But I don't think the time is today to follow that approach.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I would like to add a fourth alternative that I think we could take. Probably if I had my decision to make, and maybe what is the most sound and reasonable approach, it would probably be the fourth alternative with no bond issue and strictly a gas tax. For some time, I have been very deeply concerned about the bonded indebtedness of this state and how far in we are going. Each year we seem to come in and just add and add and add.

When I first saw the proposal as presented by the Governor to the point where he wants \$19,000,000 in new bonds and retire 10, I just can't buy it. Every time we buy bonds and float bonds, we double the cost of them over the years. To me it makes more sense to go to the well and pay out of your pocketbook what you have to rather than to go to the bank and continue to borrow and just increase your indebtedness.

You know, we talk about the highest gas tax in the country. I don't think that deters other people from around the other states coming in and visiting us. They still come. The gas tax

doesn't keep them out of here, it never will keep them out of here. We have more to offer than that. Therefore, I believe we should take advantage of these people. When they come in here, we should hit them with a gas tax to let them help pay for some of our roads.

If we float bond issues, basically the people in this state are going to pay for them. I happen to be one who really appreciates the fact that I like to get up in the morning and I don't care whether it is two, three or four o'clock in the morning or in the afternoon and I can go out of my driveway and I can get on a highway that is well plowed, well sanded and well taken care of. We have some of the lengthiest highways in this state with no inhabitants even living on them. I really feel sorry for the Department of Transportation and face some of the problems that they have of maintaining the number of highways and the large amount of miles that we have.

I think we ought to be proud of what we have and I think we ought to fund it and fund it properly. I would say that one of the worst moves would be to indefinitely postpone this bill, because with that type of an attitude, I don't believe we would get the funds to properly put the roads into Aroostook County that we need there. I would like to see a better road up there. I have had the opportunity to travel up there a few times and I am not delighted with the road between Houlton and the border. There are many other roads in this state that need improvement and I think we ought to keep this bill alive and we ought to pass the gas tax in its final results.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: This is an issue that I was quite concerned with last year, and last year I wasn't successful, last session. I am sure that I can't match the eloquence or the logic of the two floor leaders today, but I would like to point

out a couple of facts which I think we ought to consider.

First of all, as the gentleman from Caribou mentioned a few minutes ago, Maine does pay the second highest gas tax in the nation and we certainly aren't the second richest state in the nation. We have a lot of roads in the State of Maine, as the gentleman from Standish pointed out. I believe that most legislators are dissatisfied with the roads in their own county. But I am going to address myself to two basic problems. One is that gasoline is getting expensive. And second of all, we have a gasoline shortage, or at least that is what we are told.

We have heard proposals coming out of Washington that the gas tax, federal gas tax, might be increased as much as a dime over the next year. This is exorbitant. I do a lot of driving and I am sure everyone else in this House does. And I know that we like good roads to drive on. But when it gets to the point that the average workingman can't afford to put gasoline in his gas tank, I think if you gave him a choice, he would rather drive over a few roads that he felt were not quite as good as they might be rather than not to be able to afford any gasoline for his car. I think that we have a duty to the taxpayers in Maine. We have a duty to these people to keep the expenditures in the Highway Department to a minimum so he can afford his gasoline.

I think the time has come also to take a look at the bureaucracy in the Transportation Department and see if we can't start saving some money over there. I am not satisfied with what I hear every single session about what a tremendous Department of Transportation we have, what a good job they do and all the rest of it, because I don't believe it. I think that the Department of Transportation in the State of Maine is one of the most wasteful bureaucracies the State of Maine has ever seen, and I think it is high time that we take a look at it and try to save some money over there.

I do not have all the answers. I am not familiar with all the inner workings of the Department of Transportation, and I can't stand here and criticize individuals in that department because I don't have the background. But I do know from a lot of people that are familiar with the Department of Transportation, including some people who work in the district office in Rockland, that there is a tremendous amount of waste — unnecessary vehicles, unnecessary personnel, wasted paperwork, and I have seen construction crews here and there that have not been putting out 100 percent. I believe that if we want to save some money and put it into good highways, we ought to investigate that department and try to initiate some kind of controls on the amount of money that is spent and wasted.

I am certainly not going to vote for a gas tax increase this year or the next session or any other time, until I see some impetus on the part of that department to clean up its own house first. I support the motion for indefinite postponement and I certainly hope that the House will go along with this approach.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: We have been given some alternatives here this morning. There is one other alternative that has been spoken of here today. It has been spoken of in the past, but nothing has been done about it. I would like to know just what is our bonded indebtedness as far as highways are concerned? How much has been spent of money that has been borrowed in the past year? I would like to see really a moratorium for a couple of years to find out just where we are going in this program as far as the State Highway Department is concerned.

It seems to me that every two years we come here, we are asked to raise the gas tax in order that — they need more money for improvement of roads. And it could possibly be true that we need that

money for more improved roads. And I know I have voted here through the years for bond issues upon bond issues upon bond issues and have never known just where we stood on those bond issues, whether the money was used, and spent or whether there are still bond issues that are outstanding or haven't been borrowed yet and just where do we go with this program.

This morning I am going to support the indefinite postponement of the bill.

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

Mr. FRASER: Mr. Speaker and Ladies and Gentlemen of the House: First of all, I will try to answer the question posed by our good friend, Mr. Cote, regarding the bonding situation in the State of Maine. At present, we have about \$60 million of bonds that have not yet been paid off, which is about 50 to 60 million less than the average in New England. There is no state in New England that has a bond issue under \$100 million, so we are not in too bad shape as far as highway bonding is concerned.

As to this bill, I am not too hepped up whether it is the gas tax increase or the bond issue. But one or the other, I believe, should be had. We have heard complaints here this morning regarding roads in Aroostook County. I believe that gentleman, if he should ride between here and my town and ride over road 219, he would probably get a few bumps too. We have to put up with them down here just the same as they do up there. And one of the reasons we do is because the Highway Department does not have enough money.

I don't go along with this idea that the Highway Department should clean up. I believe any department should clean up, but I don't believe they are going to clean up enough to do us much good. I believe we have an efficient Highway Department. You often hear about well, gee, look at their administration. But nobody puts their finger on anything. It is a big department and

naturally it has got to be wrong. I don't go along with that. I think we have a very good Highway Department and we should go along with this bill.

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

Mr. LaCHARITE: Mr. Speaker and Ladies and Gentlemen of the House: I think we have to look at this just as though we go out to buy groceries. Groceries a year ago were less expensive than groceries today. And the cost of building roads today is more expensive than it was building them yesterday. As a matter of fact, a few years ago, it cost a million dollars to build a mile of new road. Now it is up to a million and a quarter and a million and a half dollars. Let's do it the equitable way. Let's have everybody, out-of-state people as well as in state people pay for these roads. Let's have that gas increase and keep the bonded indebtedness down.

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

Mr. GAUTHIER: Mr. Speaker and Ladies and Gentlemen of the House: I would like to agree with every word that was said here a few minutes ago by Mr. Emery. You give the Highway Transportation Department 20 million today and in the next two years, they will want 40 million. It is about time that an investigation was made of that department to see where money could be saved. I hope that you do indefinitely postpone this bill.

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

Mr. SHELTRA: Mr. Speaker and Ladies and Gentlemen of the House: This is my third term up here. The last two terms I voted against the gas tax, and I am still going to vote against the gas tax. The federal situation is such—I heard it on my car radio coming up this morning that they are thinking in terms of at least 4 cents, which is an astronomical amount of money.

When I first attended this session, the rumor was that we had all kinds of money in the State

of Maine, that there were no major taxes foreseen or on the horizon. Why is it that in every session we are badgered about and bantered about concerning the gas tax. If we have to undedicate these funds, I think we should do this. I think one of the worse mistakes we ever made was to dedicate funds for the State Highway Department and also for the Super University, as far as I am concerned.

We had a good bill presented to us by my good friend, Arthur Genest, relative to a lottery tax a little while back. The House in its wisdom saw fit to vote for this tax; the other House turned it down. I think it was a rotten shame that they did. But if we have to raise money, let's do it in another direction and not this one. I don't think our people can stand it.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: A one cent gas tax means \$20 additional to me because I drive 40,000 miles a year and average about 20 miles to the gallon. With the increased cost in everything today, particular automobiles, repairs and all the rest, I think the \$20 is the best investment I could make.

I hope you people will go along with the thinking of the person who is using the highways, the ones that should pay the major part of it. The Highway Department, everybody says it is inefficient, but you compare what they do with other states and I think you will find we have a darn good department over there.

As far as revenue and money is concerned, I have a problem in my home region where Wiscasset badly needs a bypass. They have a very bad situation on Route 1 there. There is just no possible funding in the foreseeable future unless we go to bonding to get that bypass, because the department does not have the revenue to do it. I don't think they are keeping up with their maintenance on a lot of the secondary roads because of lack of money.

I hope you people will go along with the one cent increase.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: I drove into a gas station this morning and there were twelve people there and they said to me, are you going to uphold this gas tax? If you are, you will never go back to Augusta. This is the word I was told. Now I didn't ask to be told this. They said, here this filling station is selling a third more gasoline than we sold last year. This is a third more income for the Highway Department. They said, "We were told two years ago that if we got this increase, that we would have better roads. How much better have we got now than we had then? Now we are being told that if we don't get the one cent, the men are not going to be able to repair the roads, they are not going to build them, they are not going to work."

Gentlemen, I took a ride the other day. I rode over a piece of road and I saw the foreman of the road who had come along in his car. I also saw a driver on the truck and I saw one little man with a spade. Then I saw the superintendent. I saw three bosses over one man. I don't know if this is efficiency or not. Maybe one of them had to tell the next guy, maybe he couldn't do it until the next one told him. I don't know what it was. With all the equipment that we have and no more miles than what we have of road, with the money we are paying, they should be paved with gold.

We don't need any more tax, and I want the people that I represent to know that I shall go against this one cent tax. Right now they have put smog devices on your automobiles. What do these do? Instead of you getting 20 miles to the gallon, you are getting 10. So again it is increasing it so that they are getting more money. And I hope you will go along so this bill will not pass this morning.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Drigotas.

Mr. DRIGOTAS: Mr. Speaker and Ladies and Gentlemen of the House: Someone asked a question. I believe it was my good friend from Lewiston, Mr. Cote, about the bonds. The Highway Department, has at the present, \$10,300,000 additional, authorized, but not sold at this time, bonds that are available for additional money for that department.

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

Mr. FRASER: Mr. Speaker, Members of the House: Regarding that 10 million bond that is available, that is for now. A bond issue passed now would have to go before the public next fall and probably wouldn't be available for another year. So they have to have money available now or else stop work now.

Now, I will go back to the threat of not coming back to the legislature. I don't know whether I will come back or not. I don't know whether I care or not, but I can tell you right now that whether I do or whether I don't, whether the folks at home — I think I can make my folks at home understand the need for it. That is what we are trying to do here.

Now, let's talk about bonds. Before our committee this year, we had bills amounting to between 45 and 50 million dollars for bridges that are obsolete, and we just don't have the money to build them. One of the reasons why we dropped back the bond issue this year was there is going to be a study regarding these new projects that are needed, and we heard this morning about the bypass through Wiscasset which is true, they have a bottleneck there. You need a new bridge in Waterville because they have the same bottleneck there that we had in Lewiston a few days ago. You have got a bridge in Gardiner that is not going to stand up many more years. That one will have to be replaced. There are more that I just can't think of right now.

The Highway Department gets cut every time they put out an appropriation request, so naturally they do what they can with what

they have. Consequently, these bridges are left, and they have been left too long, and now we are at the point where we have got to replace them with bonds or are going to have to increase the gas tax quite a lot. I would only wish we would base our decision on what the federal government is going to do, because they may never increase it. I doubt if they do.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I want to thank my good friend from Auburn for answering the question which I asked.

I don't believe that there are enough contractors in this state to spend all of that money in the next four years. So I think that is plenty of time to wait to get money for the future. So that is why I would like to find out just where we are going in the Highway Department as far as bond issues are concerned. I feel that in that respect at this time there are not enough contractors.

We can only work about six or seven months a year as far as our roads are concerned in this state, because in the winter months we can't do any repairs, only during the summer, part of the spring and part of the fall. So I think we have got plenty of money in the coffers right now to carry the state on for two or three and maybe four years, and at that time, if we need a raise in the gasoline tax will be the time to pass one.

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

Mr. McNALLY: Mr. Speaker, Members of the House: I first want to remind the Aroostook people of something. They have been very fortunate through the years as having two highway commissioners, one was a Mr. Walsh and the other was a Mr. Peabody. During their time as highway commissioner, they most certainly produced some roads for Aroostook County.

Hancock County has not been as fortunate through the years, so I am afraid we might be now in the same position that they are

now, and I will admit they have got a terribly bad piece of road.

I also want to call Mr. Briggs' attention to the fact that L. D. 296 is now on the special highway table as of your calendar of today from the Senate. So, it is up to the Senate as to whether — it is up to the leadership as to whether it is ever lifted off of the highway table or not at the end of the session which is for a \$50,000 investigation of some way to produce a road suitable to what they should have in Aroostook.

Now, every big trucker and every suitable automobile association will go along with the one cent gas tax. They are the ones who use it the most, and they are the ones who believe that we should have to pay as you go on our roads.

Let's take this bond issue for \$19,800,000. If it is passed, you are going to pay 11 and approximately 88/100 more million dollars for interest during the life of the bonds before they are paid off. That makes a total of approximately 32 million in my figures.

Now, if you are not going to have any roads, I can say to the education people, what are you going to travel on with these thousands of buses they must have now to get to all the different SADs that are all up together. It seems to me that there would be some pretty dangerous situations if there wasn't some way of keeping the roads repaired.

Now, there has been a lot of fault found with what the highway commissioner is doing, and let me tell you something: This year there has been a lot of fault found right with the Transportation Committee about what the Highway Commission is doing. The maintenance man has been told repeatedly that there was a feeling that he hadn't done the best job that he could possibly have done, and shortly after the first time that this was said, we got a notice that they were no longer going to run the motors continually in the trucks, that they were going to stop them because that would save gasoline. But their motors were set so that they ran on meters, and that was where they

got their money for the use of the trucks. You see, the trucking situation is that it is sort of a separate department. It is an automobile division that leases these trucks due to the number of hours that they are run over the highways.

Now, the federal money that we get is nothing but the money that we have put in there ourselves, and we are now, at the present time, getting—I think this is somewhere near correct—about 9/10 of it back. We are getting one of the highest reimbursements from the federal government that there is. I just simply throw that out to you due to the fact that if you don't have matching funds at approximately three years in advance for federal monies for some sort of program for the reason you are going to have it returned to you, then you aren't going to get it, and it will go to other states. I believe it is the State of California that gets so little back on the money they have turned in that they have stopped accepting federal funds.

I was a little surprised at the gentleman from Lewiston talking about bond issues, because I can remember only a short time ago when he seemed to be all for such a thing, but I suppose now that the bridge is built and they are using one half of it and will soon be using both halves of it, that the bonds will be a different thing. But I am sure that he didn't mean it that way.

Now, they tell about what the gas tax is going to be for the federal government. Of course, nobody knows, but on Face the Nation, Roger Martin testified he didn't think there was going to be any federal tax, period. And this has been written up in all the papers this week.

Of course, I have been talking to you as a firm believer in pay as you go, and I hope that it is that way like it has been.

Mr. Donaghy of Lubec moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the consent of one third of the mem-

bers present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken.

The SPEAKER: Obviously, more than one third of the members present having voted for the previous question, the motion is entertained. The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. Is it the pleasure of the House that the main question be put now?

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I urge the House not to move the previous question. There is something that I would like to ask on it, and I am sure that there are others. This is a very important item. I know it is warm, it is starting to get late in the day and perhaps we might go to lunch, and we might run the calendar right through. It doesn't make any difference to me, but I think that any one of us here might have an opinion that wants to be stated. I don't like the idea of someone putting a gun to my head or to your heads and shutting off debate.

Whether I agree with what the subject is before us or not, I think it is in very poor taste. Because it is late in the session, that doesn't mean we shouldn't have an opportunity to debate it. They have had the bill in committee for over six months, so why shouldn't you and I have an opportunity to speak on it.

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

Mr. FRASER: Mr. Speaker, Members of the House: I hope we won't shut off debate, because I am quite sure the sponsor of this bill has been making notes waiting for other people to get done talking before he speaks. I hope we get a chance to listen to him.

The SPEAKER: The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that the main question

be put now. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

38 having voted in the affirmative and 62 having voted in the negative, the motion did not prevail.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. Representative McNally brought up something that I thought was worth mentioning. I would like to ask the Highway Committee or anyone else who would care to answer it, there are 22 items on the special highway table. In dollars, what does that amount to, and is it the intention of the committee to fund these L. D.'s out of the cent gas increase if it is passed? I would like to know how much money is on the table, and is it the intention of the committee to fund all these L. D.'s or any part of them out of that one cent?

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

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

Mr. FRASER: Mr. Speaker, Members of the House: The L. D.'s on the table and those that might have been presented at the time the budget was made up were estimated. There is something like \$600,000 in bills on the table, and that has been planned for in the budget.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: First, I would like to express my appreciation to Mr. Fraser for being given a chance. I am the sponsor of this lovely weapon.

I think I see anger expressed here this morning on the part of some to the suggestion from Washington that we may be burdened with additional gasoline taxes as a result of actions down there, and I know that all of us are irked

to some degree by the increases in the price of gasoline that we are exposed to on the part of new pricing structures by the companies. I think it has gone up around a nickel a gallon since we have been down here. That doesn't make us too happy certainly. I think that these considerations and facts are a result of inflation which our Highway Department isn't immune from.

We have had some expressions here from opponents to increasing the gasoline tax that perhaps we should undedicate the fund which would spread over a greater responsibility the same quantity of funds; that we should, in effect, reduce the budget by reducing the funds made available to the department and at the same time, build better roads. There is an inconsistency to this opposition that just doesn't stand the light of day as far as I am concerned.

Now, I know the members of this Transportation Committee, and I think that you do, too; and I don't know of a committee in this legislature that is made up of more conservative people than the members of the Transportation Committee, and I believe that the Highway Department has at their hands really been put through a sieve these last few months. When they say that that budget is trimmed, I think we can take their word for it that their budget is trimmed.

I personally endorse their efforts to reduce the amount of bonding. I believe that it is an error for a state to continue to issue bonds in excess of what you are retiring so that constantly the amount of your revenue devoted to bond interest is increasing. I believe that it is around 5 million a biennium that is devoted to bond interest in the highways. What goes towards this interest account doesn't maintain roads or build roads, and this is another thing that hasn't been brought up, at least I didn't hear it.

Two or three made references to the highway construction program, and if someone in the Highway Committee would explain to us, I believe that it is something like 80 percent of the highway

budget that goes to maintenance and sanding and snow removal and these items, and it is actually a very small percentage of their budget that goes to construction. So those who are under the apprehension that this is just building a tremendous construction fund I think are in error.

So, I hope that you will defeat the indefinite postponement motion and allow this bill to go through to passage.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the "ought to pass" report, I felt I had to get on my feet and explain why. I believe that we should pay as we go. I have always thought this way. I dislike very much to see my children and my grandchildren having to pay interest on bonds that we are floating around there now.

I would also remind a couple of speakers that you do get better gas mileage on better roads. I think that is simple.

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

Mrs. BERRY: Mr. Speaker, Members of the House: I perhaps rise a little timidly being a woman, but I have sat on the Transportation Committee. I think there are one or two things that perhaps haven't been brought out, and that is the amount — we are decreasing the amount of our bond issues this year, and this is the first year — I don't know for how long, perhaps it has never been done before — by somewhat under \$4 million. I don't believe we can sit here and talk about the gas tax unless we also talk about other things that are going to be done under the appropriation bill.

I am sure I have heard from people in my district that they are very pleased with this new skinny mix program or emulsion that is being put on the roads, and you will see in the appropriation bill that we are adding somewhat around 600 miles in the next two years.

On maintenance of these roads through applying this skinny mix emulsion — and this is a different sort of resurfacing than what has been done in the past. It is resistant to water so that on these roads that have been skinny mixed, you don't find these potholes in the spring like you do.

I think our people are going to be very happy when they find out that they are getting something for their money. This is going to show. It is not going to be in construction, the millions of dollars that we put in a half a mile of road. They are going to see something in their own town through this resurfacing.

I was very much opposed to the gas tax last year, but after sitting on the committee and seeing what can be done — and I can tell you something that I have been embarrassed by, and perhaps some of you don't think that is possible, but I have been embarrassed by some of the talk that our committee has given to this Transportation Department across the way. They have been told that they have got to shape up or else; that when we go from here, we are going to realize what is going to be done, and it is going to be done and this sort of thing. They have taken it very silently sometimes, but I think that you will see that they are going to listen.

We have discussed this thoroughly, and I think that we are going to come out with a good program. I hope that you will think about this before you vote to postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Wood.

Mr. WOOD: Mr. Speaker, Members of the House: Under all of the construction on our state and federal roads, we have \$7,300,000 for the year 1973 and '74, and of course, that has matching federal funds. Under state aid construction and reconstruction, we have \$750,000.

Now here is the maintenance program. The highway maintenance, summer maintenance, is \$15,500,000; the winter maintenance is \$11,912,000.

You take the gas tax. You take all that the gas tax will bring in in one year and take it out of construction and you wouldn't have any matching funds or any road construction. There is no place in the world that that money can be cut except in our maintenance program without going a whole lot deeper into the highway program than anybody has time in six months to do to make cuts here and there a little in a place. It is just the maintenance program. We can take \$10 million in two years out of the \$15 million summer program, but I am telling you right now you would have poorer roads in Aroostook County in two years than you have got now. We can take it out of the winter maintenance. Somebody would back out of their driveway and couldn't get to town, and they would find that that wouldn't work too well.

Now, on the highway table we have increased the maintenance program for our winter roads in every municipality in this state, and that is under L. D.'s that were brought in by people in this House that probably don't want a gas tax.

We have had L. D.'s that asked for reconstruction in our towns of state aid roads, increases for state aid highways. Those bills are on the table in the Senate with cost to the state. We can cut them all out. Those will be cut out if we don't have the money, because they will never come off the Senate table and pass.

I can see no possible way that we can carry on the program that we have got without taking it and cutting it back unless we have the funds to do it with. It is up to the people whether they want to maintain the program we have got, have good roads.

Some people say we had a gas tax last year. We didn't get any better roads but what in the world would we have had if we hadn't had it, we hadn't had that money?

Now, our Department of Transportation, they can say what they want to but we have got some dedicated men over there that try their best to spend the money in the best possible way and have roads that we can get over and

have winter roads that we can get from town to town on and have from the state line to the Canadian border, and I don't think there is any time that I have ever tried to get over one that I couldn't a very few hours after the storm come. If you cut this maintenance program, that is what is going to happen.

Four years ago we cut \$2 million out of the winter maintenance program, and they had to cut back. They cut back on some of the salt they used. They cut back on some of the sand they used, and everybody in this state put in a call to their division engineer and wondered why the roads weren't salted and sanded. They were told that the budget had been cut so they just possibly couldn't go along with the same maintenance program they had been having. What did they do? The people complained so that they had to go to the Governor and Council and get that \$2 million back so the people could travel over our roads in the winter-time. That is exactly what will happen again if we cut them to the point where we can't maintain the roads to the satisfaction of all the people that travel.

I don't believe that we want to come up with a program that is so short that we have to keep going to the Governor and Council to get extra money to carry on. I don't see the point in thinking that we can continue to pass bond issues. If we pass \$17.9 million bond issue now, it is going to cost every person in this State of Maine to travel on the roads more money before those bonds are paid back than they can possibly pay with an extra one cent gas tax. It is easy enough to figure. Nobody will pay over \$15 or \$20 on the gas tax, but before a 17 million bond issue is retired, you are going to pay a good many times more right out of your own pocket. I think there is something wrong with the thinking of most of the people the way they want to pay.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Drigotas.

Mr. DRIGOTAS: Mr. Speaker, Members of the House: I am won-

dering about the logic in some of the arguments. It was on the basis of these arguments the legislature in 1969 and 1971 voted to increase the tax. Then why are these roads in such a condition as they are today? Why didn't that increase of one cent in '69 and '71 create a system that we wouldn't be critical of?

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

Mr. FRASER: Mr. Speaker, Members of the House: In answer to this last question here, we have to realize that the last two years inflation has taken about 10 percent of our money. So much of the money we voted two years ago has gone on account of that, because the cost of living is the same for highway people just as for everyone else.

I just want to bring out one more thing. My good friend, Mr. Brown, said this morning that we don't have many miles of roads. Well, I wish to remind him that we have 30,000 miles in this state that have to be plowed everytime it snows, and I am sure we know that we could have a foot or a foot and a half of snow, and inside of 12 hours we can go where we want to. That doesn't come for nothing.

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

Mr. GAUTHIER: Mr. Speaker, Members of the House: You have traveled on our roads. You have traveled every day. I have to travel 100 miles, and I take all roads coming over here, and I say to you I have to disagree with my good friend, Mr. Wood. I think that one of the problems, like it was mentioned by Mr. Emery from Rockland, that if some of these fellows that are working for the Highway Department, instead of leaning on their shovel like they are doing — and sometimes you have five or six men when you need only one — I think there would be enough saving in that direction that you might cut on the money that they are asking for.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: In all the other sessions I have been here, I have heard these same arguments. There is just one thing that isn't discussed, and that is the economy of Maine. The economy of Maine moves on wheels whether they are rubber or steel, and to move those wheels, you have got to have the gasoline to do it with, and I think we are wasting time with the discussion here this morning.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: If you look at the Waterville Sentinel this morning, you will see that the State of Maine sold 157 million gallons of gasoline last year. That was an increase over the year before of 8.1 percent. In other words, that is 12 million and 7 plus gallons they sold over the year before.

Now when we were told there we wanted the cent before two years ago, that was figured on the number of gallons that they were selling then. Now, with all this extra money they got, what did they do with it?

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Caribou, Mr. Gahagan, that L. D. 863 and all accompanying papers be indefinitely postponed. All in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Berry, P. P.; Berube, Brawn, Brown, Bunker, Carrier, Chick, Chonko, Clark, Connolly, Cooney, Cote, Cottrell,

Crommett, Curtis, T. S., Jr.; Dam, Deshaies, Donaghy, Drigotas, Dunleavy, Emery, D. F.; Farley, Farrington, Faucher, Fecteau, Ferris, Finemore, Gahagan, Gauthier, Good, Goodwin, H.; Goodwin, K.; Herrick, Hobbins, Hoffses, Huber, Immonen, Jackson, Kelleher, Kilroy, LaPointe, Lawry, Lewis, J.; Littlefield, McHenry, McKernan, McMahon, McTeague, Morin, L.; Mulken, Najarian, Palmer, Parks, Peterson, Ricker, Rolde, Rollins, Sheltra, Smith, D. M.; Snowe, Soulas, Talbot, Theriault, Tierney, Tyndale, Wheeler.

NAY — Baker, Berry, G. W.; Binnette, Birt, Bither, Boudreau, Bragdon, Briggs, Bustin, Cameron, Carey, Carter, Churchill, Davis, Dow, Dunn, Dyar, Evans, Farnham, Flynn, Fraser, Garsoe, Genest, Greenlaw, Hancock, Haskell, Henley, Hunter, Kauffman, Kelley, Kelley, R. P.; Keyte, Knight, LaCharite, LeBlanc, Lewis, E.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McNally, Merrill, Mills, Morin, V.; Morton, Murray, Norris, O'Brien, Perkins, Pontbriand, Shaw, Silverman, Simpson, L. E.; Smith, S.; Sproul, Stillings, Strout, Susi, Tanguay, Trask, Trumbull, Walker, Webber, White, Whitzell, Willard, Wood, M. E.; The Speaker.

ABSENT—Albert, Conley, Cressey, Curran, Dudley, Hamblen, Jacques, Jalbert, Murchison, Pratt, Ross, Santoro, Shute.

Yes, 67; No, 71; Absent, 13.

The SPEAKER: Sixty-seven having voted in the affirmative and seventy-one having voted in the negative, with thirteen being absent, the motion does not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted, the Bill read once, Committee Amendment "A" was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

Bill "An Act to Clarify and Simplify the Administration of the Mechanic's Lien Law" (H. P. 1361) (L. D. 1817)

Tabled — June 11, by Mr. Martin of Eagle Lake.

Pending — Motion by Mrs. Baker of Orrington to accept the Minority "Ought not to pass" report.

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

Mr. McTEAGUE: Mr. Speaker, Members of the House: I had hoped we could accept the majority "ought to pass" report. I know it is very late, I will try to be brief, which is a departure from the past practice of many of us.

The problem here, Mr. Speaker, members of the House, is employees on construction projects where the employer is in financial trouble headed towards bankruptcy, he goes into bankruptcy, usually the employees do end up getting their wages; that is, their hourly rate because frankly, the employer can't get more than a week behind on that or the men would walk off the job if they are not paid. Things like medical and hospitalization insurance, retirement and those types of fringe benefits, if the employer doesn't make any payments he is obligated by contract to do, it takes a while for the employees to find out about this. They have worked a month or two before the word gets back to them. The result is the employer goes into bankruptcy, he is dead anyway. The employees lose their medical insurance, they have an interference with their pension, they lose their entitlement to these things. So the purpose of this is to protect these fringe benefits like hospitalization insurance and pensions.

The second thing that happens is this: If there are a hundred employees working on the job and one of these contractors goes under and he goes into bankruptcy, each one of them has to file an individual, separate lien and law suit in order to defend their pension and medical insurance and other fringe rights. The fact is, they can't afford to do it individually. They might have a claim for 40 or 50 or 60 dollars covering a month or two period of time, but they can't afford to file a suit or even file the simple lien papers for that amount of money. So this would enable the employees to act together and do this.

It is a majority report. I hope you will defeat the pending motion which is the minority "ought not to pass" report and accept the bill. This really is a fight between various creditors and bankruptcy, and the sponsor of the bill and many others and a majority of the committee felt the rights of the employees to the medical insurance and the pensions are more important than certain other rights in bankruptcy.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: Earlier this session, we had a bill which involved mechanic's lien and the question was whether or not we would remove the homeowner from being subject to the so-called mechanic's lien. If we enact this particular piece of legislation, ladies and gentlemen, we are opening up to labor organizations — not to a laborer but to labor organizations the — giving them the right to bring an action on behalf of the laboring groups against a contractor and place a lien on the property that is being constructed, the homeowner, in the case of the simple homeowner who has a new piece of construction.

Presently under the law, a laborer who doesn't get paid his wages from his contractor may place a lien on the property, and I am in favor of that. I am not against labor movements, laborers in general. In fact, I am, if anything, probably more in favor of their rights than against it. I have represented them before.

However, in this particular instance, under the lien law, you have 60 days from the date you last performed your labor in which to place your lien, and I defy the sponsor of this bill to tell us how in the case of a laboring group he is going to place a lien on the property or it will be possible to place a lien on the property on behalf of the total group if you have only got one of the group that works within that last 60-day period. I question if it is not then going to be possible to extend that 60-day period because it happens to

represent a laboring group, first of all.

Secondly, I have a problem with this in that the law as it is stated here relating to Section 3251 is unclear as to what sort of benefits we are talking about. It relates to health plans, health and accident plans, retirement and retirement plans, vacation plans or funds, insurance of all kinds and all other fringe benefits.

Well, we are talking, ladies and gentlemen, about fringe benefits in the form of types of insurance payable should there be a loss. We are talking about potential loss instead of just a plain loss. We are talking instead of just a plain premium in respect to an insurance policy the possible benefits that result from that policy.

I dare say that you can have a situation of a homeowner who can be stuck with millions of dollars if this bill is passed, and I certainly hope that you accept the minority report.

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

Mr. MARTIN: Mr. Speaker, Members of the House: This bill happens to have my name on it, and I am going to defend it. I just want to point out to the gentleman from South Portland and the members of the House one of the problems that we have.

Let's assume that an employee thinks that he has an insurance coverage as a result of his employer having had and negotiated a policy. His wife has to go to the hospital for a pregnancy or for whatever illness that she might have and then lo and behold, there is no policy because the employer has gone bankrupt. There is no provision for this employee to get anything from it.

Secondly, another example which has happened in this state is where employees have participated in a contribution plan, retirement plan, and the employer gives up. The employee loses everything he had, the money that he invested. It seems to me an equitable way that we ought to try to solve that problem, and this bill is an attempt to do just that.

I would ask that when the vote is taken, it be taken by the yeas and nays.

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

Mr. TALBOT: Mr. Speaker, Members of the House: Please believe me when I say I had no interest in this bill whatsoever, but something started to click in my head as Mr. Martin was speaking. My father passed away in November of last year. He was employed at the Bangor House for 35 years, and I think to some extent, they robbed me of my father. This may be kind of personal, I don't want to be too personal, but it is an example.

Well, my father worked at the Bangor House for 35 years. He worked from 4:00 o'clock in the morning until 2:00 o'clock in the afternoon and he went back at 4:00, and he stayed until 10:00. He did that all the while I was growing up.

He worked himself to death at the Bangor House I think. He finally retired about two years ago. He had a heart attack. He went to the hospital, and he was covered. Then about a year ago, he had another heart attack, and he went to the hospital. Now, we don't come from a rich family or a well-to-do family. We are pretty down on the totem pole. Well, my father spent a month, a month and a half in the hospital thinking he had insurance. In the meantime, the Bangor House had gone through bankruptcy. This was found out when my father was discharged from the hospital. No insurance. My mother almost had a heart attack when she found that out, and she called me up because "We have got no money, what do we do?"

So, I went up to Bangor and we took a trip down to a lawyer's office, my mother and myself. "There is nothing you can do, you are left holding the bag. There is nothing you can do if the employer has gone bankrupt. He didn't bother to tell you, because he didn't have to tell anybody that his insurance had to lapse." That was

it. My father was left holding the bag.

I do so hope you support this bill today.

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

Mr. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: It seems to me that this bill is a matter of priorities, and it seems to me also that the person who labors and sweats in putting up a building where he is entitled to a lien for his services and his wages should also be entitled to the fringe benefits that go along with it, and I certainly think that this bill should pass.

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

Mr. PERKINS: Mr. Speaker and Members of the House: Very shortly, I would just like to point out that I certainly would not like to risk building any sort of building today where I was going to be subject to a lien on my property by a laboring group as a result of the general contractor's liability to come across with his insurance premium payment or with the benefits payable under that policy because of a cancellation. You are talking about the possibility of a death of an employee where there is a \$10,000 policy coverage payment due him. I am not going to go out and build a house or anything else if that potential is going to be there.

Now, I also say this: The law does provide, as it presently exists that a laborer who doesn't get paid for his wages may place a lien on my property if I construct one and the contract falls through.

I sincerely urge you to accept the minority report.

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

A vote of the House was taken and more than one fifth of the members present having expressed

a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentle lady from Orrington, Mrs. Baker, that the House accept the Minority "Ought not to pass" Report on L. D. 1817. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Bither, Bragdon, Cameron, Carey, Chick, Finemore, Garsoe, H a n c o c k, Haskell, Herrick, Hoffses, Huber, Hunter, Kelley, R. P.; Knight, Lewis, J.; McCormick, Morton, Perkins, Shaw, Snow, Sproul, Trumbull, Walker, Webber, White, Willard.

NAY — Albert, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Boudreau, Brawn, Briggs, Brown, Bunker, Bustin, Carrier, Carter, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Crommett, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dunleavy, Dunn, Dyar, Emery, D. F.; Evans, Farley, Farnham, Faucher, F e c t e a u, Flynn, Fraser, Gahagan, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Keyte, Kilroy, L a c h a r i t e, LaPointe, Lawry, LeBlanc, Lewis, E.; Lynch, MacLeod, Maddox, Mahany, Martin, M a x w e l l, McHenry, McKernan, McNally, McTeague, Merrill, Morin, L.; Morin, V.; Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, P a l m e r, Peterson, Pontbriand, Ricker, Rolde, Rollins, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Soulas, Strout, Talbot, Tanguay, Theriault, T i e r n e y, Tyndale, Wheeler, Whitzell, Wood, M. E.

ABSENT — Cote, C o t t r e l l, Cresse, Curran, Dudley, Farrington, Ferris, Gauthier, Good, Hamblen, Henley, Immonen, Jackson, Littlefield, McMahon, Mills, Parks, Pratt, Ross, S a n t o r o, Sheltra, Shute, Stillings, S u s i, Trask.

Yes, 29; No, 96; Absent, 25.

The S P E A K E R: Twenty-nine having voted in the affirmative and ninety-six having voted in the negative, with twenty-five being

absent, the motion does not prevail.

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

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

Bill "An Act Creating a Study Commission on Environmental Laws" (S. P. 642) (L. D. 1977) (S. "A" S-187) (H. "A" H-535).

Tabled — June 11, by Mr. Carey of Waterville.

Pending — Passage to be engrossed.

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

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I would ask your indulgence just for a few moments. I know the session has been quite lengthy, and I am sorry that we tabled this bill. I requested a tabling motion yesterday.

I want to go back to the beginning on this L. D. 1977, which the thought behind it was to form a commission to study the environmental laws that have been written to date in your state. The environment of the State of Maine is of primary importance to the citizens of Maine. Various laws have been passed to protect the environment which may have overlapping and conflicting provisions. A study should be instituted to the end that the citizens of Maine have their environment protected to the greatest possible degree without precluding — and these are the two words on the statement of fact that I want you to bear in mind — precluding reasonable and compatible development.

You have heard discussion here in the session so far, a bill presented previously where the intent of our legislation is felt to be too strong and that we are not taking into consideration the industrial factor and the growth factor of the State of Maine.

Since we had this bill started and passed along, it has had a unanimous "ought to pass" report in our committee. And I guess I

went to the well one time too often, and a request had come to me the other day or a week or so ago that the Department of Transportation would like to be put on in an advisory capacity, not realizing at the time — and I guess I was a little naive politically, maybe — that there would be such an opening of the door and a flood of amendments which are coming along. That I apologize for to you this morning. They are on your desk rather than go through the process of reading or trying to put them all on and taking them off, which ever we might do. I would like to show you the ones that were there I had tabled today on behalf of Representative Rolde in hopes that we could include state planning in an advisory capacity.

The bill in its original form called for 20 members. If we were to add all these amendments that I have on hand this morning, gentlemen, it would add eight more people to that committee. I can't see any one chairman sitting down and running or conducting a committee of 20 members to start with which we were a little bit leery of when we came out with the bill in the first place and now adding eight advisors to it, I think would be mayhem at any meeting that you would call especially on a day that might be as hot as the one we are witnessing here today in Augusta.

Therefore, I would at this time ask for further indulgence of you. There is an order on your desk which we as a committee — and I say we, and I think that I have talked to enough members of the committee who are in complete accord. We have talked to the committee chairman, and I think this is his wish.

The order is before you now. I would hope that one of the gentlemen from my committee will be presenting the order, but for the moment I would like to indefinitely postpone L. D. 1977 and all of its accompanying papers.

The SPEAKER: The gentleman from Bar Harbor, Mr. MacLeod, moves the indefinite postponement of L. D. 1977 and all accompanying papers.

The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker and Members of the House: They could expect there would be amendments on any bill put in that it didn't include agriculture on environmental study on the environmental laws, because I don't know of any department in this capitol that would be affected any more by environmental laws than agriculture. And when I mentioned it, they went through the roof, but I tell you that we certainly needed agriculture if we are going to study it.

If they want to postpone it, put through an order, okay; but I still say they should include the commissioner of agriculture.

Thereupon the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

Mr. Briggs of Caribou presented the following Joint Order and moved its passage:

WHEREAS, the environment of the State of Maine is of primary importance to the citizens of Maine; and

WHEREAS, various laws have been passed to protect the environment, which may have overlapping and conflicting provisions; and

WHEREAS, a study should be instituted to the end that the citizens of Maine have their environment protected to the greatest possible degree without producing reasonable and compatible development; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee of the 106th Legislature on Natural Resources be authorized and directed to study the environmental laws of this State. Said study committee shall be authorized and empowered: To employ a director, legal counsel and such other consultative and clerical services as may be needed to carry out the study; to obtain such office space, supplies and equipment as may be needed in connection with its work; and to seek and accept funds from the Federal Government and private foundations to enable it to complete its work; and be it further

ORDERED, that the Bureau of Environmental Protection be au-

thorized and respectfully requested to provide such information, technical advice and other needed assistance as the committee deems necessary to carry out the purposes of this Order; and be it further

ORDERED, that there is appropriated from the Unappropriated Surplus of the General Fund the sum of \$50,000 to carry out the purposes of this study. Any unexpended balances shall not lapse but shall be carried forward as a continuing account until the purpose of this study has been accomplished; and be it further

ORDERED, that the committee shall make a written report of its findings and recommendations, together with all necessary legislation, and submit the same to the Legislature on or before January 1, 1975; and be it further

ORDERED, upon passage in concurrence, that a copy of this Joint Order be transmitted forthwith to said bureau as notice of this directive. (H. P. 1608)

The Joint Order was read.

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

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

Bill "An Act to Improve the Lobster Fisheries" (S. P. 452) (L. D. 1506), New Draft (S. P. 638) (L. D. 1973)

Tabled—June 11, by Mr. Simpson of Standish.

Pending - Acceptance of either Report.

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

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

Bill "An Act Providing for Motor vehicle Operator's License Classification" (S. P. 409) (L. D. 1211) (C. "A" S-201).

Tabled - June 11, by Mr. Smith of Exeter.

Pending—Motion by Mr. LeBlanc of Van Buren that the House adopt House Amendment "A" (H-537).

Mr. LeBlanc of Van Buren requested permission to withdraw House Amendment "A", which was granted.

Mr. Smith of Exeter offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-555) was read by the Clerk and adopted.

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

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

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

Tabled — June 11, by Mr. Brown of Augusta.

Pending — Passage to be enacted.

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

Mr. CONNOLLY: Mr. Speaker, I would move the rules be suspended for the purpose of reconsideration.

Mr. Faucher of Solon requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Connolly, that the rules be suspended for the purpose of reconsideration. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 35 having voted in the affirmative and 71 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Bill "An Act Relating to Applicability of Workmen's Compensation Law to Employers" (S. P. 618) (L. D. 1934).

Tabled — June 11, by Mr. Garsoe of Cumberland.

Pending — Motion by Mr. McTeague of Brunswick that the House adopt House Amendment "A" (H-545).

On motion of Mr. Finemore of Bridgewater, tabled pending adoption of House Amendment "A" and tomorrow assigned.

The Chair laid before the House the following matter: Bill "An Act Relating to Access and Egress to Great Ponds." (L. D. 1855) which was tabled earlier in the day and later today assigned:

Mr. Martin of Eagle Lake offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-551) was read by the Clerk.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Basically, the amendment would allow a water company or water district that is getting its public water supply from a lake or a pond to, in effect, close it off from the general public if they think that it is in the best interest of everyone concerned in order to protect the water supply.

Thereupon, House Amendment "A" was adopted, the Bill passed to be engrossed as amended and sent to the Senate.

The Chair laid before the House the following matter: A Joint Order relative to the Joint Standing Committee on Taxation being authorized to pass out legislation no later than Wednesday, June 20, 1973. (H. P. 1607) which was tabled earlier in the day and later today assigned:

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

Mr. MARTIN: Mr. Speaker, I move indefinite postponement of this order.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves the indefinite postponement of this order.

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

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

House: I urge you not to vote for indefinite postponement of this matter. I think that if you want to indefinitely postpone it, I think you are putting the death nail right in any tax reform measure that might be possible in this session of the legislature.

Right at the present time there are three proposals before us that all deal with tax relief to some degree. The Taxation Committee, without a doubt, is probably the committee that should have all these bills to begin with. However, they didn't. All these bills call for some type of tax increase, and if you don't believe it, sooner or later you are going to be faced right here with putting the old green light or red light up on something that involves an increase in either the corporate or personal income tax to pay for one of these measures. Every one of the three of them have got that type of a measure in them. Some people will tell you they don't, but they do, every single one of them.

The Taxation Committee works with taxes, they have worked with them for years. They know the financial status of the state, how they should be funded, how they should not be funded.

I think that my personal belief is that the Taxation Committee should take these three bills, look them over, decide just exactly whether the funding in them is available, along with the Appropriations Committee recommendations that will be coming out on a Part II budget and so forth. The Taxation Committee, by next Wednesday, would then have the opportunity to determine whether they are fundable and if so, how they should be funded.

Therefore, all this order does is give the Taxation Committee the authority to pull three bills together, look them over and report back to us as to the possible means of funding and how it should be determined.

I would hope you would not vote against the indefinite postponement.

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

Mr. BATHER: Mr. Speaker and Members of the House: I think this order does exactly the opposite of what my majority leader says. This order is an order for no other reason than to kill these bills and particularly 1994. I don't think there is any question about it. This order says that these bills, these three bills, shall be put out to the Taxation Committee, and they will come up with a single, responsible document. They are to do all this in a few days when we have been working all winter long, many months, many many people. We have worked on 1994, and we think we have come up with a good bill.

Now, there is a lot more behind this order and this story than I can tell you today, because I am not allowed to use rough language, I am not allowed to say what I think about this order. I will say, Mr. Speaker, that it is odoriferous, I think that is the proper word.

I have talked, during the brief intermission or recess that we had between the caucus and the House convening again, with the House chairman of Taxation Committee, and he has assured me and reassured me, but I am still not assured. I am far from being assured.

As I say, there is a story behind this. We have got to placate the chairman of one of our committees. We have got to change this bill and take it from the Education Committee, because a certain member of the other body has used for political purposes, and I don't question that at all; in fact, I have been one of the few people that have told him to his face that he was hurting the bill for doing this very thing.

So there is a lot going behind this story. The idea is that a certain member is away, and let's get this done while he is gone. That is a funny way to do business. That is what I was told.

Mr. Susi from Pittsfield, the Appropriations Committee assured me that out of this — if this bill went into the Taxation Committee or these three bills went into the Taxation Committee, it would come out as 1994, and I don't think that is true, because out of that will be a single, responsible docu-

ment, and there is no assurance. Certainly it is not going to be 1994, it is going to be a Taxation Committee bill.

Also, the Committee on Taxation is going to have the assistance of other people, and I have been told — I can't name any of the persons, but some of the people — I respect very highly, but they cannot do the work in a few days.

If you pass this order, what will happen? If you pass this order, 1994, which we have worked for and many of you people are very much interested in, then the other two will cease to be, they will be just as dead as a dodo, and if you don't know of the dodos I will tell you that story some day. They will be no more, they will not be in existence. The work of these several groups and many many people for two years — yes, two years, this work has been going on — will end.

The work and study of the Education Committee for the last several months will be of no avail. Well, that may not hurt anyone's feelings, but I'm telling you that you are asked to put a committee on this work, and do it in a few hours or a few days, the work of many many other people, and it cannot be done.

What will come out of this Taxation Committee anyway? Well, I really can't say, I really can't predict but maybe nothing. Maybe they can't come up with anything. I will tell you what I suspect will come out of this, I suspect that out of this will come a resolve to put this out to study. In other words, we will have no property tax relief, we will have no change in the subsidy this session, and that is exactly what some people — especially in the other body — want. It has been said that we can't pass 1994 in this House and for this reason. The only way to save it is to put it into Taxation Committee.

I was going to quote Ethan Allan, but I guess I hadn't better, Mr. Speaker.

I will tell you one thing, I think we can pass 1994 in this House and all I ask is a chance anytime to put that to a vote, and see whether we can pass it. As a mat-

ter of fact, I think our vote on this today is going to be an indication of whether or not we can pass 1994. Don't, for goodness sake, put that out of the Taxation Committee.

I have nothing against the Taxation Committee. I have a great deal of respect for the chairman of that committee, who lobbied me at great length this recess—and incidentally, he is an enemy of all the lobbyists, but I accepted his lobbying, because I think very highly of him.

I think if this goes in there we will come out with nothing except a study for the next session.

I would like to make just one more point. These four education bills from which the committee worked, for education bills which were L.D. 357, 1617, 1699, and 1700 — one of those were Mr. Ferris', I don't know which one, I think 357; one was Mr. Haskell's, one was Mr. Carter's, and one was Mr. Smith's. Those four bills came onto this floor, and what did you do with them? Now, if they should have gone to Taxation, why weren't they sent to Taxation at that time. They were sent to Education for a public hearing, and we heard those bills. So why send them to Taxation now?

I have never felt so sincere about anything since I have been in this House. I hope that you do go along with motion to indefinitely postpone this order. It should never have been introduced in the first place.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: My friend from Houlton, Mr. Bither, has not accepted my assurances nor my reassurances. I think perhaps an explanation is in order.

I can appreciate the opposition to this order. I felt the same frustration and outrage that is evidenced on part of some of you here today in the process of attempting to get property tax reform in this session now.

I first off want you to recognize that my objectives are the same as the objectives of those people who are opposing the passage of

this order. I want to see property tax now. I think it is the most important thing we can do in this session of the legislature. We haven't done it yet; we have to do it, and so anything to get that done, I should be supporting. I believe that the order is okay, and some of you don't.

To be candid, we have to recognize the reluctance to support, if not the open opposition of the majority leadership of this legislature to property tax reform. Let's not kid ourselves, there has been opposition to property tax reform in this session of the legislature, and there probably still is a great reluctance on the part of majority leadership to property tax reform.

You who support property tax reform since the widespread support amongst the members of this legislature for property tax reform, I concur completely with your analysis of this support. There is support for property tax reform in this legislature now.

This order comes, as I understand it, from an agreement made with leadership and is sponsored by leadership. Apparently, many of you, due to this, believe this order is just another effort on the part of leadership to kill property tax reform. Well, this is your judgment to make. I gave the best evidence I could to Mr. Bither and still he didn't accept my assurances and you may not either. But I can assure you that should the order be passed here today, that I, as the devoted proponent of property tax reform and acting as the chairman of the Tax Committee in the absence of the general chairman who is away for a few days will work to my limit to accomplish property tax reform now and don't doubt it. I am thoroughly committed to it.

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

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote against indefinite postponement of this order. I say this because I feel that the mathematics and the tax questions have not been covered by the Education Committee. Now, they may have done

a fine job as far as an education bill is concerned, but they are not beginning to tell the story about the finances on this package; and to prove this point, let me state that in the bill, if you will look, it has an appropriation of \$211 million. I doubt if they mean that. If so, we are talking about quite a bit of tax. I talked with Asa Gordon two mornings ago, and he has a projection for the 1973-74 education subsidies of \$211 million.

Now, those of you who went with me back in December at our pre-legislative session to a meeting that was down in 228, you will recall they were talking about increasing the educational subsidy from 33 one-third percent to 60 percent. Then when the Governor's message came out, it was 33 one-third percent to 46 percent. It is very simple, ladies and gentlemen, this was reduced to 46 percent because they had something like \$28 million to work with. I think they were perfectly honest with you. I think the Governor's message is honest. Also, that is \$2.2 million for every 1 percent that the state picks up. They were going to increase it 12 two-thirds percent for \$28 million. Now, if you go to 60 percent the same as they were talking about back in December, you are talking approximately \$60 million for the time this bill takes effect. I think these figures should be studied by somebody and put in proper perspective.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I was going to make a motion to—I don't want to make a motion for the previous question, but we have debated this in caucus ourselves for nearly an hour, and I understand you had quite a charade in the Republican caucus. I mean, it is 1:25, you are not going to change any votes one way or another here anyway.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: I dislike disagreeing with

both my colleagues, Mr. Jalbert, and my colleague from Houlton, Mr. Bither. However, I think Mr. Bither recognizes I am probably as interested in passage of this legislation as anybody in the House.

I was the sponsor of what is now 1994. Initially, it was revamped by the Education Committee. I think all of us now are faced with a judgment on the most effective means of getting a measure passed, and in my judgment, I think the order that is now before us, if it is passed, and if the Taxation Committee acts in the manner they indicate that they will act, to bring out the funding requirements of a bill of this type, that the prospects for passage will be increased. For that reason I am going to support the order.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker and Ladies and Gentlemen of the House: Last Friday, I took a strong stand on tax reform when the homestead approach came in presented by the legislator from Brunswick, Mr. McTeague. I also support this going to the Taxation Committee.

I spoke for tax reform in the 105th. I spoke in Republican caucus for it, and I will speak now for it; but if we are going to have tax reform with the concept and the idea of tax relief to the homeowner, this is not a justifiable bill. And I will stand here for hours, and I will listen for hours for anyone to explain to me where this, if this is the approach, is giving tax relief to the homeowner in the State of Maine to the extent he deserves it, the extent where the people in the \$10,000 and \$15,000 homes are going to have relief so they can afford to keep them. This bill will not do it. This bill favors big interests in the State of Maine.

My second time in speaking on Friday, I explained to you in dollars and cents, in mathematics that the homestead approach will give the \$10,000 a year homeowner — will give him an additional \$120 worth of tax relief if we are figuring on a 20 percent basis. In this bill, he will only get \$80.

Secondly, once you have put in a tax reform package, what guarantees are you giving the homeowner that the municipality still is not going to raise taxes above what may be considered his ability to pay taxes for that home. This is a major, if not the major, part of our whole 106th session. And let it be for the benefit of property tax relief, not for the benefit of higher cost education, which is the approach I would take.

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

Mr. FERRIS: Mr. Speaker, point of order.

The SPEAKER: The gentleman may state his point of order.

Mr. FERRIS: Mr. Speaker, I question the germaneness of the gentleman's question. He is debating three bills right now which are not the subject — which should not be the subject of his debate. He should be discussing the order before us.

The SPEAKER: Will the gentleman from Calais kindly confine his remarks to the pending order which is ordering the Taxation Committee to report out a bill by a week from Wednesday.

Mr. SILVERMAN: Thank you Mr. Speaker and thank you, the gentleman from Waterville.

Mr. MURRAY: Mr. Speaker — excuse me.

The SPEAKER: The gentleman from Calais may continue.

Mr. SILVERMAN: I think I got my point over. I think the constituents that we represent that are saying what we come up with in the 106th and this order is pertinent to what we come up with in tax reform should be for the benefit of tax relief to the homeowner, and that can only be measured in dollars and cents, facts to what they are going to save when they receive their tax bill from their municipality.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly, I would like to discuss the procedural matter that we have in front of us. You have an order which is directing

the Taxation Committee to report out a bill, and they are given roughly one week to do that. They are to supposedly spend a great deal of time studying all proposals, to make the recommendation known and to then recommend a method of funding. I think this is fine. This procedure, if we were to have tried it, should have been done two and a half months ago.

We now have pending three bills that deal with this problem. Are we saying just one bill of those three has gone to the Taxation Committee as a result of an order passed last week. Are we saying that the other two will not go to Taxation along with that one, that they then will supposedly study all of the ramifications and the effects of the possibility of property tax, and then they are going to come back with a bill. This is very very difficult.

I have a suggestion which I think ought to be followed. If we want to know what procedures we want to go through and where we ought to be going, what perhaps we ought to do is to take the homestead bill, the Education Committee bill and the bill submitted by the gentleman from Standish, Mr. Simpson, to hold a joint caucus of both political parties, to have proponents of all three make their voices heard and then for a staff to write up a proposal. If you want to give it to Taxation at that point, that will be one thing. But simply to send it to a committee without instructions, I think that we are just kidding ourselves.

It seems to me at this time we are talking of adjourning on the 27th of June. We are going to after it comes out of Taxation, try to adjourn after seven days beyond that date. It takes that long to engross the bill, never mind debate it. We are just kidding ourselves. I have the greatest respect for the gentleman from Pittsfield, Mr. Susi, but he ain't Superman, and it can't be done.

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I guess some people noticed this morning I was a little bit

distressed when I saw this order coming across our desks earlier. I think I have regained my sense of humor a little bit now, so I probably won't be as harsh-tongued as I would have been this morning.

I have been involved in this issue, as many of you know, for a long time now, and I have spent literally hundreds of man hours of work and study put in on this bill. We had not only the Governor's office and all of the machinery of the executive put into this, its brain power and its expertise, we have had the ESCO Report, we have had the Maine Education Council, we have had a special committee on Business Taxation.

All of these groups have studied this. The facts have been well collated. They are before all of us. Besides that, the Education Committee has taken these same facts and gone over them and over them for a month, more than a month after they had the hearing. They have come up with this bill.

The funding of this thing is no great secret. I don't understand what the Taxation Committee can contribute to enlighten discussion of this bill. It is a committee that has not been involved with this. I doubt if most of the members have read those ESCO Reports and the Maine Education Council reports and all of the material that has come out of the Governor's office. That is what the Education Committee a month or a month and two or three weeks to do.

We are going to ask them, in the absence of their chairman, to accept on face value some sort of a half-baked tax basis study of suggestion for revamping of this entire program. Supposing the chairman comes back. What is so significant about the absence of the present chairman? The point is that the potential for getting this thing snarled up and never getting it up here again for a vote on its merits after so much work has been done — the potential for this is so great, I see very little benefit to be derived from any of us sending it to the Taxation Committee.

I think we owe it to ourselves. I think we owe it to the hundreds of people who have contributed so

much to this effort to give this thing a good, fair, square vote on its merits when the time comes in a week or so. If we try to pull a parliamentary maneuver now, not only on ourselves but on the people of Maine, after we have talked so long about this, we can't fool them.

I hate to see this thing go up and down on personalities, and we know that is exactly what is happening. We owe it to ourselves and the people of Maine to go ahead with this straight from the shoulder with no monkeying around.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I guess ever since the very first mention of even tax reform came out, I was probably one of — if not the first, at least the biggest critic of the Governor's proposal that what he said would give us tax reform, which should have been tax relief, through the 106th Legislature.

At that time, I publicly, and a good many times, have stated that I am not opposed to property tax relief and that I would do everything that I could see that could get a responsible tax relief package through this legislature that would guarantee that the local property tax would be reduced.

At that time I stated that the figures that were in the Governor's proposal I did not believe could be met. I felt that we were talking about a major tax increase to fund that proposal. I knew at least in the second and third year of his proposal that we were talking a big tax increase. It was denied.

The other morning we had breakfast at the Blaine House. I have had a good relationship with the Governor on this particular proposal. We have discussed it in seriousness and also in a joking manner a good many times. But the other morning, after the rest of the leadership left, I stayed and I talked with the Governor about this.

It has been since stated in the paper that the proposal that we

have also spent months and months and hours on to try to adopt and put out here to give you an alternative was put out as a smoke screen to try to kill a bill that the Education Committee came up with. And that is a falsehood if there ever was one.

I discussed with the Governor the point that we were working on legislative reform. Every single caucus we have had we have been trying to talk about legislative reform to get that package out of here and out of the way before we started to talk about the Part II budget or started to talk about tax relief, and he agreed that that is the way it ought to be done.

The other morning, when we started talking about his package, he told me right then and there that he realizes now that his package has got to have a tax increase in the first year as well as the second and third. The proposal that we are putting forth guarantees property tax reduction, and in that particular proposal, it also states — it has got it right in it, black and white— that the only way you can do it is to come up with the money and put it back to the communities and double your income tax and double your corporate tax in this state.

All right, the Education Committee has done a fine job on a bill that they think is in the best interest. I commend them on it, and I am not debating that bill on personalities or anything else. In fact, until right this minute, I didn't even know the chairman was out of state and not even present. And I could care less whether he was or wasn't. We have a House chairman right here who can handle that situation. And I think we have a Taxation Committee that can take a look at these bills and determine just exactly how much we have got to increase our income tax or whether we haven't.

As far as the majority party's leadership in this thing goes, from the word "go," we have been divided on just exactly whether we can do it now, whether we could do it in the special session or whether we couldn't do it, period.

I believe that everyone of us have hoped that somewhere down

the line we could come up with a tax relief measure for the people in the State of Maine. I have been committed to it, and I have talked to the House chairman of Taxation a good many times. Maybe he doesn't believe me, I don't know, but I have told him that we were working on it, and I was going to work on it just as far as I could go.

I also stated that I thought now that we had the horses and we have the tools that we can work with. It is going to be up to the people then whether they want to commit themselves to a tax increase. If you don't do it now, you are going to run on a campaign for the 107th and both gubernatorial candidates are going to run on a campaign knowing that when they come into the 107th, they have a major tax increase facing them right then and there to at least double the income tax.

All right, so where are we? The Appropriations chairman has made the statement in joint leadership meetings sitting right in the Blaine House at night that he would like to put it off until the special session, because the Appropriations Committee is not assured yet as to where all the funding is going to come from and what we are going to do with the sum of \$35 million that is on the table at this time.

At the last leadership meeting at the Blaine House, it was discussed, the possibility of having a special session in September, not only for this but for something else. And at that time it was thought, well, maybe we will have all the Appropriations Table in line; we will know where our funds are coming from, and we will know whether we have any monies to fund any particular package along these lines for the very first year, which would be the second half of the next biennium. But everybody knew that as of that time, we still have got to come up with the increase to continue the program, and that has got to come out of taxes.

Ladies and gentlemen, this order was put in in good faith to try to come up with a program with a tax reform measure that possibly could be funded, that the Taxation

Committee could look at it and determine how much was there. If you want to debate each issue on its merits and try to have everybody come forth with what they think is the best issue, then we will do just that.

The gentleman from Eagle Lake suggested that we have a joint caucus. The other day this was suggested by the gentleman from the other body. He and I appeared on a news broadcast with it. I supported it wholeheartedly. Right from the word "go" we have said that we would take every tax relief package that we have before us, we would bring them in collectively, we would sit down either in a joint caucus, individually, leadership, what have you, but we would put these together and make sure that you have got the facts in front of you and that you would have something to lay your hands on and be able to press your button one way or another. I still believe in that and we are a long way from concluding. We are a long way from knowing what the Appropriations Committee is going to come up with or what the Table is going to come up with.

Evidently, it is not the wishes of the other party that we do that. I will agree that the Taxation Committee has a big task on their hands if they do it. However, I think at this time, it is probably in the best interest that we go about it doing the way we have, and Mr. Speaker, I would now withdraw my order.

Thereupon, Joint Order (H. P. 1607) was withdrawn.

The Chair laid before the House the following matter: Bill "An Act to Provide Elected District Attorneys." (S. P. 474) (L. D. 1569) which was tabled earlier in the day and later today assigned:

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

The following non-concurrent matter appearing on Supplement No. 2 was taken up out of order by unanimous consent:

Bill "An Act to Adjust Certain Salary Provisions of State Officers

and Officials" (H. P. 1581) (L. D. 2007) which the House passed to be engrossed on June 8.

Comes from the Senate with the bill passed to be engrossed as amended by Senate Amendment "A" (S-231) in non-concurrence.

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

Mr. HASKELL: Mr. Speaker, I move that we recede and concur with the Senate.

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

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

Mr. Jalbert of Lewiston requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt, that L. D. 2007 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.

52 having voted in the affirmative and 56 having voted in the negative, the motion did not prevail.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I would like to thank the members for not tabling this measure. The only reason that this was done is the other bill, which is the pay bill for the state employees at the Maritime Academy and the University of Maine employees, is now being engrossed at the KJ and will be before us for enactment.

The reason that this is before you now and hoping this will be engrossed is so this will be an enactor tomorrow because of the talk that has been heard all around about wage and price freezes that is kicking around Washington and could very conceivably be with us within the next 48 or 72 hours. I urge you very strongly to engross this measure, and I know that that was the reason for the gentleman's motion to recede and concur.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, the amendment that was put on in the Senate, I will read the statement of fact. "The purpose of this amendment is to provide that any salary increases to any District Court judge shall not apply to any member of the 106th Legislature who may be appointed as a District Court judge." That is the only difference between the actions of the two bodies, so I sincerely hope you will concur in this Senate amendment and let this bill move along with the other one to engrossment.

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

Mr. BIRT: Mr. Speaker, Members of the House: What I had in mind when I made the motion to table, I did want to take a good look at this bill, and the bill itself, not the amendment — I recognize what the amendment is — I feel that there are a couple of — at least a couple of very gross inequities in the salary plan that is in here. It was my desire to amend them, and that is what I wanted to attempt to do.

I appreciate the efforts of the Appropriations Committee, and I have served on it and I know the general opposition that they have to opening up a bill like this. But I do feel that there are a couple of errors that certainly need to be looked at.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: In answer to Mr. Birt, there are some inequities in the bill, but I think if you think in terms on this particular bill that the increases are limited each year and that some of the inequities are due to the fact some of the ones holding these offices are long term employees and in other instances you have relatively new people filling the jobs, that the overall effort was to provide as equitable a bill as could be brought out; and I think in most cases if you think in terms of the amount of annual raises possible, you see that

the inequities can be corrected at a later date.

The SPEAKER: The pending question is on the motion of the gentleman from Houlton, Mr. Haskell, that the House recede and concur with the Senate on L. D. 2007. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

82 having voted in the affirmative and 4 having voted in the negative, the motion did prevail.

Mr. Sproul of Augusta presented the following Joint Order and moved its passage:

WHEREAS, the coveted honor of state champion is awarded to that team whose performance is marked by the highest standard of excellence; and

WHEREAS, the Bulldogs of Hall-Dale High have earned that noble distinction in Class C Baseball for 1973 for the first time; and

WHEREAS, the people, parents and participants from communities of Hallowell and Farmingdale are joined in pride with all citizens of Maine on that special accomplishment; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the House of Representatives and Senate of the 106th Legislature of the great and sovereign State of Maine salute the members and coach of Hall-Dale High School baseball team on their outstanding honor and accomplishment in the field of sports and offer the best wishes of a proud Legislature to the new state champions; and be it further

ORDERED, that a suitable copy of this order be transmitted forthwith to the principal and coach of Hall-Dale High School in honor of the occasion.

(H. P. 1610)

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

Mr. Rollins of Dixfield was granted unanimous consent to address the House:

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: This is the first time since I have served in this body that I have been ashamed of some member of this House. A few mo-

ments ago one of our members received a note, a clipping from a newspaper, in regard to his ancestry. Whoever sent that to him unsigned has nothing to be proud of, and I am ashamed of it.

Mr. Cottrell of Portland presented the following Joint Order and moved its passage:

WHEREAS, the talented Rams of Bangor High School ran head-on into the victorious Purple Rams of Deering High School in Class A baseball last Saturday; and

WHEREAS, it was a fight to a dramatic finish as Coach Harlow's Purple Rams came from behind to win their second consecutive State title; and

WHEREAS, the citizens of Maine share the pride and sense of accomplishment of these hard fought champions and recognize the hard work and dedication to purpose that these accomplish-

ments represent; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the House of Representatives and Senate of the 106th Legislature of the great and sovereign State of Maine salute the members and coach of Deering High School baseball team on their outstanding honor and accomplishment in the field of sports and extend to our New State Champions the best wishes of a proud Legislature; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to the principal and coach of Deering High School in honor of the occasion.

(H. P. 1611)

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

On motion of Mr. Simpson of Standish,

Adjourned until eight thirty tomorrow morning.