

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

Monday, June 18, 1973

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

Prayer by Representative Rodney Ross, Jr., of Bath.

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

The journal of the previous session was read and approved.

Order Out of Order

Mr. Emery of Rockland presented the following Order and moved its passage:

ORDERED, that James E. Minott of Glen Cove be appointed Page in the absence of Larry Choate who is in the Military Reserves.

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

Papers from the Senate

From the Senate: The following Joint Resolution: (S. P. 669)

WHEREAS, the Legislature has learned with profound sorrow of the death on June 12th, 1973 of Col. Malcolm L. Stoddard of Hallowell; and

WHEREAS, Col. Stoddard served with much distinction as Director of the Veterans Administration Center at Togus from 1933 to 1959; and

WHEREAS, he worked diligently before that period and after in the best interests of Maine Veterans of Foreign Wars and Conflict; and

WHEREAS, he was an experienced and much sought counselor to the American Legion, Veterans of Foreign Wars and the Disabled American Veterans of which he served and a recognized authority on Veterans Affairs; and

WHEREAS, even in retirement, Col. Stoddard became instrumental in establishing the Maine Veterans Memorial Cemetery; now, therefore, be it

RESOLVED: That we, the Members of the 106th Legislature, now assembled, pause to honor the memory of and pay this tribute to the late Col. Malcolm L. Stoddard and to express our sympathy

to the bereaved family with the assurance that we are sharing their personal loss; and be it further

RESOLVED: That a copy of this Joint Resolution suitably engrossed and attested by our presiding officers be sent forthwith by the Secretary of State to the family in lasting token of our esteem.

Came from the Senate read and adopted.

In the House, the Resolution was read.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Last Thursday funeral services were held at the Veterans Administration Chapel at Togus for a man who in his time was a recognized authority on veterans' affairs and problems both within and out of our state. Malcolm L. Stoddard gave 50 years of his life in dedication to assisting veterans of both World Wars and those of the Korean Conflict.

His standing was such that whenever reports began drifting out of our nations capital that the Togus VA facility was scheduled for closing, he successfully combated any efforts in that direction.

Colonel Stoddard was a constant and sincere confidant of the three major veterans organizations within our state, the American Legion, Veterans of Foreign Wars and the Disabled American Veterans. He worked constantly for the creation of the Maine Veterans Memorial Cemetery and then for its chapel. He was a friend of the poor and the unfortunate. He was an early advocate of conservation, who warned of a threat of pollution within our state and was among the first to suggest legislation in this area. He was an avid fisherman and outdoorsman. His passing on Tuesday of last week ends the era of a gentleman often referred to as Mr. Veteran.

Thereupon, the Joint Resolution was adopted in concurrence.

From the Senate: The following Joint Order: (S. P. 670)

WHEREAS, on June 30, 1973, Winthrop C. Libby, the eleventh President of the University of Maine at Orono-Bangor, will retire from office; and

WHEREAS, President Libby has made a unique contribution throughout a lifetime dedicated to the service of the people of Maine and has maintained a major interest in bringing about desirable social and economic change within the State through education, research and the involvement of the University community in public service; and

WHEREAS, he has effectively served with wisdom, compassion and understanding as President of Maine's major campus at a time when the nation was unsuccessfully grappling with the emerging problems of activism and dissent; and

WHEREAS, he has uniquely bridged the gap of generations by earning the full confidence, not only of Maine students and the entire educational community, but of the citizens of Maine as well, to the extent of having their utmost gratitude, admiration and respect; now, therefore, be it

ORDERED, the House concurring, that We, the Members of the 106th Legislature of the State of Maine extend our heartiest congratulations to Winthrop C. Libby upon the occasion of his retirement and for a career at the University which has happily touched on the lives of thousands and thousands of Maine people and we offer the sincere thanks of the Legislature on behalf of the people of Maine; and be it further

ORDERED, along with our sincere best wishes to him and his dear wife for many years of happiness in retirement, that a suitable copy of this Order be prepared and presented to this honored couple in token of the sentiment expressed herein.

Came from the Senate read and passed.

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

Order Out of Order

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

ORDERED, that Stephen Levesque of Augusta be appointed Honorary Page for today.

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

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Clarifying Interest Charges on Personal Loans in Excess of \$2,000. (S. P. 383) (L. D. 1129) which the House passed to be engrossed as amended by House Amendment "A" (H-533) on June 11.

Came from the Senate with that Body adhering to their action whereby they passed the Bill to be engrossed.

In the House: On motion of Mr. Trask of Milo, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act to Amend the Land Use Regulation Commission Law" (H. P. 627) (L. D. 851) which the House passed to be engrossed as amended by Committee Amendment "A" (H-471) on June 1.

Came from the Senate with the bill passed to be engrossed as amended by Committee Amendment "A" (H-471) and Senate Amendment "C" (S-239) in non-concurrence.

In the House:

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

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

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves the House recede and concur.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: I would ask for a division.

I would like to have you people take a good look at Senate Amendment "C" and I would question whether we want to suddenly impose on any town or any unor-

ganized area, when the voters in that area would want to become organized, I would question whether we would want to subject them to the particular proposals that you have in Senate Amendment "C". I will agree that they are good, all towns should be working along these lines, but I don't think right now that we have anything on the books that requires that all the organized towns have such a type of a plan and so forth, and therefore, I would hope that we would insist and that we would not go along with Senate Amendment "C".

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am afraid that the arguments made by the gentleman from Standish, Mr. Simpson, were arguments which we debated two years ago. At this present time in the law books, this is already provided for. What he is debating is something which we have already debated and which this legislature chose to enact two years ago.

What the amendment does is to correct the way the law was written and to provide a procedure so that an area that becomes organized, an area that was either unorganized or was a plantation and becomes a municipality, has the options available to them in a more direct way than the law presently applies and says.

Under existing law that was enacted two years ago, the area that was under the jurisdiction of the Land Use Regulation Commission automatically was to be zoned by the commission per se. The amendment provides an opportunity for the municipality that becomes organized to make its own rules and regulations and then to submit it for approval. This allows the local people an opportunity to write their own and to make their own decisions rather than having it imposed.

I have no qualms if the gentleman from Standish prefers to leave it in such a way that the mandatory requirements are made

automatically from Augusta and use that approach, that is fine with me, to be frank. But Senate Amendment "C" that was adopted in the other body gives more leeway to the area to act. It seems to me to be the best approach if we want to let local areas make their own decisions.

I would certainly hope that you would vote to recede and concur.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I read the very first paragraph where it says, "The voters in any unorganized area which hereafter becomes or is authorized to become an incorporated city or town shall, prior to the effective date of its incorporation, submit to the commission and receive the approval of the commission of the following." Therefore, I don't believe they have the full prerogative of doing what they want to do within these things.

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

A vote of the House was taken.

Mr. Martin of Eagle Lake requested a roll call vote.

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

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

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

ROLL CALL

YEA — Albert, Berry, P. P.; Berube, Binnette, Boudreau, Briggs, Brown, Bustin, Carrier,

Chonko, Clark, Cooney, Cote, Crommett, Drigotas, Dunleavy, Emery, D. F.; Fecteau, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Jackson, Jacques, Jalbert, Keyte, Kilroy, LaPointe, LeBlanc, Lynch, Mahany, Martin, Maxwell McKernan, McTeague, Morin, V.; Mulkern, Murray, Najarian, O'Brien, Perkins, Ricker, Rolde, Santoro, Smith, D. M.; Smith S.; Soulas, Talbot, Tanguay, Theriault, Tierney, Tynedale, Webber, Whitzell

NAY — Ault, Baker, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Bunker, Cameron, Carey, Chick, Churchill, Curtis, T. S., Jr.; Davis, Donaghy, Dunn, Dyar, Evans, Farnham, Farrington, Ferris, Finemore, Flynn, Gahagan, Garsoe, Good, Hamblen, Haskell, Henley, Herrick, Hoffses, Huber, Hunter, Immonen, Kauffman, Kelleher, Kelley, Kelley, R. P.; Knight, Lawry, Lewis, E.; Lewis, J.; MacLeod, Maddox, McCormick, McHenry, McMahan, McNally, Mills, Morin, L.; Morton, Murchison, Paimer, Pratt, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Snowe, Sproul, Stillings, Strout, Trask, Trumbull, Walker, Wheeler, White, Willard, Wood, M. E.

ABSENT — Carter, Conley, Connolly, Cottrell, Cressey, Curran, Dam, Deshaies, Dow, Dudley, Farley, Faucher, Fraser, Hancock, Henley, LaCharite, Littlefield, Norris, Peterson, Pontbriand, Sheltra, Silverman, Susi.

Yes, 56; No, 71; Absent, 23.

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

Thereupon, on motion of Mr. Simpson of Standish, the House voted to insist.

Non-Concurrent Matter

Bill "An Act to Insure Permanent Funding of the Maine Law Enforcement and Criminal Justice Academy" (H. P. 1575) (L. D. 2004) which the House enacted on June 14.

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

In the House: On motion of Mr. Birt of East Millinocket, the

House voted to insist and ask for a Committee of Conference.

Message and Documents

The following Joint Resolution: (H. P. 1622)

WHEREAS, Rosalyne S. Bernstein of Portland has recently been appointed as one of the first women members of the Board of Trustees of Bowdoin College; and

WHEREAS, Rosalyne S. Bernstein is well known in her community and State for her many acts of charitable and public service, including membership on and the chairmanship of the Portland School Committee; now, therefore, be it

RESOLVED: That We, the Members of the Senate and House of Representatives of the One Hundred Sixth Legislature, extend to Rosalyne S. Bernstein sincere best wishes for continued successful public service as a member of the Board of Trustees of Bowdoin College; and be it further

RESOLVED: That a duly authenticated copy of this resolution be forwarded by the Secretary of State to Rosalyne S. Bernstein of Portland.

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

Orders

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

Mr. LYNCH: Mr. Speaker, is the House in possession of L. D. 1756?

The SPEAKER: The Chair would answer in the affirmative. The House is in possession of Bill "An Act Relating to the Maine Development Act," Senate Paper 536, L. D. 1756.

Mr. LYNCH: Mr. Speaker, I move we reconsider our action of last Friday and I would speak briefly.

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, moves the House reconsider its action of last Friday whereby the "Ought not to pass" Report was accepted.

The gentleman may proceed.

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

When this committee report was being debated on the floor, I took no part in it. But I did find the thing interesting and I looked at it over the weekend. I think it would be very unwise for the House to so quickly dispose of this act. The cities of this state do not need this, but the smaller communities need some vehicle such as this.

I would like to tell you briefly what happened in our own community of Livermore Falls. We had a very deteriorating business section. It was occupied by a number of small businesses. There was an effort made to redo the center of the town. The only way it was possible was because we had a bank that was community oriented, and with that leadership, we were able to form a Livermore Falls development corporation. And using that as a vehicle, we were able to do a tremendous job on the very center of town, and its effects are still being felt as other areas are being renovated.

I question if many of the small communities in this state would be able to do this or assist small businesses in any other way unless there is such a vehicle as the Maine Development Act. And I think, although the time is late, that we ought to reconsider our action and at least in the waning days of this session give this greater thought.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: In its first consideration of this matter, the House rather decisively defeated the proposal to accept this entirely new organization that has been proposed, as I described in my first discussion, primarily by the Department of Commerce and Industry.

As I said Friday, this is a concept which, like many concepts that come before us, has a good motive. But I am extremely fearful of what would happen if we indeed did create an organization with a development approval board with a \$40,000 budget, an entirely separate board.

One of the bills that has not yet been considered by the House but

which will be along shortly is the result of a great deal of work by the State Government Committee, and it is an act to create the Maine Guarantee Authority and to amend the Maine Industrial Building Authority and the Maine Recreational Authority statutes, combining several existing funding organizations into one body. I think that this is a good move which ought to be considered and ought to be adopted in the future. It will help solve part of the problem that is designed to be rectified by L. D. 1756, the bill now before us.

In past actions, this legislature has adopted L. D. 667 and it is now law. That bill, as you may remember, permits municipalities to contribute directly to local industrial development corporations. I had some misgivings about that proposal and I still do. Perhaps I am a little conservative in this field, but I think that this legislature is already going far enough in the area of local industrial development. And I would suggest that before we go out and create a new board with a \$40,000 appropriation and some powers that even the initial sponsors and the people who presented the bill to the State Government Committee decided were unreasonable and have since retracted, that we ought to give really serious consideration, and it seems to me that this is the correct time, indeed, to defeat the proposal.

We are getting late in the session. This is, once again, I think, an ill-conceived proposal which has good motives but is not properly developed. And this same goal can be properly taken care of by a full use of the Local Industrial Development Corporation.

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

Mr. LYNCH: Mr. Speaker and Members of the House: I think if you will look at the Senate Amendment, it takes care of the problems that the gentleman has referred to. He also says that they have a vehicle coming that will do this better than the present one we are discussing. That comes under the MIBA, and I would like to recall

to you some of the criticism directed against the MIBA. Also, the bill coming to us refers it to the Maine Recreational Authority, and I would like to remind you of the difficulties the MRA has had. This would be a local effort, directed by local people for local projects, and it would use the state municipal bond bank as a vehicle for securing the needed financing without any obligation to the community, without any obligation to the state.

The SPEAKER: The pending question is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that the House reconsider its action whereby it accepted the "Ought not to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 39 having voted in the affirmative and 57 having voted in the negative, the motion did not prevail.

House Reports of Committees Ought to Pass Printed Bill

Mr. Curtis from the Committee on State Government on Bill "An Act Relating to the Terms of the Commissioners of the Departments of Health and Welfare and Mental Health and Corrections and the Constitution of those Departments" (H. P. 1621) (L. D. 2039) reporting "Ought to pass" pursuant to Joint Order (H. P. 1602).

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

Divided Report

Majority Report of the Committee on Taxation on Bill "An Act Exempting "Trade-in" Property from the Stock in Trade Tax" (H. P. 679) (L. D. 886) reporting "Ought to pass."

Report was signed by the following members:

Messrs. WYMAN of Washington
COX of Penobscot
— of the Senate.
Messrs. MAXWELL of Jay
MERRILL
— of Bowdoinham
MORTON of Farmington
IMMONEN of West Paris
SUSI of Pittsfield

DAM of Skowhegan

— of the House.
Minority report of the same Committee reporting "Ought not to pass."

Report was signed by the following members:

Mr. FORTIER of Oxford
— of the Senate
Messrs. COTTRELL of Portland
FINEMORE
— of Bridgewater
DOW of West Gardiner
DRIGOTAS of Auburn
— of the House.

Reports were read.

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

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

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves the acceptance of the Majority "Ought to pass" Report.

The gentleman may proceed.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate this morning in accepting some of these reports, as I was on the minority report, "ought not to pass." But the next three bills, one, two and three divided reports are all taxation bills, and they all require hitting the income tax or hitting some other tax, and I hope you take a good look at them. We know they are good. This number one and two are wonderful bills. They do a lot of good, but I wish you would all look at how they are going to be financed before they are touched. I would appreciate you looking at them before we vote on them.

Thereupon, on motion of Mr. Finemore of Bridgewater, the Majority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Taxation on Bill "An Act Reforming the Administration of the Property Tax and Replacing the Tax on Inventories with an Increased Corporate Income Tax" (H. P. 1384) (L. D. 1862) reporting

“Ought to pass” as amended by Committee Amendment “A” (H-575).

Report was signed by the following members:

Messrs. WYMAN of Washington
COX of Penobscot
— of the Senate.
Messrs. MORTON of Farmington
FINEMORE
— of Bridgewater
COTTRELL of Portland
DOW of West Gardiner
MERRILL of Bowdoinham
MAXWELL of Jay
DRIGOTAS of Auburn
SUSI of Pittsfield

— of the House.
Minority Report of the same
Committee reporting “Ought not
to pass.”

Report was signed by the following members:

Mr. FORTIER of Oxford
— of the Senate.
Messrs. DAM of Skowhegan
IMMONEN of West Paris
— of the House.

Reports were read.

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

Mr. FINEMORE: Mr. Speaker, I move we accept the Majority “Ought to pass” Report.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves the House accept the Majority “Ought to pass” Report.

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

Mr. JALBERT: Mr. Speaker, could I ask any member of the Taxation Committee, how much of an increase on the corporate income tax would this mean?

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

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I will explain this tax on this bill if I may at this time and answer your question at the same time.

This bill right here adds one more percent to the corporate income tax over and above \$25,000. But in another bill that we have

in here that is on the table in the Senate, there is a 5 percent sales and use tax off the equipment used in manufacturing. So in other words, that will make a 3 percent corporation increase over and above \$25,000. It doesn't touch the first \$25,000.

Also to finance this bill, it takes \$4 million from the General Fund and it will also take a tax to put one percent on the transfer tax on real estate, which will produce \$4 million, and this tax I just mentioned, in answer to Mr. Jalbert's question, is \$2 million. Then we have also got to add to finance this a \$4 million on the present personal income tax, which would be put on by beginning at one percent on each step above \$15,000 for individuals filing single income tax and for filing jointly, a husband and wife, it is one percent on the steps above \$30,000. That is what it takes to finance this. In other words, the total cost of this bill to the state at this time would be \$14,970,000, and this would bring in \$15 million, the money I have stated.

Also, this hurts the communities. This is going to be sent to the communities and it will be phased out over a period of ten years. It is anticipated either five or ten, and I think it will be ten. It would drop 10 percent a year, and this would be returned directly, this money received from this tax, it would be returned directly to the towns — 10 percent the first year, 20 percent the second and so on until it pays up. And then from there on, the money will go into the revenue sharing to be returned to all towns equally. And the money left over from the first year tax would also go into the revenue sharing. But it is going to be a burden to towns, some towns and cities this stands to hurt over a period of ten years and in the years following.

I hope this answers the questions. If there are any further questions, I will try and answer them.

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

Mr. JALBERT: Mr. Speaker, I just thought I would ask a ques-

tion so it would be a little thought for the tax reform experts to kick around this afternoon.

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

Mr. MORTON: Mr. Speaker and Members of the House: May I make just one correction in connection with Mr. Finemore's resume. It was excellent except the one percent increase in this bill on the corporate tax goes from a dollar one all the way up; it isn't over \$25,000.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I am not opposed to the bill. I just want to make sure I call to your attention one thing too. In a minute you are going to have the committee amendment that is going to come on here, and we are talking about putting the transfer tax on property and real estate up to one percent. Let me give you just a quick example of what that is going to do to sales of houses in this state. We have been talking lately about the problem of sales and subsidized housing and everything else. A house at \$20,000 right now would have a transfer tax on it of \$22 at the time of the sale. By putting the amendment on which you have right now, the tax on that property now when it is sold would be \$200, which is a substantial increase from \$22 to \$200 on a \$20,000 sale, and I would submit to you that a \$20,000 sale is where we are talking about the low income housing or the type of housing that would be subsidized and we are going to put quite a burden on this type of a sale.

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

Mr. DYAR: Mr. Speaker and Members of the House: I would like to concur with the last speaker and also point out that the second section of this bill, as I understand it, under Section 22, while the county's registrar of deeds at the present time gets 10 percent of the stamps sold, this is going to be reduced to one percent. In es-

sence, the State of Maine is going to take 9 percent of the proceeds from the counties that the counties up until now have been receiving.

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

Mr. KELLEHER: Mr. Speaker, I move this lie on the table one day, pending acceptance of the report.

Thereupon, Mr. Birt of East Milinocket requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this matter be tabled pending acceptance of the Majority "Ought to pass" Report and tomorrow assigned. 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 63 having voted in the negative, the motion did not prevail.

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

Mr. BITHER: Mr. Speaker and Members of the House: I am a little slow this morning, and I am not sure whether I heard Mr. Finemore and Mr. Morton right or not. Does this bill increase the personal income tax by one percent. If it does, I was under the impression that talking with everybody, leadership and everyone else around here that we weren't going to pass any new taxes and certainly we were not going to touch the income tax this session. I would like to know from Mr. Finemore or someone else if this is true, did I hear right?

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

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

Mr. FINEMORE: Mr. Speaker, would you have him repeat his question, please?

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

Mr. MORTON: Mr. Speaker and Members of the House: The question has to be answered in affirmative, but it is one percent—it has just a one percent, Mr. Bither, because it has to do with a graduated scale and it starts with incomes of single people over \$15,000 and of married couples or joint returns over \$30,000.

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

Mr. JALBERT: Mr. Speaker, I would just like to ask another question. Does this bill hit the individual who sells his house, and does it hit him generally, personally, anyway?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to anyone who may care to answer.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: It does hit the one who sells it, but who is going to pay is the \$64 question, the one who sells it or the man who buys it? That is going to be the question. In some cases the man who sells it puts the stamps on and sometimes it is going to be the other way around.

But the reason we were interested in this tax, if I may continue, is the fact that so many people are coming from out of state and buying and they are paying twenty-five, thirty and forty-thousand dollars more for houses than they used to and for land. We figured we could get the tax probably from the ones from out of state. Of course, if you sell a house for \$10,000, you aren't going to be hit too hard. If you sell a house for \$100,000, you are going to be hit hard.

I hope that answers your question. Yes, it does. In answer to his question, yes, it goes onto that house.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: This being Monday morning, and I have been in very close contact with the people, the ones I represent, over the weekend, I hope the rest of you have. If you have, there is no doubt what will become of this bill this morning. If there is any one thing they don't want, as I have told you on many occasions, is more services, more state buildings and more taxes, and this is a step in the very opposite direction from what they want.

So those of you who are not in touch with the people or wasn't home over the weekend, you probably will vote for the measure. I want you to know that I am a hundred percent opposed to it, every one in the House, and I want to be on record, so I would like to have a roll call. I would like to put these people on record who are not in touch with the people who sent them here, so I hope we will have a roll call on this this morning. I hope it does not receive passage.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I think an amendment is being prepared to exempt all real estate under \$30,000. Number two, the main purpose of this bill is to eliminate the inventory tax which is generally agreed to be a most inequitable tax. New Hampshire doesn't have an inventory tax, Massachusetts doesn't, those two neighbors of ours, and the purpose of this bill is to keep industry and warehouses in the State of Maine. I hope you do not indefinitely postpone it, because there is more information about the personal income tax. It is directed at people who are not incorporated. It is directed at businesses, partnerships and things like that.

I hope that you let it go through this morning and we will have a chance to discuss it later.

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

Mr. McNALLY: Mr. Speaker and Members of the House: Two minutes before I got a chance to lock the door of the house in Ellsworth, my phone was ringing from a real estate dealer in Blue Hill. And I can assure you that there is a lot of interest in it.

I went over to the document room since I have been here and tried to pick up the bill, particularly 1862, and they have none. There is none in stock; there are none ready to be had. And from what I got from this gentleman and also from another one last night down Sullivan way, if I do much voting for it, I might be thinking about that political suicide that they tell you about.

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

Mr. DYAR: Mr. Speaker and Members of the House: Relative to Section 21, under 4651, rate of tax on instruments, I believe this is the exact route that the State of Vermont took two or three years ago to bring a standstill to advances and development in Vermont. Now, this worked real well keeping the out-of-staters out of Vermont, but it also hit the people right back at home. The young person who wanted to buy his first home, he was taxed as well as the out-of-stater.

Now, if we want to get at out-of-state people buying land here in the State of Maine, I don't think this is the way to do it. If we want to impose a tax, let's look at our forest productivity tax where we are giving things away rather than getting to the people who reside here on a year-round basis.

Now in the section on your tax stamps, if your county has been collecting \$20,000 a year at the 10 percent rate, and this has been going in to reduce your municipal taxes through county government, under this amendment the General Fund of the State of Maine will be getting \$18,000 of this \$20,000. Now if this is the way you want to go, if you want to thumb the money back up into state government to keep this bureaucracy going, I think you should go along with this amendment. Certainly, I don't think this amendment, the sections

I have referred to here this morning, are going to be beneficial to the people living in the State of Maine. I think this amendment is sort of a sneaky. The inventory tax can be argued. New Hampshire certainly took their inventory tax off. It has done wonderful things for the inventory in warehouse and inventory in factories in New Hampshire.

But let me tell you here this morning that in some of the municipalities in New Hampshire, due to this, the property tax at the local level tripped and quadrupled. One case in point I am directly involved with, the tax on real estate on this particular town where Brown Company has a large mill was \$358 a year before this became a law. The year after it became a law in New Hampshire, that real estate tax, elimination of the inventory tax, jumped in excess of \$1,400. Now this is what could happen in this state here where we have got large manufacturers in a small community. We are taking away the tax on his inventory and putting it right back on the property tax of the person who can least afford to pay it.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address myself to that last point. In New Hampshire, one reason why this may have occurred with the property tax increase is because they hold—that is almost the only tax they have in New Hampshire except for things on liquor and some sales taxes.

If you take a look at New Hampshire along the border towns, you will see that all the way up along the border all the industry is located in those towns. Whereas if you take the towns along the Maine border, Kittery, Eliot, South Berwick, Berwick and as you go up you won't find any industry at all. You will also find if you take a look at the problem that Simplex has had in North Berwick, they were hit very hard with this inventory tax.

I think that this is the one thing that we can do to help solve a lot

of the problems of industry locating in Maine is to pass this bill. We do have a majority of our other state income through the income and sales tax. I don't think it will mean a large rise in the property tax of the local towns if we pass this.

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

Mr. DUDLEY: Mr. Speaker, and Members of the House: So there won't be any mistake in the purpose of this bill, there have been some misleading statements as far as I am concerned here this morning about the purpose of this bill. Well, I am not gullible and the people I represent are not gullible enough to know what the purpose is. The purpose is to raise extra money, don't forget it. And let me tell you, the population of this state has remained pretty constant around a million, and this whole million don't pay a tax. You deduct the welfare cases and deduct the children, deduct the aged people that are living here and you have got a pretty small amount of people that is paying the tax. Now they know and I know and some of you must know whether you take it out of their side pocket or their hip pocket or where you get it, it is the same person that is going to pay. And they know it, whether you know it or not. So, don't get misled by the purpose, the purpose is for one thing, to raise more money.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have to disagree with the gentleman from Enfield. This tax is a tax reform measure. It is changing around where you collect it from and what you pay for it. This tax was thrust at exempting the stock in trade in retail establishments, stock in industrial establishments, wood, lumber, and logs, livestock, and a very minor other category. It will not come out of the towns, because it will be reimbursed to the towns directly by the state and paid for with other forms of taxation. It is a dollar for dollar swap, with the ex-

ception that it does phase in the revenue sharing formula over a five-year period.

It is a tax reform measure. There is nothing sneaky about it. I think the people want it. We know the business community wants it. It is going to be a great help to the business community in the State of Maine; it will create jobs. I hope you will keep this alive. We will pass it along with the other tax reform measures and consider it with them. This is no time to do away with this particular piece of legislation.

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, also as a person who had two bills in that were covering similar items removing the inventory tax, personal property tax on inventories in stores and removing the personal property tax on cattle, all types of live stock, including poultry, both of my bills were withdrawn as covered by other legislation, and this is the other legislation. I feel that it is a very just removal of a tax.

For example, in my own town, one of the towns I represent, there is about a million dollar inventory in a factory there. These people are very seriously considering building in New Hampshire a warehouse.

At the committee hearing, the president of Shaw's Incorporated, who has nine stores in the State of Maine, six in New Hampshire, he says that if this bill passes they will build a warehouse in Maine. If it does not pass, they will have to build their warehouse in New Hampshire.

I could go on this morning and talk about this thing for at least an hour, but I am going to let somebody else have a chance to talk too.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I introduced this bill as a result of a study that was done to try

to resolve some of the problems that we presently face in this state. I am sure that the amendment that was put on by the committee is what raises the objections the gentleman from Standish, Mr. Simpson, has.

Basically, the attempt is not to raise new taxes. It is an attempt to transfer where and how the taxes are paid. If you have a small business today in your community, you are paying property tax for the inventory that you are maintaining in that particular business, whether it is a store or whether it is a large paper mill it doesn't matter what it happens to be.

I can relate to you one instance in the case of one of the towns that I represent where a very large supply of pulpwood is kept on hand from year to year, and there is no tax on that at the present time because the law says that the tax shall be paid where it is finally disposed of, which means basically, in this case, either East Millinocket or Millinocket. Since neither Millinocket or East Millinocket need the money, they don't bother with it very much and there is very little attempt made to find out what the amount of pulpwood is on hand.

The community went to court and they lost the court case, because the law states very clear the inventory is to be taxed in the municipality where found only when it is going to be disposed from that point, but as far as pulpwood is concerned, it is to be counted in the municipality where it is finally going to be used by the paper mill.

Now here is an instance where a very large inventory is on hand and it isn't taxed. You have on the other hand in the very same town a very small store with maybe four or five thousand dollars of inventory. He makes absolutely no profit on it until he sells it and he may never sell it, what he has in that particular store or parts of it he may never sell and he continues to pay inventory tax on that.

Basically the bill is an attempt to shift the burden of taxation from the inventory to another

source. If you believe in the philosophy that it ought to be shifted, then I would suggest that you vote for the bill. If you believe that the inventory ought not to be shifted and the tax ought to be continued to be imposed on those people, then you ought to vote against it.

Now Simplex is a good example. The leadership met some time ago with a couple firms that were interested in coming into that area to use that area as a warehouse. I will tell you, they are not too happy about coming in if something isn't done about the inventory tax, because most of their inventory is going to be going into Massachusetts to be sold. So if the property that they have in Maine is simply taxed here as an inventory, they don't want to come. If they are going to be taxed on what is going to happen to it once it is here, they are very receptive to using that plant, and as I understand it, in the final analysis could be employing in the vicinity of 300 employees.

Now it seems to me that this is the type of thing we have to be concerned about. I have never been one to stand here and support industry and toot their horn, but I do feel strongly that if you want to help the industries that are here and those that are coming and want to come into the state, that the best way we can do it is to remove the inventory tax, and to give them the break that they need.

I would certainly hope that you would vote for the bill.

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

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

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

Mr. O'BRIEN: Mr. Speaker and Members of the House: May I be

excused from voting? This bill is a definite interest to me.

The SPEAKER: The gentleman feels that he is in conflict of interest here. The gentleman may be excused.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: A point of parliamentary inquiry. If the gentleman from Portland would be excused because of a conflict of interest here, I believe there are probably a lot of us in business and so forth that would be affected by this same thing that ought to be excused also.

The SPEAKER: The Chair would answer the gentleman that the gentleman from Portland, Mr. O'Brien, very thoughtfully sent me a note a few minutes ago and asked if I felt that the gentleman was in conflict, and I wrote back that I felt that he was not because it applied all over the state to everybody that he was not in conflict. If he still feels he is, which apparently he does, I would abide by his decision.

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that the House accept the Majority "Ought to pass" Report on Bill "An Act Reforming the Administration of the Property Tax and Replacing the Tax on Inventories with an Increased Corporate Income Tax," House Paper 1384, L. D. 1862. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berube, Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Bunker, Bustin, Carrier, Chick, Chonko, Clark, Cooney, Cote, Cottrell, Crommett, Curtis, T. S. Jr.; Davis, Donaghy, Drigotas, Dunleavy, Dyar, Emery, D. F.; Farley, Farrington, Faucher, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Haskell, Henley, Herick, Hobbins, Hoffses, Huber, Jacques, Jalbert, Kauffman, Kelley, Kelley, R. P.; Keyte, Knight,

LaPointe, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Mortin, Mulhern, Murchison, Murray, Najarian, Palmer, Parks, Perkins, Peterson, Pratt, Ricker, Rolde, Rollins, Ross, Santoro, Shaw, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Stillings, Susi, Talbot, Tanguay, Theriault, Tierney, Trumbull, Walker, Webber, Wheeler, White, Whitzell, Wood, M. E.

NAY — Berry, P. P.; Binnette, Brown, Cameron, Carey, Dudley, Dunn, Farnham, Hunter, Immonen, Jackson, Kilroy, Lawry, McCormick, McNally, Sproul, Strout, Trask, Tyndale, Willard, The Speaker.

ABSENT — Carter, Churchill, Conley, Connolly, Cresseay, Curran, Dam, Deshaies, Dow, Evans, Kelleher, LaCharite, Littlefield, Norris, O'Brien, Pontbriand, Sheltra, Silverman.

Yes, 112; No, 21; Absent, 18.

The SPEAKER: One hundred twelve having voted in the affirmative and twenty-one in the negative, with eighteen being absent, the motion does prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-575) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Taxation on Bill "An Act to Provide Property Tax Reduction, Rent Relief and Equalization of Municipal Revenues" (H. P. 1620) (L. D. 2038) pursuant to Joint Order (H. P. 1582) reporting "Ought not to pass"

Report was signed by the following members:

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

Minority Report of the same Committee on same Bill pursuant to Joint Order (H. P. 1582) reporting "Ought to pass."

Report was signed by the following members:

Messrs. FINEMORE

of Bridgewater
COTTRELL of Portland
IMMONEN of West Paris
—of the House.

Reports were read.

On motion of Mr. Finemore of Bridgewater, the Minority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Consent Calendar

Second Day

(S. P. 430) (L. D. 1302) Bill "An Act to Correct Errors and Inconsistencies in the Executive Reorganization" (C. "A" S-233).

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 Make Allocations from the Department of Inland Fisheries and Game for the Fiscal Years Ending June 30, 1974 and June 30, 1975" (S. P. 666) (L. D. 2032)

Bill "An Act Revising the Laws Governing Admission to Mental Health Facilities" (S. P. 668) (L. D. 2034)

Bill "An Act Relating to Representation on Boards of School Directors" (H. P. 1617) (L. D. 2037)

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 to Change the Lobster License to the Boats, Increase License Fees and to Limit the Number of Licenses" (H. P. 1614) (L. D. 2031)

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

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

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

House: As a result of the debate that we had on this bill the other day, I prepared an amendment to hopefully clarify some of the issues at stake. It is in the office of the Director of Legislative Research. He does not have it ready now. I would like to ask if someone would be kind enough to table this until later in today's session.

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

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

Mr. BITHER: Mr. Speaker and Members of the House: A point of inquiry. I would like to ask the Chair, if it is possible, to ask a question of some member of the Taxation Committee about a bill that we just passed, that just went under the hammer. I just want a point of information.

The SPEAKER: The Chair would state that this will be on for second reading tomorrow if the gentleman would want to get the question answered overnight.

Mr. BITHER: I just want to know what it was today, that is all.

Passed to Be Enacted Emergency Measure

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

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, 110 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.

Emergency Measure

An Act Appropriating Additional Funds to Various Departments for the Fiscal Year Ending June 30, 1973 (H. P. 1603) (L. D. 2024)

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.

Thereupon, Mr. Martin of Eagle Lake requested a roll call vote.

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

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

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to take a quick look at L. D. 2024 which came from the Appropriations Committee unanimously. It calls for reimbursements to municipalities for those municipalities that paid for snow removal at the various airports which, by the way, includes the City of Bangor, and also includes \$17,000 for expenses dealing with the chief medical examiner, which basically deals with the case of persons who had to be given the job over after they were dead, dealing with corpse, and finally with the money that would go to the Indian Affairs Department for expenditures which in effect are excess of what they anticipated in the case of welfare for direct benefits for Indians. So that is all the bill calls for, and I certainly would hope you would give the bill its final passage.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: If I may pose a question through the Chair to the Appropriations Committee after listening to the good gentleman from Eagle Lake, why wasn't this money in Part I?

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

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

Mr. HASKELL: Mr. Speaker and Members of the House: The answer I think rather obviously is that at the time the budgets were prepared, these levels of expenditures were not anticipated, and therefore they represent end of the year shortages in the department involved. In fairness on the snow removal, this is not an appropriation, this is a transfer of funds which we decided to handle in this bill rather than to leave it and let the transfer take place through the Executive Council as is the case in many instances. So this is not an appropriation, it is a fund transfer, I think, from Personal Services to all other.

On the chief medical examiner, in fairness to him, he alerted the Appropriations Committee in January that the number of autopsies that he had been required to perform and the increase fees that he has to pay for assistance in autopsies made it almost inevitable that he was going to be short money in his department before the end of the year, and his prediction was proved true, and these are expenses that he has no control over. If the courts want an autopsy, he is required to perform it. So there is no real control over this.

Now the last item on Indian Affairs, this item we have worked very extensively with the commissioner to try to correct this situation which basically results because of a lack of good control at the reservation level of the level of expenditures. The bills come into the commissioner in Augusta from the reservations and they represent welfare expenditures for welfare items, including medical care, and the increased medical costs are the large portion of the items here.

Now we have worked and we have spent quite a good deal of time with the commissioner to get an improved system of control at the level of the reservation and he is now working to develop procedures that we hope will result in forestalling this situation in the future. I have

every confidence that he is going to be able to institute a local control of the level of welfare expenditures by placing increased responsibility on the tribal organization. In my view we have no alternative. These expenditures, as I say, they are largely, well they are welfare expenditures and they are expenditures that the state very obviously is responsible for and they have to be funded.

So I hope that you go along with the passage of this on an emergency basis, because obviously they are monies due to citizens of the State of Maine and they should be funded.

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

Mr. ROSS: Mr. Speaker and Members of the House: I have a question, since this covers present expenditure. I understand that the Department of Health and Welfare owes several million dollars to drug stores all over the state for the welfare patients who receive their medicines free. Now they knew they owed this money, why isn't that somewhere in this year's appropriation?

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

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

Mr. MARTIN: Mr. Speaker and Members of the House: In response to the question, if the gentleman would recall a couple of weeks ago, the gentleman from Norway, Mr. Henley, spoke in behalf of an order which directed the Appropriations Committee to report out a bill of \$350,000, as I recall the figure, which would pay the drug stores for the expenditures of those funds which they expended to give those drugs. That order, as I recall, was a result of some concern by the people out in the field and some of the legislators. The Appropriations Committee reported out the bill, and if I am not mistaken, we enacted it the early part of last week. So the funds, as I recall, and the bill has been signed by the Governor and

so those funds should be pretty close to going out, as I understand, to the drug stores involved.

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

Mr. JALBERT: Mr. Speaker, and Members of the House: The order has been passed, the bill has been turned out by the Appropriations Committee, and the situation is now law. Further concerning itself with the present problem, the question that was placed by the gentleman from Bangor, Mr. Kelleher, was well deserving of being asked, and the explanation was given to you by the gentleman from Houlton, the House Chairman of the Appropriations Committee, and it was well answered, and further explanation, the Aeronautic's money is \$28,000. It is a transfer. The medical examiner being a neighbor and friend contacted me and told me about this a great while ago, and it probably should have been Part I, but it is like many items, we felt that this money was probably not as needed on an emergency level as was pointed out—we were wrong. That amounts to \$17,000, and the other situation, the Indian situation amounting to \$66,800 is something that we have no control about the full amount needed being \$110,000.

I think that explains the thing fully, along with the explanations from the gentleman from Houlton, Mr. Haskell. I hope that we enact this measure.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: After listening to the Chairman of the Appropriations Committee, Mr. Haskell, who did a very good job in explaining out these items, there is only one exception I have to take in regard to this over expenditures of the Indian Affairs. He states in his statement that they had a long conversation with the commissioner. Well, I think the only way you can rectify those people from overspending is not to give them that money.

The SPEAKER: A roll call has been ordered. All in favor of this matter being passed to be enacted

as an emergency measure will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berube, Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Bunker, Bustin, Carrier, Chick, Chonko, Clark, Cooney, Cote, Cottrell, Crommett, Curtis, T. S., Jr.; Davis, Donaghy, Drigotas, Dunleavy, Dyar, Emery, D. F.; Farley, Farrington, Faucher, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Haskell, Henley, Herrick, Hobbins, Hoffses, Huber, Jacques, Jalbert, Kauffman, Kelley, Kelley, R. P.; Keyte, Knight, LaPointe, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Palmer, Parks, Perkins, Peterson, Pratt, Ricker, Rolde, Rollins, Ross, Santoro, Shaw, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Stillings, Susi, Talbot, Tanguay, Theriault, Tierney, Trumbull, Walker, Webber, Wheeler, White, Whitzell, Wood, M. E.

NAY — Berry, P. P.; Binnette, Brown, Cameron, Carey, Dudley, Dunn, Farnham, Hunter, Immonen, Jackson, Kilroy, Lawry, McCormick, McNally, Sproul, Strout, Trask, Tyndale, Willard, The Speaker.

ABSENT — Carter, Churchill, Conley, Conno'ly, Cressey, Curran, Deshaies, Dow, Evans, Kelleher, LaCharite, Littlefield, Norris, O'Brien, Pontbriand, Sheltra, Silverman.

Yes, 112; No, 21; Absent, 18.

The SPEAKER: One hundred twelve having voted in the affirmative and twenty-one in the negative, with eighteen being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Providing for Irreconcilable Marital Differences as a Ground for Divorce (S. P. 69) (L. D. 171)

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.

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

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

The SPEAKER: The Chair recognizes the gentlelady from Auburn, Mrs. Lewis relative to item 4.

Mrs. LEWIS: Mr. Speaker and Ladies and Gentlemen of the House: This particular bill scares me because I am not sure whether the lien is a lien for premium payments or whether it is a lien for the actual payment of the benefits. If it is a lien for the payment of the benefits, I do not think it is a good bill. I wish somebody could explain it to me. I have talked with various people, and I have had some assure me that it is nothing but the premium payment, and then I have had others assure me just as strongly that it is the benefit payments themselves. I wish that somebody could explain this to my satisfaction, please.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: I can try to explain it, I hope to the satisfaction of the gentle lady from Auburn. The House has debated this, I might remind the members, I believe on at least two occasions in the past. We put it through by a heavy margin. If an employer in the construction industry does not pay the 15 or 20 cents an hour for example, that he is supposed to pay in order to buy health insurance for his employees, subject to the law, the 60 day period and so on, the employees may place a lien against the building. These are generally large, commercial structures, ordinary homes are exempted from the law. A lien may be placed to the amount not paid. For example, if the employer employs 50 people

and he pays 15 cents per hour per man, which I think over a week of 40 hours would amount to \$6 per man. If he doesn't pay this health insurance, the amounts for which the purchase of health insurance into the fund that has been set up, that would be \$6 per man at \$300 per week, then a lien would then be placed in the amount of \$300. The lien would be only for the amounts not paid by the employer pursuant to the agreement. It would not be any direct payment of any hospital or any other type bill.

I would hope this satisfies the questions of the gentle lady and I think it serves a very legitimate function of creating a legislative history and putting on record exactly what we mean by this bill and I now hope the bill can be finally enacted.

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

Mr. PERKINS: Mr. Speaker and Ladies and Gentlemen of the House: I, too, am very concerned about this particular bill. While I appreciate Representative McTeague's analysis of its interpretation, I question seriously if it does exactly as he says.

It speaks in terms of health plans, health and accident plans, all fringe benefits, either payable to or on behalf of the laborer, and in addition, vacation plans for funds, insurance of all kinds and all other fringe benefits. Certainly as an employee, when I seek some form of an arrangement with my employer for a fringe benefit, I am not talking about the premium or at least not as much as the particular benefit that will inure by virtue of a premium payment or by virtue of a contribution. I do not know of any law that has interpreted the word "fringe benefit" entirely to the premium payment that was made as compared to the benefit inuring as a result of that premium payment made. Therefore, I would take issue with my good friend from Brunswick, Mr. McTeague, in the interpretation of this particular act.

The SPEAKER: The Chair recognizes the gentle lady from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker and Ladies and Gentlemen of the House: Would it be possible then to amend this bill so that there is no question but what it is just the premium payments and not the benefits themselves?

The SPEAKER: The gentle lady from Auburn, Mrs. Lewis, poses a question through the Chair to anyone who may answer if he or she wishes.

Thereupon, Mr. Simpson of Standish requested a vote.

The SPEAKER: The pending question is passage to be enacted. All in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken.

53 having voted in the affirmative and 47 having voted in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Changing the Dates for Registration of Automobiles. (H. P. 1597) (L. D. 2023)

Finally Passed

Resolve Approving Draft and Arrangement of the State Constitution Made by the Chief Justice of the Supreme Judicial Court, and Providing for its Publication and Distribution (S. P. 93) (L. D. 239)

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

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

Passed to Be Enacted

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

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

Orders of the Day

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

Bill "An Act Relating to Salaries of County Attorneys and Assistant County Attorneys" (H. P. 964) (L. D. 1285).

Tabled — June 14, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

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

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

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) Emergency.

Tabled — June 14, by Mr. Simpson of Standish.

Pending — Motion by Mr. Birt of East Millinocket, that the House reconsider its action whereby the Bill failed enactment.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I hope that you would reconsider your action whereby it failed of enactment. I would like to state just a couple of points relative to this. Whether you are for the bond issue or whether you are against the bond issue and whether you are for the gas tax rise or against the gas tax rise, neither one of those issues have anything to do whatsoever with this particular piece of legislation.

This legislation is just like passing the Part I budget. It is for current services, it is what is necessary to operate. If we are talking about the gas tax and the bond issue, we are talking about new construction and new construction only, and this bill just covers what is there now in the department and what will be funded along with the funds available. The funds in this particular bill are available at the present time, and I would hope that you would reconsider and we would enact this bill today.

Thereupon, Mr. Emery of Rockland requested a roll call vote.

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

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

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

Mrs. BERRY: Mr. Speaker and Ladies and Gentlemen of the House: I think perhaps it would be wise to point out a few of the things that are a little different than the original bill. The Transportation Committee has examined this bill and have made some significant changes. Perhaps one of the most significant changes is in the reduction of \$4.5 million in the highway construction plan. It has also made other reductions.

In addition to these reductions, an additional \$2.3 million has been added to the allocation request which will allow the Transportation Department to resurface approximately between 550 and 600 additional miles of highway during the next biennium. This is the new resurfacing which is called the "skinny mix" which so many people think is going to be so good in the amount of years that it will stand up. It is expected that it will stand up somewhere around five years, which is considerably over the old resurfacing.

Significant increases in aid to the Maine communities for highway purposes has been provided. It is the first time that communities with a population over 2,500 will be reimbursed \$250 a mile for removing snow in compact areas. Also reimbursement for snow removal on state aid roads to towns of over 1.5 million valuation will increase from \$100 to \$150 per mile. Also increases have been made which generally would assure that those communities whose valuation has increased, that they will not have a decrease in their reimbursements. In addition, other bills which we have passed will allow communities to increase town

road improvement expenditures from \$9,000 to \$12,000 a mile. Other bills that we have passed and have gone under the hammer are included in this.

I think that the Highway Committee, if you will look at it, we are all quite conservative on it. We have sliced it somewhat. We have talked very strongly to the Highway Department so that they will change their tactics a little and I hope that you will go along with the passing of this bill.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker and Ladies and Gentlemen of the House: I cannot vote for this measure this morning, basically for this reason. I have heard a lot of complaints from different legislators regarding the Department of Transportation. I have had personal dealings with them this session. I think this is a huge bureaucracy, one that the citizens of this state don't have proper accessibility. Unless you say I am Representative so and so, you don't get right through and then when you say that, you still have a difficult time getting straight answers.

I also want a more equitable system of whereby they establish priorities for construction in this state. It seems to me that the emphasis of construction is in the southern part of the state and they don't need that many more roads. What we need is maintenance down there, but we need roads in the northern part of the state.

I think a vote against the highway allocation fund this morning will show that we are unhappy with the present operation procedures of the Department of Transportation and that we want a change. I also have a disconnected reason for voting against the L. D. today that isn't related supposedly, the property tax reform relief. I don't want to spend any more money on the state level until we are assured of some kind of tax reform, a relief package for the citizens of this state.

I know people are going to say that the funds are not related, but the money comes from somewhere

and that pocket isn't endless. I think unless we hold the line right now, we are going to be overtaking our citizens without any meaningful relief in the near future, and I cannot go along with that.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: Just out of curiosity, I hear the gentleman from Windham, Mr. Peterson, make the statement that I don't intend to vote any more money that won't give tax relief to the people. Is that correct? Is that what I heard? Would he please tell me how and who is going to pay for the reform package that he is for?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair.

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

Mr. FRASER: Mr. Speaker and Ladies and Gentlemen of the House: I have no intention of trying to answer for Mr. Peterson. But since last week, I have done some inquiring and going to the Highway Department I found out these things. The department has been able to control and even reduce the number of employees with little activity required. For example, the number of employees engaged over the years in maintenance and state aid activities — in 1960 there were 1,466 employees active in this area. In 1972, the number of employees has been reduced to 1,325, a reduction of 141 employees. Recent experience in the department has shown the reduction in engineering classes as well. From July, 1971 to December of 1972, there was a drop from 867 to 726. The goal of the department, I understand, is to reduce its engineering complement to 700 employees during the off season and 800 employees during the peak construction seasons through attrition and non-hiring. Now this attrition is not hard with them because there is a turnover of one of help every year.

In another area, there has been only a slight increase in the number of department trucks used in the maintenance of highways

throughout the state. In 1960, maintenance trucks, most state-owned and private equipment totaled 549. In 1972, there were 565 trucks, an increase of 16. During this same period of time, the department has become responsible for the maintenance of about 5,000 additional miles of roads in the winter and about 300 miles of roads in the summer, including the care of 140 miles of four-lane expressways. It has made possible maintenance with fewer employees by better use of equipment and the use of more sophisticated equipment. This, of course, is a fundamental principle used by business organizations in an effort to keep cost at a minimum.

It seems to me that the Department of Transportation as illustrated by these examples, they have been observing sound business practices and is performing this major portion of its responsibility efficiently. All of those who have heard complaints about the efficiency of the Highway Department have been from people who have found that services in their area haven't been adequate. The services all over the state have not been adequate. It doesn't mean that the department is not efficient and not adequate, because they just haven't had enough money. And if we reduce them further, the services are going to reduce too.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: I commend the highway committee, of which I served many terms on. I think they have done a very good job as we always did in the past when I was there. We tried to do a good job.

Regardless of what they do, if it doesn't meet with the approval of the chancellor, they will just go to the council and restore any funds they cut off. So, it really doesn't mean much. Their effort is all in vain, because — unless it does meet with the chancellor's approval, then they are all right. In case it doesn't, it will be restored by the council, I am sure.

I have mixed emotions about this bill this morning. I suspect if we

pass it, it is going to be eventually passed anyway. Nobody is going to get what they want anyway, so it doesn't make much difference.

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

Mrs. McCORMICK: Mr. Speaker, Members of the House: I would like to pose a question through the Chair to the gentleman from Windham, Mr. Peterson. He was unhappy with the reception he got from the Department of Transportation. I would just like to ask the gentleman if he has been into the Department of Health and Welfare or the Department of Mental Health and Corrections and how his reception was there; and also, did he vote for the Part I budget? As I remember, there was no debate on the Part I budget in this House, and this highway allocation act is nothing more than what would be in the Part I budget if it was not a dedicated type thing. This is no more than current services budget, and I believe the gentleman voted for it for the other department, so why can't we just put this through for this department?

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Members of the House: I will answer both questions that have been proposed to me this morning. The Part I budget, I happened to be one of the "Infamous 7" that voted against the Part I budget.

To answer the gentleman from Lewiston in regards to how would I fund a property tax measure. I am not sure, but I know there are three vehicles before this legislature, and I will vote for each one of those until one of them passes. I have a personal preference for one, but I campaigned for property tax relief, and it wasn't just a promise. I was sincere in that campaign effort, and I will support one of the three measures or all three if I have to so that we can get some meaningful property tax reform.

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

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

House: Just before I came in a few moments ago, I was talking to a member of the other body, and I am not trying in any way, Mr. Speaker, to infuence anyone by talking with this gentleman. But he is very influential on the highway committee and he said that in this allocation act, that there was I think he said \$3 million which would generate "X" millions of dollars — surplus \$3 million would generate "X" millions of dollars from the feds, and I asked him what they were going to do with it. Somehow our conversation got broken up.

Well, I would like to ask anyone on the highway committee, is there a surplus of three or four million dollars which will generate a considerable amount of money from the federal government, and what are we going to do with it?

He told this to me. I didn't ask him. He was just giving me a little information on the bill, and it seems to be kind of funny that there would be three or four million additional dollars in here that they are requesting that is going to generate federal money. What is the intent of it? What is the committee and the department intending to do with it?

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

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

Mr. FRASER: Mr. Speaker, Members of the House: I don't know where my friend, Mr. Kelleher, got this information, but I sat on this committee all winter, and I didn't hear anything about any \$3 million surplus.

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

Mr. KELLEHER: I got it from your Senate chairman, Mr. Fraser. He was the gentleman who told me about it.

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

Mr. GAHAGAN: Mr. Speaker, Ladies and Gentlemen of the House: Aroostook County has been sending legislators to Augusta for

years to help us get an equal share of state highway funds. The Department of Transportation has turned a deaf ear.

Unlike the rest of the state, Aroostook County does not yet have a controlled access highway. Interstate 95 goes as far as Houlton and swings across to Canada. Does the state end at Houlton? What about the rest of Aroostook County? Do we not deserve transportation facilities that are equal to the rest of the state?

The road that we now have for our main highway is a hazard to the safety of our citizens and the many visitors traveling through our county.

Furthermore, because of our geographic location, our transportation system is vital to our economic livelihood. The present road does not serve our needs. How can we be expected to continue to pay for services we are not receiving? Road repair is not road construction.

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

Mr. GOODWIN: Mr. Speaker, Members of the House: I don't wish to — by my vote today, I don't wish to put anybody in the Highway Department out of work. However, I have got to vote my conscience, and I must vote against this measure, because I am fed up. I am fed up with being a rubber stamp for an unresponsive bureaucracy, one that goes into a town — constantly goes into a town with ultimatums to accept our plans with the towns having little or no say at all. I am fed up with the idea that we have to constantly build bigger and more highways for more and more cars to go faster and faster.

I would like to state that I did not vote for the Part I budget either. At least, however, with the Part I budget, though, we do have a budget that is subject to legislative scrutiny.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: We keep hearing about the lack of construction. How are we going to

have any more construction unless we vote some money for it? This bill here doesn't provide for new construction. The gas tax or the bond issue would provide for that. If we cut down on what money — or if we don't pass this issue at all, well, the whole Highway Department will just come to a stand-still.

These towns that complain that they can't get everything they want, there are 494 towns in the state, and none of them can get all they want. I know my town hasn't got all they want, but we have to understand that they do their best.

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: I imagine most of you have had a lot of calls and a lot of mail the same as I have on these issues. The main issue is this one cent gasoline tax. You withdraw this one cent gasoline tax, and I will vote for both of these bills, and I know a lot of others here will, and I don't think you will have any problems.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Webber.

Mr. WEBBER: Mr. Speaker and Ladies and Gentlemen of the House: You look at this allocation act, you will see in here one third of it, \$40 million, goes to town aid programs. Now, this is similar to your revenue sharing that we have talked about a lot, and I am sure if you want your town taxes, your city taxes to increase by a considerable margin by not getting this \$40 million, then vote against this.

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

Mr. McNALLY: Mr. Speaker, Members of the House: I probably am not too bright, but I can't understand the thinking of some folks.

Now, this money that you are talking about isn't extra taxes. It isn't extra taxes. It isn't just like when you vote for a bill for a hundred thousand plus to do something, to fill up something. This is

something just that keeps the store going and is not extra taxes. It is paid for by revenue by the people who drive on the roads themselves. Now, that is who pays for it is the ones who use the roads, and nobody else is paying for it.

There is a surplus, and the surplus, if it is used to go to obtain federal money, will obtain on the ratio of the new federal ratio of 70 percent federal monies for 30 percent of state money. So it is a worthwhile thing to have it, but the fact is if you are going to have federal money, you have got to have it beforehand. You have got to know you are going to have it beforehand. You have got to know that you can take this approximately three million, and I believe that is right, that is what it is. I could look it up in the book, but I didn't want to bore you with figures as to exactly what it is.

In order to get the federal money, there must be a program approximately three years ahead, in advance. You have got to tell the federal people that you have the plans, this is the place where you think they ought to be put in, the money ought to be invested, and they, in turn, will either approve it or disapprove it. If they approve it, they return what would be now on the new program, 70 percent to your 30 percent that you put in.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: The last few days I have had plenty to say on this issue, and I won't belabor it today; but I would like to show you a copy of the Snoop Book. Now, this Snoop Book contains 53 pages allocated entirely to the Highway Department, about 3,000 employees.

The gentleman from Mexico mentioned a few minutes ago that there were about 726 people in the engineering department, engineers and technicians. Well, with approximately 21,500 miles of road in the State of Maine, that is one engineering employee for every three miles of road, but I know some stretches of road that haven't

seen an engineer in a hundred years.

Now, this isn't very good economy to me. I would hope that you would vote against this allocation bill until a little more planning is done and a little more paring away at the budget is done. I think we can do a better job than this.

Now, I am sure that some of the legislators on the Transportation Committee have done a very good job this year. I am sure that they have worked very hard on the budget, but I think a better job can be done.

I guess while I am on my feet, I better correct my statement. That is one engineer for every 30 miles, not every 3 in case someone catches me on that.

Anyway, that seems to me to be an exorbitant situation, and I would certainly hope that we would vote against the allocation bill so that we can do a little bit better work in paring down the budget, the number of employees and institute some long-range planning for Maine's highway system.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I might further comment as to the remarks of the fine gentleman from Rockland, Mr. Emery, that if he would say that—I am sure that if we had more money toward U.S. Route 1 around the Rockland area, this would be a better bill. I mean, if he would say that, why then, it would have some credibility. Let's not kid old sailors, see.

Now for some of the others, if you have got any idea in your minds—my questions wasn't answered—that this is a wedge to drive us into reform and then double our income tax or sales tax two years from now, forget it.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I believe I can answer the gentleman from Caribou, Mr. Gahagan, and perhaps the other members of Aroostook County. I remember

when I was floor leader of the House in 1957. That is the year we tried to put through the interstate highway or Route 95, and it was designated by the federal government where we should go because it was 90-10 money. We could not get the votes to do it in the regular session. The people from Houlton wanted it to start there and come south. The people from Portland didn't want to bypass their filling stations. Consequently, Aroostook and Cumberland formed a little clique that licked it, and we were licked. So we had to adjourn without building that road. As a matter of fact, it almost didn't get built at all. But we came back in special session after holding several big hearings, and we were able to get it through in three days.

Now, these roads cost a million and a half dollars per mile, and without 90-10 money, the State of Maine just cannot build this type of road. So I don't believe there will be any more of these interstate type roads built with the funding we have in the state now unless you should go for something like a five cent increase in the sales tax.

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

Mr. AULT: Mr. Speaker, Members of the House: I just would like to point out to you that included in this allocation is a pay increase for the state troopers in the State of Maine, and I am sure they certainly deserve it as much as any other state employee.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that the House reconsider its action whereby L. D. 2010 failed final enactment. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA—Albert, Ault, Baker, Berry, G. W.; Birt, Bither, Boudreau, Bragdon, Briggs, Brown, Bunker, Cameron, Carey, Carrier, Carter, Chick, Churchill, Cote, Cottrell, Crommett, Curtis, T. S., Jr.; Davis, Donaghy, Drigotas, Dunn, Dyar, Farnham, Farrington, Fec-

teau, Ferris, Finemore, Flynn, Fraser, Garsoe, Genest, Good, Hamblen, Hancock, Haskell, Henley, Herrick, Hoffses, Huber, Hunter, Immonen, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, Lawry, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McNally, McTeague, Merrill, Mills, Morin, V.; Morton, Murchison, Najarian, O'Brien, Palmer, Parks, Pratt, Rollins, Ross, Santoro, Shaw, Shute, Simpson, L. E.; Smith, S.; Snowe, Stillings, Strout, Susi, Theriault, Trask, Trumbull, Tynedale, Walker, Webber, Wheeler, White, Willard, Wood, M. E.; The Speaker.

NAY — Berry, P. P.; Berube, Binnette, Brawn, Bustin, Chonko, Clark, Cooney, Dunleavy, Emery, D. F.; Farley, Faucher, Gahagan, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, LaPointe, LeBlanc, McKernan, McMahon, Morin, L.; Mulkern, Murray, Perkins, Peterson, Ricker, Rolde, Sheltra, Smith, D. M.; Talbot, Tierney, Whitzell.

ABSENT — Conley, Connolly, Cressey, Curran, Dam, Deshaies, Dow, Dudley, Evans, LaCharite, Littlefield, Norris, Pontbriand, Silverman, Soulas, Sproul, Tanguay. Yes, 100; No, 34; Absent, 17.

The **SPEAKER**: One hundred having voted in the affirmative and thirty-four having voted in the negative, with seventeen being absent, the motion does prevail. The pending question now is passage to be enacted as an emergency measure.

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

Mr. **FRASER**: Mr. Speaker, Members of the House: Just a few words. I would like to know how we are going to have better service and cut down on the help? How are we going to have new roads and not provide money? It is just impossible.

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

Mr. **MILLS**: Mr. Speaker, Ladies and Gentlemen of the House: I have listened to all this discussion here this morning. There is

just one thing that hasn't been considered; that is the economy of Maine moves on wheels, and without the roads, the wheels don't move.

The **SPEAKER**: The pending question is passage to be enacted as an emergency measure of L. D. 2010. Those in favor of passage to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Simpson of Standish requested a roll call vote.

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

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

The **SPEAKER**: The pending motion is final enactment as an emergency measure of L. D. 2010.

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

Mr. **HENLEY**: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, if it will do the least bit of good, all of you who have served more than one term here are aware that I have had something of a feud going with some of the policies of the Highway Department for years. But I am voting wholeheartedly for this allocation bill.

I find through the years that the Highway Department is changing its system of operation. I objected back along that we were putting too much money into macadam big roads and not enough into secondary roads. Some of you recall that I have objected to that for years here, but they are reversing their procedures, they are putting more money into secondary roads, they are putting more money into the assistance of town and municipal roads and second and third class roads.

They have set up a system of what they call stop-gap construction. I know, because I have finally talked them into doing such a

job, not in my particular district, but adjoining it, a piece of road they have always kind of shielded away from, because they said it did not have enough traffic for their usual completely new construction half million dollar a mile situation, and consequently it has been avoided. But now they have been able to come up with plans, and they have been okayed by federal funding for a stop-gap program, whereby they spread their money thinner on their second and third class roads.

Now I do feel that the Highway Department is molding itself a little bit different to the situation of the sky rocketing expense of these big roads. We just cannot afford them any longer. The money has got to go into the numerous thousands of miles of smaller roads.

So I just wanted you to know that I am supporting this allocation bill, I am voting for it, and I urge you to do likewise.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: Here is another critic many times of the Highway department. It through the years has been a favorite whipping boy of the legislature, it still is, and it is an exercise that we have to go through every time for our own mental health, I guess.

Of course, I and my family have been interested in highways all during my lifetime, and I remember very clearly when highway allocations were made on a pork barrel basis down here. No matter what problems we have with the present system, I don't doubt we do have some, and I am not particularly making apologies for it either, because I know as you know that we have an honest department whatever other problems we have with it.

The allocation under the present system just beats the dickens out of the old system where the fellow with the most beef in the legislature got the piece of road at home, and I am sure that we don't want to go back to that.

Now we have problems, various members of this House have stood and said we haven't had any roads in our area for so long and it is undoubtedly true, but what is happening here in Maine is that we are wearing out roads at the rate of several hundreds of miles of road per year are wearing out and we are replacing something like 60 miles of new construction a year, and there just isn't enough to go around. And the answer is money and that is what we are talking about right here.

There have also been some criticisms made here about allocations when I know that it was a federal determination where these new roads have gone to. And it hasn't been at the option of our Highway Department here in Maine where they build or don't build.

One final remark, I will say this, that if the other department in the State of Maine were as visible as the Highway Department is, we wouldn't ever pass any appropriations here.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am sure that every one of us here in the House can point to a road in his area that is not up to what he feels the standard should be. I have got some backing from the gentleman from Old Town for my area because he had to go up there during the winter when his daughter was in the hospital, and he came back telling me that if there was any opportunity to vote for roads in my area, he certainly would help me out. This is true all over the state. Roads all need to be improved.

I have heard the Highway Department castigated pretty heavily here in this session, and I don't blame people for doing it if they have had their toes stepped on. Personally, I have had excellent cooperation. If I have gone over there I have had my questions answered courteously and fully. I have taken some of the little people in and they have sat down and taken care of those people's needs and given them the answers the best they could. But

you have heard the Highway Department talked about pretty heavily, let me give you some pluses. Now these are comparisons, this is the cake that we are eating and the proof of the pudding is what you get.

In maintenance — and this is the area that I know more than I do construction, this is the area that I have studied. We have got thirteen to fourteen hundred men in our maintenance section with 11,000 two lane miles of road. Compare that with the State of Connecticut, they have got 2,000 maintenance people, with only 5,000 miles of two lane roads. I call that reasonably efficient. In addition to that, the state guard-rails and the paving and culverts are not installed by their maintenance people.

Louisiana has got a budget twice ours for maintenance and only 5,000 miles compared to our 11,000.

The State of California spends as much as we do on maintenance to water the plants on the sides of the roads. I think we have got a pretty efficient Highway Department. And our winter roads, we use one truck for every eight miles of road. Massachusetts has got two trucks per mile. Which state do you think is spending its money more efficiently? I think we have at least as much snow as they do down in Massachusetts. You can find these kind of comparisons anywhere you want to look in our Highway Department.

We have got less maintenance people per mile than any other state in the country. Now if that is not efficiency, I don't know what is.

Remember, this is an allocation bill. You are allocating the money that the people who use the highways have paid into the highway fund to keep those highways running. You are not going off on any wild boondoggling schemes, new bridges, four-lane highways anywhere, this is maintenance money. There is some money in here to fund the matching highway construction. It is a good program. I think when you compare it to other states you will find where it is in excellent condition, and as bad as you may think it

is, I think it is pretty good, and I certainly hope you will support this allocation bill today.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think at this point in time, the time has come for us to give final passage to the allocation of the funds for the Department of Transportation.

The point that the gentleman from Caribou, Mr. Gahagan made in reference to I-95 stopping at Houlton is one which is totally unrelated to the expenditures of the Department of Transportation.

Approximately six years ago a group of us from northern Aroostook attempted to stop the construction of the interchange from going into Canada, and attempting for it to extend on Route 1 rather than going on across the border. The Department of Transportation was more than willing to agree to that. Unfortunately, the Bureau of Roads in Washington disagreed, and since the Bureau of Roads has complete control over the construction of I-95 highways, we had no choice but to go along with that. And as a matter of fact, at that point they told us that if we did not go along with it, they would forever kill the possibility of extending I-95 north from Houlton.

Now, I agree that I don't like that type of attitude displayed by the federal government, but they displayed it, we on the receiving end haven't got much choice I guess from time to time.

As you take a look at the Department of Transportation and other departments, any large department becomes the whipping boy for some group or agency that is displeased with what they are doing. I am concerned, and I have been for some time about the Department of Transportation and some of the things that it has done. I have tried on various occasions to work with the people in the department to change things which I do not agree with. In some instances I have been successful, in others, unsuccessful. I suspect that if I had been given

carte blanche by the department, I suspect that at some point I would have found that I had been wrong. There is no one, whether it is them or us, can be forever right on whatever decision we make. We may want to construct a new highway from Caribou to Fort Fairfield or Caribou to Presque Isle, but some thought has to be given as to the cost.

In reference to both the gentleman from Presque Isle, and the gentleman from Caribou, in reference to the bypass that is presently being contemplated for the City of Presque Isle, I can assure you that without an allocation act there will no money for that construction. If that is what we want, then I suggest you vote against the allocation act. If you want that bypass, I suggest you vote for it.

I think if we get to point where all of us want more roads built, then we are going to have to put the money where we want them built.

I am more than happy to accept the money from Cumberland if they want to pass it up to us in Aroostook County; we can afford to take it. But under the monies that we have available, we can't build every road that has got to be constructed, unfortunate as it may seem.

I don't think that I want to stand here defending the Department of Transportation on every action they take. But on the other hand, I think we have to be realistic and realize that everything they do isn't all bad. I certainly hope that this allocation is totally a different issue from the gas tax or the bond issue, that you keep the two issues separate, that if you are opposed to the gas tax then you ought to vote against it, if you are in favor of more bonding rather than taxes, that is the approach you ought to take. If you believe there should be no further construction, then you ought to vote for neither the bond issue nor the gas tax. But I do feel strongly that the allocation act is another matter, and I certainly would hope that you would give it final passage this morning.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: In order that I may justify my vote for this allocation bill, I would last impose one question to anybody in the Transportation Committee who could answer. Is there any connection whatsoever with the one cent gas tax and this allocation, because I have no intention to vote for that little ditty.

The SPEAKER: A roll call has been ordered. The pending question is passage to be enacted in concurrence of L. D. 2010. This being an emergency measure, a two-thirds vote of the entire elected membership of the House is necessary. All in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Albert, Ault, Baker, Berry, G. W.; Birt, Bither, Boudreau, Bragdon, Briggs, Brown, Bunker, Bustin, Cameron, Carey, Carrier, Carter, Chick, Churchill, Clark, Cote, Cottrell, Crommett, Curtis, T. S., Jr.; Davis, Donaghy, Drigotas, Dunleavy, Dunn, Dyar, Farnham, Farrington, Fecteau, Fine-more, Flynn, Fraser, Garsoe, Genest, Good, Greenlaw, Hamblen, Hancock, Haskell, Henley, Herrick, Hoffses, Huber, Hunter, Immonen, Jackson, Jacques, Jalbert, Kauffman, Kelley; Kelley, R. P.; Keyte, Kilroy, Knight, Lawry, LeBlanc, Lewis, E.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McNally, McTeague, Merrill, Mills, Morin, V.; Morton, Murchison, Najarian, O'Brien, Palmer, Parks, Pratt, Rolde, Rollins, Ross, Santoro, Shaw, Sheltra, Shute, Simpson, L. E.; Smith, S.; Snowe, Sproul, Stillings, Strout, Susi, Theriault, Trask, Trumbull, Tyndale, Walker, Webber, Wheeler, White, Willard, Wood, M. E.; The Speaker.

NAY — Berry, P. P.; Berube, Binnette, Brawn, Chonko, Cooney, Dudley, Emery, D. F.; Farley, Faucher, Ferris, Gahagan, Gauthier, Goodwin, H.; Goodwin, K.; Hobbins, Kelleher, LaPointe, Lewis, J.; McKernan, McMahon, Morin, L.; Mulkern, Murray, Perkins, Peterson, Ricker, Smith, D. M.; Talbot, Tanguay, Tierney, Whit-zell.

ABSENT — Conley, Connolly, Cressey, Curran, Dam, Deshaies,

Dow, Evans, LaCharite, Littlefield, Norris, Pontbriand, Silverman, Soulas.

Yes, 105; No, 32; Absent, 14.

The SPEAKER: One hundred and five having voted in the affirmative and thirty-two in the negative, with 14 being absent, the motion does prevail.

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

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

Bill "An Act to Authorize Bond Issue in the Amount of \$7,800,000 to Build State Highways" (S. P. 187) (L. D. 494) (C. "A" S-216). (Bond Issue)

Tabled — June 14, by Mr. Simpson of Standish.

Pending — Motion by Mr. Birt of East Millinocket, that the House reconsider its action whereby the Bill failed of enactment.

Thereupon, the House reconsidered its action whereby the Bill failed of passage to be enacted.

Mr. Peterson of Windham requested a roll call vote.

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

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

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the present bond issue question before you. As I stated the other day, I have always been opposed to the state getting further and further into bonded indebtedness. But I guess for the very first time we are starting to see us in a position where we at least might be putting to the people a bond issue in a fewer amount of dollars than what we are going to retire, and that to me is important.

It is also important to me that we keep up the transportation in our state on our highways. Your primary, secondary tertiary method of transportation in this state, in my opinion, occurs on our highways.

Now I know there are a lot of people who feel that certain parts of the state are not getting their money's worth or haven't got their money's worth and so forth, and I assure you that all of us can take and get into the same ball game. For about 10 years now a good many parts of Cumberland County have sat back and given up all the secondary road money in that county so that all the secondary road money could go into I-295, which is cutting through the heart of Portland.

We have also seen a good many other roads in the state suffer because of the monies that had to be cut back. This was not cut back by the Department of Transportation; this was cut back by them after we lost our federal funding. It was a case of either quitting in the middle of the job and putting the money into the secondary roads and not into primary roads or finishing I-295 extension around Portland.

As I look at the construction in the State of Maine, it also happens to put a good many dollars into Maine people who are working on highway construction.

The allocation act did not pertain to highway construction. This bond issue and the tax issue does. Every single bit of it goes into new construction, into new highways in this state. Not only is it a means of transportation, but it is a means of employment.

I will never forget, I guess, the time when I was in college and I was driving a milk truck for Hood's and I happened to have good people who were construction workers on the highways. I can remember in the spring how they used to just wait for the highway construction programs to open up so they could start to pay their bills again because they were laid off in the wintertime.

If we started to take a look at the number of employees in this state that are going to be affected

by this and the amount of work that would be affected by this, this in itself would warrant the increase in the bond issue and also an increase in the gas tax. I would submit to you that maybe there are certain things that we don't like and we dislike. I know the gentleman from Windham thinks there are some problems in the department over there. I know there are some problems over there. I have gone over and I have sat down and tried to wrestle them out, discuss them with them, and I am sure that I have always come out a better man for it and had a better understanding for it.

I can tell him that he represents Windham, I represent Raymond. The gentleman from Casco, Mr. Hancock, also represents the other towns up along 302. We would probably like to see some other portions of 302 rebuilt rather than the portion that has just been rebuilt right through the heart of Windham. We would like to see that road opened up. It is a road that is necessary, is heavily traveled, as Route 1 is from Houlton to the Canadian border. We will never get these roads built unless we are willing to put the votes behind it to put this money into construction, and I hope that you will decide to do that today with this bond issue.

The SPEAKER: A roll call has been ordered. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House is necessary. All in favor of this bond issue being passed to be enacted in concurrence will vote yes; those opposed will vote no.

ROLL CALL

YEA—Albert, Ault, Baker, Berry, G. W.; Binnette, Birt, Bither, Boudreau, Bragdon, Briggs, Brown, Bunker, Bustin, Cameron, Carey, Carter, Churchill, Crommett, Curtis, T. S. Jr.; Davis, Donaghy, Drigotas, Dunn, Dyar, Farnham, Farrington, Finemore, Flynn, Fraser, Garsoe, Genest, Good, Greenlaw, Haskell, Henley, Huber, Hunter, Jackson, Jacques, Jalbert, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, Lawry, Lewis, E.; Lynch, MacLeod, Maddox, Mahany, Martin, Max-

well, McCormick, McHenry, McNally, Merrill, Mills, Morton, Murchison, O'Brien, Palmer, Pratt, Rollins, Ross, Santoro, Simpson, L. E.; Smith, S.; Snowe, Sproul, Stillings, Strout, Susi, Trask, Trumbull, Walker, Webber, Wheeler, White, Willard, Wood, M. E.; The Speaker.

NAY — Berry, P. P.; Berube, Brawn, Carrier, Chick, Chonko, Clark, Cooney, Cote, Cottrell, Dunleavy, Emery, D. F.; Farley, Faucher, Fecteau, Ferris, Gahagan, Gauthier, Goodwin, H.; Goodwin, K.; Hamblen, Hancock, Herrick, Hobbins, Hoffses, Immonen, Kelleher, LaPointe, LeBlanc, Lewis, J.; McKernan, McMahon, McTeague, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, Parks, Perkins, Peterson, Ricker, Rolde, Shaw, Sheltra, Shute, Smith, D. M.; Talbot, Tanguay, Theriault, Tierney, Tyndale, Whitzell.

ABSENT — Conley, Connolly, Cressey, Curran, Dam, Deshaies, Dow, Dudley, Evans, Kauffman, LaCharite, Littlefield, Norris, Pontbriand, Silverman, Soulas.

Yes, 82; No, 53; Absent, 16.

The SPEAKER: Eighty-two having voted in the affirmative and fifty-three in the negative, with sixteen being absent, the motion does not prevail.

Sent to the Senate.

The Chair laid before the House the fourth 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 14, by Mr. Simpson of Standish.

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

The Chair laid before the House the fifth 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 15, by Mr. Martin of Eagle Lake.

Pending — Passage to be engrossed.

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

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

Bill "An Act Providing for the Foreclosure of Real Property Mortgages" (H. P. 1526) (L. D. 1960) (C. "A" H-566).

Tabled—June 15, by Mr. Mills of Eastport.

Pending — Passage to be engrossed.

On motion of Mr. Carrier of Westbrook, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "A" (H-577).

House Amendment "A" was read by the Clerk.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 1960 provides improvements to our present mortgage foreclosure law that are designed to remedy areas in the present law that are constitutionally suspect.

At present, foreclosure proceedings are usually commenced in this state by providing notice by publication for three successive weeks in a newspaper. This procedure is outlined in Title 14 and is the widest used method in commencing real estate foreclosures in this state.

L. D. 1960 attempts to make three improvements in our law. First, it provides for a new method of notice which will insure that mortgagors and other interested parties are informed of a pending foreclosure procedure. Second, it provides for an opportunity for the mortgagor to be heard. Third, it specifies the method of sale and requires surplus equity to be returned to the mortgagor.

The total time estimated under this bill from first service of

complaint to the actual sale of the foreclosed property would be from 233 to 250 days. Mr. Carrier's amendment, or at least the first part of it, increases from 90 days to one year the time allowed for a mortgagor to redeem his property. This is similar to the present law which does allow a year for redemption.

The area of his amendment is not one of the questionable parts of the present law, but the amendment would prolong to about a year and a half the total time required for contested foreclosure, and the banks would certainly oppose the entire bill if the amendment were added to it.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: Mr. McMahon has certainly given us a fine explanation of the bill, and I agree generally with what he said. First of all, it is needed because the constitutional standards employed have changed. We do need some means of mortgage foreclosure, and I think this is an excellent bill in that regard.

If my recollection is correct, the gentleman stated that we will be dealing with some 250 days to foreclosure under the bill as written, and the amendment offered would put on, you would be dealing perhaps with 450 days.

Although I favor the concept behind the bill, I am reluctant to see a lessening of the period during which a homeowner may redeem his mortgage out of default. I wonder if it is not possible that we might accept this amendment and perhaps in order to keep the bill neutral in regard to the time involved, where we now have a year, if another amendment could not be put on more or less splitting the difference so that we can keep the time involved the same.

We are faced with a situation where we have a bill presented to us which is technically sound which is needed. However, the banks have been at this legislature every session I have been here trying to reduce the time period during which a homeowner has the right to redeem on a defaulted

mortgage, and I would hate to see this bill, which is a very desirable and needed bill, as a general matter, be used to give them a victory and shortening the period of foreclosure, a victory for the banks really over some of the homeowners when they have lost on straight up votes in that count before.

In essence, ladies and gentlemen of the house, I am in favor of Mr. McMahon's bill, but I would like his bill to be neutral on the question we voted on before and have it neither extend nor cut back the period during which the equity may be redeemed.

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

Mr. PERKINS: Mr. Speaker and Members of the House: The amendment that has been offered to us concerns the striking of the words "90 days" in Section 6092, three lines from the bottom, which refers to the period in which a mortgagor may redeem his property. Just prior to this particular line in the L.D. there is a reference to the 90 days in which the property is to be ordered sold by the court once a judgment is obtained, and I seriously question what would happen where the court orders the sale of the property at the end of 90 days of the day judgment is entered, and then the individual redeems the property some one year later.

The property has been sold, the various creditors have been paid off, and we end up having a mortgagor coming back and attempting to redeem. I say it is virtually impossible under this amendment to effect such a redemption period effectively without destroying the whole bill which provides for just what we are after, and that is to provide adequate notice to a mortgagor that his property is being foreclosed upon, and further, that he has no opportunity for a hearing at which, if he is successful, the judgment will be in his favor.

As has already been pointed out by my good friend Mr. McTeague, this is a needed piece of legislation which everyone in the State of Maine should be in favor

of, just for the simple reason that it takes away the unsavory flavor of having a notice of foreclosure in some small newspaper in the county in which the actual mortgagor never, ever knows about it and he is, of course, given one year to redeem.

Under the proposed system, he will be sued, or if complaints are issued upon him, they shall be filed and recorded in the registry of deeds as a matter of record there. He will have an opportunity to then be heard, and again, this takes time. He will have the usual procedure of the time it takes to have him served, the time it takes to be recorded, the 20 days from the day he is served to file an answer, and then the usual delays that occur in a court proceeding whereby it may extend anywhere from 30 days to a year. If he is successful in delaying it, you could have a situation where his period of redemption would extend to beyond a year from the day of actual notice to the point where it might go as far as two years.

I think a 90-day period of redemption is a reasonable one, and I again would say that if this amendment passes, it will destroy the total effect of the bill. I therefore move for indefinite postponement of this amendment if that is in order.

The SPEAKER: The gentleman from South Portland, Mr. Perkins, moves the indefinite postponement of House Amendment "A" to Committee Amendment "A".

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: I had a communication this last week from an individual in the county who expressed the opinion that it would be a great disadvantage on farm real estate particularly if there was any reduction in the time period that was available for redemption, from the point of view that the income of a farmer normally takes place at the time of the sale of a crop, and particularly in Aroostook County, the time period of which funds are available generally is a limited period in the year. And if the time

for redemption was shortened, it would work an extreme hardship on farm real estate.

My understanding is that the amendment that has been offered would hold the time periods as they are now, so I would be in a position of either having to support the amendment and vote for the bill or if the amendment is lost, I would have to vote against the bill.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I will try to be brief on a very long and interesting and important bill. The only reason I put the amendment on is to try to correct some of the things which I think some of us believe are not right. If I didn't believe any part of the bill was any good, I would have done like I have done for the last three terms, make the motion to kill the bill altogether.

However, there has been some foresight put into the bill. There has been some work done, and I think that starting with page 3, if the bank or loaning institution sells a piece of property under foreclosure, they would be obliged to return any equity left of the selling price, if any. We didn't have that before. I think this is one of the greatest suggestions made in a bill this session. And this is the only reason why I haven't tried to kill the bill. I haven't tried to kill the bill because of the fact that there is here something that I think can be salvaged out of it.

My amendment actually refers to the committee amendment which was put in. A lot of them tried to throw it out on this particular bill or any other foreclosure law we have by stating directly or indirectly that maybe it is unconstitutional or there is a question of constitutionality. Well, they can do all they want with that, but the fact is, even with my amendment, which deletes part of the committee amendment, it still would leave it for the party to have a hearing. The only thing is, my amendment, as the present law is, under foreclosure and re-

demption period, which I think is extremely important to every homeowner and every one of your constituents that own a piece of property, the present law is that you have a year to redeem the mortgage. This here truly attempts to make a 90-day period. Well I submit to you that the 90-day period is a very short period. In case of a sickness or anything else, or somebody is having problems, all kinds of financial difficulties, I would say that within a year's time you can straighten out your business much better than you can within a 90-day period.

Personally I do not think that we should shorten the period of foreclosure in the State of Maine. Maine, I think, is the only state in the Union that has strict foreclosure laws and those foreclosure laws are here to protect both the tenant and the creditor and the present law has worked reasonably well.

Nobody here has said how many foreclosures we have in this state. I don't think that anybody here could actually say that any bank in this state probably had three foreclosures during the past year. So that shows how much of a demand there is to shorten the foreclosure period.

There has always been someone in the past and they still are trying to reduce the redemption period. I strongly oppose this cut, due to the fact that this would create hardship on the conscientious mortgagee, the one who struggles to pay his mortgage and the one who under certain circumstances finds himself jeopardized of his life savings.

The mortgagee, under certain circumstances needs time, and time is of the essence, and this is what we want. I do not ask for this amendment to change anything, I just ask to leave it where it is. I think this is reasonable and this would give the people a chance who are having a hard time. And after eight or nine months if they can see then that because of illness or other things that they cannot possibly keep their house, at least they can take their house and sell it and save some of their equity. Under this proposed bill,

as it is, with the committee amendment on it, I think that the period is too short. The first thing you know, within eight or nine months you find yourself out on the street and there is nothing in there that provides — the house has to be sold. That is what it says. It does not say that the house can be refinanced, it says that it has to be sold. You could find yourself in that same position after awhile, and we are talking about where you are going to live now. We are not talking about where you are going to reside or where you are going to go for the night or two weeks.

I know that the banks have always been in favor of a shorter period, but I don't see why they should be. Most of their loans are guaranteed loans. Most of them are either 235, 236, FHA loans, GI loans and these are all guaranteed. All they have to do if there is a foreclosure is turn around and follow the regular procedure and send it to the government and they get their money back.

On a conventional loan, it is a different thing. People will tell you, they lend up to 80 percent. Well they can lend up to 80 percent, but all they have to do is actually break down the value of the house and in fact they are lending probably 50 or 60 percent. I think a lot of you would take this kind of a deal if you lent money only on 50 or 60 per cent of the value.

I do believe that my amendment, all it does is put the law where it is today. And another thing that it does is, if after the hearing and everything else if there is money left, instead of six months for the clerk to send it to the general fund, it would also take a year.

I am not in favor — I have opposed the taxation bill in this session and which we deleted widely that the money should be credited to the general fund. I am not for that, but I am told by some legal brains around here that even if it is, we can turn around and get your money back. Assuming that they told me right and that they informed me right, I will go along with the general fund idea.

But this is to protect the people, all your people, all your constit-

uents that own a house, no matter what their age. They are all struggling to pay. If somebody pays for ten years and then all of a sudden finds he cannot pay, he could lose all his equity and lose it fast under this bill. I hope that you vote against the indefinite postponement of House Amendment "A," that we accept House Amendment "A" and then the bill would be in a position where it really could do something for the people of Maine.

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

Mr. McMAHON: Mr. Speaker and Ladies and Gentlemen of the House: You will note that I am not really arguing too forcibly against the amendment offered by the gentleman from Westbrook, although I cannot really say that I favor it. Because if you change the period back to a year, as I said in my first comments, it will extend to about a year and a half the total procedure under the present bill, that is the total foreclosure procedure.

I am in a bit of a quandary because I know how Mr. Carrier feels and I don't really disagree with his philosophies in this regard about the right of the people to redeem their property. But I think the bill contains other things that are of major importance to satisfy constitutional problems in our present law. So I would ask you to give careful consideration to this.

I am not opposed to changing the 90 a little more, but I do think a year is too long.

The SPEAKER: The pending question is on the motion of the gentleman from South Portland, Mr. Perkins, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

22 having voted in the affirmative and 71 having voted in the negative, the motion did not prevail.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted. Committee Amendment "A" as amended by

House Amendment "A" thereto was adopted.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: I for one am happy that the amendment offered by the gentleman from Westbrook has been accepted.

I would pose a question to the gentleman and those other persons like myself who supported his amendment as to whether it might not be worthwhile to consider a motion for tabling one day in order that we can check the possible — and I don't know if there are or not — any possible technical problems involved and yet carry out Mr. Carrier's intention to give the homeowner the protection for the full period of one year.

If there is any feeling along those lines in the House, particularly on the part of the proponents of Mr. Carrier's amendment, I thought it might be worthwhile to table it for one day to check it out technically so that we don't get involved with a problem with the Senate that takes care of it rather than we do.

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

Mr. McMAHON: Mr. Speaker, I make that motion.

Thereupon, Mr. Carrier of Westbrook requested a vote on the tabling motion.

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

A vote of the House was taken.

87 having voted in the affirmative and 12 having voted in the negative, the motion did prevail.

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

Bill "An Act Making Capital Construction and Improvement Appropriations from the General Fund for the Fiscal Year Ending

June 30, 1974" (S. P. 664) (L. D. 2020) Emergency.

Tabled — June 15, by Mr. Martin of Eagle Lake.

Pending — Passage to be enacted.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a couple of observations about this capital budget at this point. This is an emergency measure. Obviously if people want to engage in any of the various maneuvers that characterize the end of a session, it won't be too difficult to defeat this as an emergency measure.

I am sure it is equally apparent to all of you that if it fails of emergency enactment here and goes to the Senate, the emergency can be taken off and brought back, passed without the emergency clause, which will serve to further delay any of these construction projects during the prime construction time, the summer.

So I guess what I am saying, that in the interest of saving time and in the interest of making a reasonable solution, I hope this morning that we can get the votes and pass this on an emergency basis.

Those of you who have served other sessions in the the legislature I am sure recognize that we are indeed in a fortunate position this year in having available monies that we can put into necessary construction projects without having to go to a bond issue, which I am sure you recognize greatly increases the cost of this construction.

So we are in a position where we have the funds available. The total construction priority package which was presented to us was somewhere in the area of \$35 million. The Appropriations Committee has cut it down to somewhere in the area of \$23 million. The projects have been very carefully scrutinized on a priority basis. They are, in our judgment, all necessary projects. If they are not done at this session, they very obviously are going to have to be done in the succeeding session.

So we are in a situation where we do have the funds available. The projects have been scrutinized very carefully, and the recommendation is before you, and I think it is apparent that it can be passed on a simple majority if you withhold votes on an emergency basis at this time and at least get this item disposed of, because believe me, we have plenty to engage our attentions in the next few days.

Thereupon, Mr. Cooney of Sabbathus requested a roll call vote.

The SPEAKER: 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 having expressed a desire for a roll call, a roll call was ordered.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Merely as a point of information, three people have asked me, should this money go to bonding over a 20-year period, the interest rate, as I was asked, would be \$11,550,000.

The SPEAKER: The pending question is passage to be enacted. This being an emergency measure, it requires a two-thirds vote of the entire elected membership of the House. All in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Berry, G. W.; Birt, Boudreau, Bragdon, Briggs, Brown, Bunker, Bustin, Cameron, Carey, Carter, Churchill, Cottrell, Crommett, Curtis, T. S., Jr.; Davis, Drigotas, Farnham, Flynn, Fraser, Garsoe, Genest, Hancock, Haskell, Herrick, Hoffses, Huber, Hunter, Jackson, Jacques, Jalbert, Kauffman, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, Lewis, E.; Lynch, MacLeod, Maddox, Martin, Maxwell, McCormick, McHenry, McNally, Merrill, Mills, Morin, V.; Morton, Mulkern, Murchison, Palmer, Parks, Perkins, Pratt, Rol-

lins, Ross, Santoro, Shaw, Shute, Simpson, L. E.; Snowe, Sproul, Stillings, Susi, Theriault, Trask, Trumbull, Walker, Webber, Wheeler, Willard, The Speaker.

NAY — Berry, P. P.; Berube, Binnette, Bither, Brawn, Chick, Chonko, Clark, Cooney, Cote, Donaghy, Dunleavy, Dunn, Dyar, Emery, D. F.; Faucher, Fecteau, Ferris, Finemore, Gahagan, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hobbins, Immonen, Kelleher, LaPointe, Lawry, LeBlanc, Lewis, J.; McKernan, McMahon, McTeague, Morin, L.; Murray, Najarian, Peterson, Rolde, Smith, D. M.; Smith, S.; Strout, Talbot, Tyndale, Whitzell, Wood, M. E.

ABSENT — Albert, Ault, Carrier, Conley, Connolly, Cressey, Curran, Dam, Deshaies, Dow, Dudley, Evans, Farley, Farrington, Gauthier, Henley, LaCharite, Littlefield, Norris, O'Brien, Pontbriand, Ricker, Sheltra, Silverman, Soulas, Tanguay, White.

Yes, 75; No, 49; Absent, 27.

The SPEAKER: Seventy-five having voted in the affirmative and forty-nine in the negative, with twenty-seven being absent, the Bill fails of final enactment.

Sent up for concurrence.

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

Bill "An Act to Create the Department of Business Regulation" (S. P. 350) (L. D. 1102) (S. "A" S-160 to C. "A" S-154)

Tabled — June 15, by Mr. Martin of Eagle Lake.

Pending—Passage to be enacted.

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

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

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

Tabled — June 14, by Mr. Simpson of Standish.

Pending—His motion that House Amendment "A" (H-531) be adopted.

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

House Amendment "A" to House Amendment "A" (H-576) 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: If you take a look at House Amendment "A" that was distributed to you this morning, I would like to quickly go over it so that you are aware of the various sections in it.

The first amendment to the amendment in effect would limit the exemption to the definition of interpreting device. It would exclude telephone equipment and extension phones from definition and therefore from the law. The amended paragraph, as provided for in the present House Amendment "A", would allow common carrier to dispense wiretap equipment if anyone so requested, and they could be used without any questions at all if the individual so desired and the company was willing to give it to them with no provision that the law enforcement officers had to provide for at least checking when that is done.

Second, a portion of the amendment would allow employees of common carriers to do their job as well as law enforcement officers where the section previously did not prior to that. The way that House Amendment "A" had been worded, there was some doubts as to whether or not you actually were excluding police officers from doing any of the wiretap which was being suggested.

The third provision of the amendment allows the same people to use the devices in their work, which again is to clarify the amendment.

The fourth section of the amendment adds a new section to the bill which would prohibit sale as well as possession of interception devices. Certainly if we are going to exclude private investigators from using it and saying that is illegal, they shouldn't have

it in their possession. The fifth change is not a major one and is simply to correct an error in the wording.

The sixth prohibits disclosure of wiretap information by employees of common carriers and law enforcement officers. Basically, what this is if the telephone company has to cut in on a conversation for whatever reason and they pick up anything, they are prohibited from using whatever they pick up and repeating it and getting away with it and then using it to either destroy someone's moral character or otherwise.

And finally, the last portion of it, which is really the major change from the amendment that the gentleman from Standish presented, in effect it says that the police can wiretap and they are allowed to use a number of instruments, but if it is concealed and it is not in accordance with the federal law which basically is the Federal Supreme Court decision that was issued in 1957, then it is not admissible in a court of law. Now this protects the law enforcement officer as well as the individual and basically it would allow the federal government and the state government to do what is presently done now.

And for those of you who have concern about this, I would refer you to the decision of Rathburn versus the United States case in 1957 which laid the ground rule for this type of thing.

I realize that this is a rather lengthy amendment, and if you feel that you want to check it out with other individuals, then I perhaps would feel that it would be the best course to table this, but I wanted to make sure that I indicated to you what was in the bill and what was in the amendment.

Now, I have checked all of this out with the Attorney General's office, and I must admit that was done very quickly this morning. The question that was raised was in question with the provision on page 3 of my amendment. Now in commenting with them and in checking further, this does basically what everyone had agreed to to make sure they were allowed

earlier in the day and later today assigned, pending passage to be engrossed.

Mr. Greenlaw of Stonington offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-578) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to take very much of your time today, I would just like to very quickly explain the provisions of this amendment.

The first part strikes out the three or four words in section 3 pertaining to license of boats. It strikes out the words "lobster and crab fishing." This is a technical matter which the commissioner felt shouldn't be in there, and so there is no problem about taking it out.

The second part takes a sentence out of section 4 and puts it into section 3, so that the wording considering the application is applicable to all license categories and just not the commercial lobster and fishing license.

We have added an additional subsection of Section 5, which is a direct result of the comments from the gentleman from Stockton Springs, Mr. Shute, concerning individuals who have been in the military service and come back out, how they are going to get a commercial license, and so that is in addition to Section 5.

On the second page of the amendment, I believe the intent has always been there that the apprenticeship program would be the method by which an individual would obtain a commercial lobster and crab fishing license, and it is so spelled out that the commissioner will establish a list from which the apprenticeship trainees will be on in order to obtain a commercial lobster and crab fishing license.

Section 6 just clarifies the apprentice intentions whether or not he wishes to serve his apprenticeship as a sternman or whether he intends to fish traps from his own boat.

The next section was a typographical error and should have said June 3 instead of June 1.

Section 8, we reduced the age by which a lobsterman can ask for a retirement license. We reduced it from 55 to 50, and further in that section we have made it perfectly clear that the retirement license is strictly optional and no holder of a commercial lobster and crab fishing license shall be required to relinquish such a license.

Mr. Speaker, I now move for adoption of this amendment.

Thereupon, House Amendment "A" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Maddox.

Mr. MADDOX: Mr. Speaker, Ladies and Gentlemen of the House: Last week we debated the subject matter of this amendment and the bill in great detail. I don't intend to elaborate on it at all. It was so confusing that no lobsterman could live under the conditions imposed by the bill, and the amendment only confuses the issue.

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

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

The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker and Members of the House: I would just like to take one minute and indicate that I made telephone calls to lobstermen up and down the coast this weekend. You will remember that last Thursday night 40 members of the Southern Maine Lobstermen's Association unanimously endorsed this bill. I believe there are telegrams in this House today from fishermen in Boothbay Harbor, Bailey's Island. I talked personally last night with the president of the Maine Lobstermen's Association, Mr. Ozzie Beal on Beal's Island, he favors this very strongly and has sent out a letter this morning to members of his association urging they contact members of this legislature to support the bill.

The bill was debated very, very strongly on Friday, and I would just ask you that you would oppose the pending motion of indefinite postponement. Mr. Speaker, I request a roll call vote.

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

Mr. BITHER: Mr. Speaker and Members of the House: We have heard several references, various references, about the Southern Maine Lobstermen's Association, and I am very curious, I don't know whether anyone cares to answer me, but I am very curious as to how many members there are in that association.

We heard reference today, the gentleman from Stonington said he had been in communication with the Maine Lobstermen's Association, and the chairman or the head of that is Mr. Ozzie Beals who lives in Beals. I have been in communication too, this weekend and this morning with some lobster fishermen from Jonesport and they are very, very much confused by this bill.

Now I do believe that he is perhaps right in the Maine Lobster Association headed by Mr. Ozzie Beals being in favor of this, but Mr. Ozzie Beals—I am sure he wants to cut out all the small fishermen. He, at times, I am told, has 1,000 to 1,200 traps out and he doesn't want any of the small fishermen in here at all.

How many people does this association represent, does he represent this Maine Lobster Association?

I heard the hearing at Machias, and I think at times they have 200 paid memberships. Ordinarily, most of the time, 35 to 40 members in the Maine Lobster Association, and that is all Mr. Beals is speaking for.

I go along with the motion to indefinitely postpone, because I don't think the people in the northeast want this bill at all.

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

Mr. McMAHON: Mr. Speaker, and Members of the House: Mr. Tyndale and Mr. Rolde are not in their seats. Both of them, I be-

lieve, could answer the question better than I regarding the Southern Maine Lobster Association.

All I can say is that I attended on of their meetings, at which the membership was present and the meeting was very well attended and all the lobster ports south of Portland certainly were represented there. I have attended two of their executive meetings, executive committee made up of about seven or eight people, and they are vitally interested in making their organization a viable one. So I would say that it is an up and coming organization and it does try to reflect the views of its members.

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

Mr. KAUFFMAN: Mr. Speaker and Members of the House: Friday I supported this bill. However, yesterday I had a large delegation of lobstermen call on me, and it was discussed very thoroughly. These are not so-called commercial lobstermen. They are people who are unskilled laborers. Two of them work for the state as laborers. In order to support their families it is necessary for them to lobster in the summertime and run approximately 100 traps.

One of these gentlemen in particular is 45 years old, the other is 50. This amendment would cover the man 50, but the man 45 years old, as he said yesterday would have to find a job for my wife scrubbing floors in order to support my family.

I do believe that this bill, in parts, has good merits. However, at this time in fairness to all, I will support Representative Maddox's proposal.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against the indefinite postponement of this bill. The attempt of bills to help the lobstering industry have been around for a long time. This was brought home when I arrived here in the orientation session as a

freshman, and they showed us a movie on the legislative process, and I noticed that in the movie they were talking about, again a trap limit bill, I think it was 350 at that point. The movie is quite an old movie.

I think that a lot of work has gone into this. I think it is a comprehensive bill. I think it is a needed bill, and I hope very much that we will not move indefinite postponement on 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 Vinalhaven, Mr. Maddox, that this Bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Berube, Birt, Bither, Bragdon, Brawn, Brown, Bunker, Cameron, Carey, Chick, Churchill, Cote, Curtis, T. S. Jr.; Davis, Donaghy, Dunn, Dyar, Emery, D. F.; Farnham, Farrington, Fecteau, Ferris, Finemore, Flynn, Gahagan, Genest, Good, Hamblen, Hancock, Haskell, Herrick, Hoffses, Huber, Hunter, Immonen, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Lewis, E.; Lewis, J.; MacLeod, Maddox, McCormick, Merril, Morton, Murchison, Norris, O'Brien, Palmer, Parks, Pratt, Rollins, Santoro, Shaw, Shute, Simpson, L. E.; Snowe, Soulas, Sproul, Stillings, Strout, Susi,

Trask, Trumbull, Walker, Willard, Wood, M. E.;

NAY — Binnette, Briggs, Bustin, Carrier, Carter, Chonko, Clark, Drigotas, Dunleavy, Faucher, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Jackson, Jacques, Knight, LaPointe, Lawry, LeBlanc, Lynch, Martin, Maxwell, McHenry, McKernan, McMahan, McTeague, Mills, Morin, L.; Morin, V.; Mulhern, Murray, Najarian, Perkins, Peterson, Smith, D. M.; Smith, S.; Talbot, Theriault, Tierney, Webber, Whitzell.

ABSENT — Albert, Berry, P. R.; Boudreau, Conley, Connolly, Cooney, Cottrell, Cressey, Crommett, Curran, Dam, Deshaies, Dow, Dudley, Evans, Farley, Gauthier, Henley, Jalbert, LaCharite, Littlefield, Mahany, McNally, Pontbriand, Ricker, Rolde, Ross, Sheltra, Silverman, Tanguay, Tyndale, Wheeler, White.

Yes, 73; No, 44; Absent, 33.

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

The Chair recognizes the gentleman from Gouldsboro, Mr. Bunker.

Mr. BUNKER: Mr. Speaker, I now ask for reconsideration and hope you will vote against me.

The SPEAKER: The gentleman from Gouldsboro, Mr. Bunker, moves the House reconsider its action whereby it indefinitely postponed this Bill and all accompanying papers. All in favor of reconsideration will say yes; those opposed will say no.

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

Sent up for concurrence.

On motion of Mr. Birt of East Millinocket,

Adjourned until nine o'clock tomorrow morning.