

# 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**

Thursday, June 21, 1973

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

Prayer by the Rev. Mr. Douglas Robbins of Augusta.

The journal of yesterday was read and approved,

**Order Out of Order**

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

ORDERED, that Maureen Redman, Susan Redman, Honey Fallon and Martha Phillbrook of Augusta be appointed Honorary Pages for today.

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

**Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Correct Errors and Inconsistencies in the Fish and Game Laws" (S. P. 645) (L. D. 1980) reporting that the House recede from engrossing the Bill as amended by Senate Amendment "A" (S-204) as amended by House Amendment "A" thereto (H-514), recede from adopting Senate Amendment "A" as amended by House Amendment "A" thereto, recede from adopting House Amendment "A" to Senate Amendment "A," indefinitely postpone House Amendment "A" to Senate Amendment "A," indefinitely postpone Senate Amendment "A," adopt Conference Committee Amendment "A" (H-592) submitted herewith, and pass the Bill to be engrossed as amended by Conference Committee Amendment "A";

that the Senate recede from engrossing the Bill as amended by Senate Amendment "A" (S-204) and Senate Amendment "B" (S-228) recede from adopting Senate Amendment "A", indefinitely postpone Senate Amendment "A", recede from adopting Senate Amendment "B", indefinitely postpone Senate Amendment "B", adopt Conference Committee Amendment "A" (H-592) submitted here-

with, and pass the Bill to be engrossed as amended by Conference Committee Amendment "A". Signed:

KELLEY of Southport  
PARKS of Presque Isle  
MILLS of Eastport

—Committee on part of the House  
TANOUS of Penobscot  
RICHARDSON

of Cumberland  
BRENNAN of Cumberland  
—Committee on part of the Senate.

The Report was read and accepted. The House voted to recede from its action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A" as amended by House Amendment "A" thereto; the House voted to recede from the adoption of Senate Amendment "A" as amended by House Amendment "A" thereto, receded from the adoption of House Amendment "A" to Senate Amendment "A". House Amendment "A" to Senate Amendment "A" was indefinitely postponed. Senate Amendment "A" was indefinitely postponed. Conference Committee Amendment "A" (H-592) was read by the Clerk and adopted.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentleman of the House: I would appreciate it very much if some member of the House Conference Committee would explain to us what we have done.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: This refers to the errors and omissions bill of the Fish and Game Department. There were two parts of the bill that the Senate amended out. They didn't want it. The House Amendment "A" was trying to restore one part back to the bill. The Committee of Conference agreed to go along with the Senate's decision so that in effect we were accepting Senate Amendment "A," just to work out the mechanics properly, we killed House Amendment "A" to Senate Amendment "A," then killed Senate Amendment

“A” and then rewrote the thing as Committee Amendment.

We also added in there, in the Committee Amendment, the provision that the Fish and Game Department could request identifying numbers to use on their records on licenses, similar to the bill that was passed for highway. If you would like further explanation, I can give it to you in two or three hours.

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker and Ladies and Gentlemen of the House: Now that my seatmate Representative Kelley has explained this thoroughly, I am totally confused.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I rise to agree with Mr. Lewis. We have to go home and tell them about the moose bills and the length of trout and whether you have to have a length on trout or not and this sort of thing and I would like to know just a little bit more about what these things are the Senate wanted and what they didn't want and what we have and what we don't have.

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

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: One of the parts of the errors and inconsistencies bill was to clarify the situation on shooting preserves. The law provided that these commercially licensed shooting areas could operate from July 1st to November 1st. In 43 states we have these types of installations, in 38 of them, they allow them to shoot on Sunday.

When the only one that we have in this state was licensed, it was with the understanding of the department that it could operate on Sunday. Then somebody raised the question as to whether this was Sunday hunting or not, and I be-

lieve that a ruling was obtained from the Attorney General's department that this might be Sunday hunting so they were told they could not operate on Sunday.

I was about to put a bill in at the start of the session to clarify this situation. The department suggested that it could be done in the errors and inconsistencies and we tried it this way and some of the Senators felt that this should have been a separate bill and we should put it in the special session so that everybody would know about it.

The other problem that they objected to is that we passed in the legislature and was signed by the Governor a bill that came out of committee, a rewrite of a bill that I put in and this had to do with the size of shot used in hunting and we limited it to waterfowl. And this other thing that they objected to was changing the place in the law book where this came in. I had a bright idea that it should go under waterfowl hunting regulations. It had originally been set up to go under general regulations and the Senate thought that possibly we should leave it where it is and it didn't make any difference to me. Anybody that has looked at the hunting and fishing laws can see how difficult it is to find laws, and I was trying to put all the waterfowl laws in one spot. Those were the two things the Senate objected to. Those are no longer in the errors and inconsistency bill.

The new thing that was added was similar to the legislation that has already been passed in the legislature here on putting identifying numbers on automobile drivers' licenses. With the computer system that we have over here, we would like to number the licenses, and in this way they would have a little bit of check on nonresidents who are claiming to be residents and buying resident licenses rather than nonresident, and with this numbering system they can check this out and also the people who have had licenses revoked, they can run a check on new licenses to see if these people are getting licenses when they shouldn't have them.

Anything further than that I would be glad to meet with the

Committee of Conference on the veranda and explain it further.

Thereupon, the Bill was passed to be engrossed as amended by Conference Committee Amendment "A" in non-concurrence and sent up for concurrence.

#### Order Out of Order

Mr. McMahon of Kennebunk presented the following Order and moved its passage:

ORDERED, that Charles G. Riley of Kennebunk be appointed Honorary Page for today.

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

#### Papers from the Senate

From the Senate: The following Joint Order: (S. P. 676)

ORDERED, the House concurring, that Bill "An Act Providing for a State Lottery," House Paper 1507, Legislative Document 1938, be recalled from the legislative files to the Senate.

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. SUSI: Mr. Speaker and Members of the House: I request a division.

As I understand, there is an effort being made to recall this bill dealing with the state lottery from the files so that we can reconsider it and presumably pass it out to the people of Maine in referendum.

I would like to make some observations concerning this. I think that you all know that I opposed the state lottery and still do. I feel that the State of Maine in the last decade or so has moved out of the dark ages in financing state government. We are getting away from reliance on property tax and sales tax and soda pop and a whole lot of stuff that has been of a very regressive nature. I personally feel that we would be taking a long step back towards the dark ages to come out with this state lottery which to me would be probably the most shameful element in our whole taxation picture here in Maine if we were to adopt it now.

I do believe this, that if it were put out to referendum that it would be voted in by the people of Maine. This seems a contradiction, but if you will stop and think, I believe that people anywhere are divided generally into two broad categories, those who handle their money well and those who don't. And those who handle their money well know that they don't want any part of putting out a dollar to get back 50 cents, which is basically what a lottery ticket is. So they will vote for it knowing that they are going to be shucking some of the load of carrying government onto those people who have less responsible ways of handling their money.

Now in this second category are those people who just can't seem to get along. Quite often they start with low income people and then what little they do have they handle very poorly, and generally it is from this second group that you get a high proportion of your welfare load. And I believe that to put this temptation on them, they are just a most likely target for lottery ticket sales, is to compound our problems.

I have been criticized. Some of you have come right to my face and said, "Look Rosey, how can you who have been interested in horse racing all your life and it has been said that you have bought a daily double ticket on occasion, stand and in good faith oppose a lottery program?" Well, I satisfy myself on this issue this way, that at least a person has to make a conscious effort to go to a race track to bet. It isn't thrown in front of me all over the state such as is contemplated in any state lottery ticket program sales. And if a person deliberately and coldly decides that he wants to go for an evening, the average patron will bet say \$40 and lose probably four or five, this is an average situation. And instead of a 45 percent or 40 percent payback, they get around 80 percent, so they get a fair amount of entertainment for four or five dollars for an evening. I say that is their business, but to make these available throughout the state so that the people who

are apt to be of a sort that we are taking more and more responsibility for, to drain the limited funds that they have, I believe it would be a sad error and I hope that you vote against the recall of this measure.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I have always before voted against lottery bills because I thought it was a poor way to help finance state government. I now have changed my mind, as mortals are wont to do, and I now favor this for several reasons. We need a broader tax base. People are now buying tickets in New Hampshire. We permit horse racing and bingo. You cannot stop a person who wants to spend money from taking chances, and the state might as well get advantage of this. It certainly would help school financing which we very badly need.

The statement has been made that this might not even be worth it because in New Hampshire — and I agree with this — the lottery did not bring in that much money. But their lottery was not set up properly. We would certainly not follow their plans. Many other plans in the past few years have been a great deal better and proven an excellent source of revenue.

Most of my constituents want this law. It has nothing to do with morality any more than playing cards or investing in the stock market.

I think that one of the best remarks made in this House this year came from the gentleman from Bridgewater, Mr. Finemore, who said that he wouldn't gamble on anything that he couldn't shuffle. Well, all he has to do is buy five tickets and he could shuffle those to his heart's content. The only difference, the results might not be the same.

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

Mr. WILLARD: Mr. Speaker, Ladies and Gentlemen of the House: I wonder just how many of these Mr. Ross is going to buy,

because the odds are terrible of anybody getting their money back on them. Besides, you know, Ireland has had a sweepstakes all my life. They were imported illegally at one time into the United States. I would much rather live in the State of Maine than in Ireland today.

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

Mr. MacLEOD: Mr. Speaker, Members of the House: I would like to concur with the remarks of the gentleman from Pittsfield, Mr. Susi. It is always difficult early in the morning to follow the eloquent speaker from Bath, Mr. Ross.

I think the thing that we are overlooking here is the very fact that in the low populated states such as ours without the heavy centers of population where you have your larger cities and what not is the generation of funds from this particular lottery. I had a real knock-down drag-out discussion of it with a group of interested gentlemen last evening, and they feel that it will generate \$10 million. Now, I think we are kidding ourselves if we think we are going to pick up \$10 million profit off this lottery. You know and I know there are a few people in in the western part of the state that are probably participating and buying the tickets from New Hampshire. Now, New Hampshire, as I understand, doesn't have a sales tax, doesn't have an income tax. They have got two items going for them over there, cheap booze on the border and a lottery.

I feel at this time we are putting out to the people — our taxes here in the state are running well ahead, and it just doesn't make good sense to me to instigate a lottery here. Knowing the way we seem to do things in the State of Maine from the bureaucratic level, I can picture a commission, a commissioner and a group of offices or at least an office or two and various departments and people selling these tickets. I think that we would skim off so much that it is just a pipe dream at this time to bring this bill back. I just don't think it is

good, sound legislation to be financing state funds through a lottery.

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

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am in favor of this lottery, and I think I have observed the selling of lottery tickets from the State of New Hampshire more than anyone in this assembly, and I can assure you from personal observations in supermarkets where these tickets are sold, people buying their weekly groceries, it is not the low income people who buy the tickets. I think the majority of the people who buy the tickets from the State of New Hampshire are in the \$10,000 up income.

Furthermore, I don't believe there is a person in this assembly who sometime or other has not purchased a ticket from either some religious or fraternal organization to which they belong on a chance of winning something. That is strictly a lottery. It is strictly illegal in the State of Maine. Yet, we all do it, and we all buy tickets. I say that this bill should be put before the people of Maine and let them vote on it.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to review for you this morning what we have done. Originally, I had introduced a lottery bill. The money and proceeds would go to help the elderly housing. Mr. Genest introduced a lottery bill, and his money would go to education. The State Government Committee, in their judgment, took the two bills and turned mine out leave to withdraw as covered by other legislation, and they changed the amount of money going to either elderly or education to go to the general fund, be paid back to this state to each town on a per capita basis as sort of a mini-revenue sharing deal, if you will. Now, I thought this was a very good idea. If you remember correctly, the

House passed this. It went on to the other body, and they killed it.

I would like to answer a couple of questions that have been brought up here this morning. They said New Hampshire did not make any money on it. They didn't the first year or two, but once they changed it over and once they set up the new system, under either Mathematic or I.B.M., I forget which does it up there, they are now making money. They are making a lot of money at a small cost.

I would like to remind you that this is not a tax. It very definitely is not a tax. It is something that you pay out of your pocket if you want to. A tax you are assessed.

To me, it is not a gamble. The person who has got a half a dollar in his pocket and wants to spend it for this, I feel that he can and should.

I would also like to point out to you that many of these are going to be bought by out-of-staters, and I hope this morning that you do vote to bring it back.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: When this bill first appeared before us, I supported it, and I still support it. It seems funny to me that for the last six months, we have been passing laws the people don't care about or don't want. We are trying to sell them an increase in the gasoline tax, which they don't want; but something that they demand and do want, we don't want to give to them. I say let's pass this bill this morning and give something to the people that they want for a change.

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

Mrs. NAJARIAN: Mr. Speaker, Members of the House: I would just like to say that when the representative from Mathematic Incorporated appeared before our hearing, he made three points: One, they have studied in depth all the lotteries in America and Europe and have been responsible

for setting up some of the more successful ones. I think New Jersey is one, and they are presently helping New Hampshire work out some of the defects of their lottery.

He pointed out that lottery is not like gambling in that your chances are as good with one ticket as it is if you buy ten, and your chances are not any better. So there really is no incentive to buy more than one.

He also pointed out that over 80 percent of ticket sales are within the income group of \$8,000 to 25,000, the average being about \$11,000, and it can be devised in such a way as to capitalize on the tourist industry.

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

Mr. GENEST: Mr. Speaker, Ladies and Gentlemen of the House: The statement was made here this morning in opposition to this order that this would be a step backward for the State of Maine. Now, I ask you, if this is a step backward, why is one state after another adopting lotteries as a means of raising revenue. Since we debated this last on the floor of the House, the State of Ohio has since joined the ranks of those states that are having lotteries.

Some anonymous person was very kind to leave me two pages of the Pennsylvania newspaper here, a very recent issue. The headline reads: "Big Business of State Lottery Run Like Clockwork." They are doing remarkably well in the states of Pennsylvania, New Jersey. The bill that you have before you to consider, L. D. 1938, is modeled after the State of New Jersey's.

Mr. Speaker, when the vote is taken, I would request the yeas and nays.

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

Mr. GAUTHIER: Mr. Speaker, Members of the House: I went in to get gas yesterday when I came in Sanford at my filling station where I usually buy the gas, and I was kind of surprised. The owner of the gas station opened up one of his drawers and showed me that

he had alphabetically the names of people buying a hundred tickets every week from Massachusetts, and if one is doing that, you can see how many more are being sold in the State of Maine, and we are losing that income.

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

Mr. SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: At the bottom of our license plate is inscribed the word "Vacationland," and of course, we are a great tourist state. It has been mentioned many times — many, many times that we depend upon this tourist trade. As a matter of fact, this gasoline tax that we talked about earlier was a subject of this nature, that whereby let the tourists help us pay or pay by way through taxation. Well, I think this is another way that we can accomplish just this.

I come from York County, and in our county especially, the lottery ticket is readily available. People are buying the tickets by the thousands, and we are losing this income.

Insofar as my good friend, Mr. Susi, mentioned over there a little earlier about horse racing, you can go to a horse race and spend maybe four or five dollars. Well, the people that I know that are fond of horse races — and now we are talking about the little people — they generally lose a week's pay. They don't lose four or five dollars, and that is for sure. Of course, in the old days, we used to have the so-called "nigger pool" that every barber used to sell, and I am telling you, that was unstoppable and unpreventable. What I am trying to say is that people are going to gamble no matter what.

Now, I belong to different lodges as well as many of you, and I can readily assure you that there are many card games going on in every basement and thousands and thousands of dollars are lost. So in this type of gambling, they are spirited on. They try to remake the money they lost. Insofar as a lottery is concerned, it is a one-chance deal. They go in, they buy the ticket, they go home, and they sit and they wait. It isn't a ques-



tion of trying to recuperate the loss that you suffered. So by any means or by any stretch of the imagination, you can't compare one with the other.

Insofar as other sinful endeavors that we have, certainly a lottery is far less troublesome or hazardous than the drunken driver, for instance, where we permit alcohol and all such other facets that we have in our society. So consequently, I can't see in any way, shape or manner where this is a sinful tax.

It has always appeared strange to me that a person has always been measured more or less, his brain power that is, by his income. Well, this is not necessarily true. I know a lot of little people, poor people so-called, that are very intelligent; but as far as they are concerned, they have accomplished what they want to accomplish, and they perhaps have a heck of a lot less ulcers than we do, but they live happily, and they bring up decent and respectable families. So I don't think you can always judge a person or a family by their income either.

I think this is a very good tax, and it is optional, and it is necessary. Personally, I am not a gambler, I never gamble. The only gamble I have ever taken in my life has been in marriage.

This is one of the fairest taxes we have. Another thing about this tax, it doesn't interfere with the environmentalists. I mean, if we are going to have the Baxter State Park, if we are going to have a state full of concrete and paved roads, let's do something to pay these taxes with. Let's go along with this lottery tax.

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

Mr. SUSI: Mr. Speaker, Members of the House: I would like to answer a couple of remarks that have been made about this. It was pointed out that the New Hampshire program, as it originally was initiated, was the first modern lottery in the United States. It wasn't successful, and I am somewhat acquainted with the situation there. They started out with the

three dollar ticket, and it was just apparently beyond the reach of the people who deal most in lottery tickets.

Now, it has also been said here that the New Jersey system is the one that would be set up here in Maine. Now, lotteries begin to produce revenue when they drop back from two dollars and three dollars to 25 cents and 50 cents. Now, this has worked better in Harlem than any other level. This is a prime sales area in the United States for lottery on the numbers tickets. It is perhaps the greatest industry in Harlem, and Harlem has about 80 percent of their people on relief. Now, there is a relationship between these facts, I am sure.

The question has been raised, if there are problems with lottery, why are states adopting it? I think the answer is rather obvious, because it is so easy. There is no particular opposition to it. Those who have said here that the people want it, well, there are certain people who are very precarious. Usually those who will be victimized by it the most will be those who will work most diligently in attempting to set this trap for themselves. For us, it would be very easy. I just look stupid, I am not.

I know that this will produce money. We have a need for money. It is just so easy to fall into this trap, and you have got money coming to you, and a bunch of people who don't know the difference will be buying these tickets. Because it is so easy, I hope that you furnish the judgment that these people don't have and vote against this.

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, which requires under

Joint Rule 21 a two-thirds vote, is the Order recalling from the legislative files L. D. 1938, An Act Providing for a State Lottery. All in favor of recalling from the state files L. D. 1938 will vote yes; those opposed will vote no.

### ROLL CALL

YEA: Albert, Ault, Berry, P.P.; Berube, Binnette, Bither, Boudreau, Brown, Bunker, Bustin, Carey, Chonko, Conley, Connolly, Cooney, Cote, Cottrell, Crommett, Curran, Davis, Deshaies, Dow, Driogtas, Dudley, Dunleavy, Dyar, Evans, Farley, Farrington, Faucher, Ferris, Fraser, Garsoe, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Henley, Hobbins, Jacques, K a u f f m a n, Kelleher, Kelley, R.P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, LeBlanc, Lynch, Martin, Maxwell, McHenry, McKernan, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, Norris, O'Brien, Perkins, Peterson, Pratt, Rolde, Rollins, Ross, Santoro, Sheltra, Smith, D.M.; Smith, S.; Snowe, Soulas, Stillings, Strout, Talbot, Theriault, Tierney, Trumbull, Walker, Wheeler, Whitzell.

NAYS: Baker, Berry, G.W.; Birt, Bragdon, Brawn, Briggs, Cameron, Carrier, Chick, Clark, Curtis, T.S., Jr.; Donaghy, Dunn, Emery, D.F.; Farnham, Finemore, G a h a g a n, Good, Hamblen, Hoffses, Hunter, Immonen, Jackson, Kelley, Lawry, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McCormick, Morton, Murchison, Palmer, Parks, Shaw, Shute, Silverman, Simpson, L.E.; Sproul, Susi, Trask, Tyndale, Webber, White, Willard, Wood, M.E.; The Speaker.

ABSENT: Carter, Churchill, Cressey, Dam, Fecteau, Flynn, Haskell, Herrick, Huber, Jalbert, Mahany, Pontbriand, Ricker, Tanguay.

Yes, 89; No, 48; Absent, 14.

The SPEAKER: Eighty-nine having voted in the affirmative and forty-eight having voted in the negative, with fourteen being absent, the motion does not prevail.

Sent to the Senate.

### Reports of Committees

#### Ought to Pass in New Draft

Committee on Labor on Bill "An Act to Amend the Benefit Financing Provisions of the Employment Security Law" (S. P. 260) (L. D. 757) reporting "Ought to pass" in New Draft (S. P. 674) (L. D. 2041) under same title.

Committee on Appropriations and Financial Affairs on Bill "An Act Making Supplemental Appropriations from the General Fund for the Fiscal Years Ending June 30, 1974 and June 30, 1975." (S. P. 142) (L. D. 343) reporting "Ought to pass" in New Draft (S. P. 677) (L. D. 2042) under new title "An Act Making Supplemental Appropriations from the General Fund for the Fiscal Year Ending June 30, 1974." Emergency.

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

Reports were read and accepted in concurrence, the New Drafts read once and assigned for second reading later in today's session.

#### Non-Concurrent Matter

Bill "An Act Relating to Service Retirement of State Mental Institution Employees" (H. P. 181) (L. D. 223) which the House passed to be engrossed as amended by House Amendment "A" (H-522) and House Amendment "B" (H-567) as amended by House Amendment "A" (H-573) thereto on June 15.

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

In the House:

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: For those who worked so hard for and voted in favor of L. D. 223, all the employees at the state institutions want to thank you and I thank you.

I want to leave you with one thought today. The secret to success and happiness is not in doing what one likes to do but in liking what one has to do. So at this time I move we recede and concur with the Senate.

Thereupon, the House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act to Clarify and Simply the Administration of the Mechanic's Lien Law" (H. P. 1361) (L. D. 1817) which the House enacted on June 18.

Came from the Senate with House Amendment "A" (H-561) indefinitely postponed and the bill passed to be engrossed in non-concurrence.

In the House: On motion of Mr. McTeague of Brunswick, the House voted to insist.

**Non-Concurrent Matter**

Bill "An Act Providing for the Foreclosure of Real Property Mortgages" (H. P. 1526) (L. D. 1960) which the House passed to be engrossed as amended by Committee Amendment "A" (H-566) as amended by House Amendment "A" (H-577) thereto and House Amendment "A" (H-582) on June 19.

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

In the House:

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: In view of the action of the other body and in view of the differences of opinion of the two bodies regarding the redemption period time allowed, I now very reluctantly move that we recede and concur.

Thereupon, the House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act Relating to Family Planning Services" (H. P. 1367) (L. D. 1823) which the House enacted on June 5.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-249) in non-concurrence.

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

**Messages and Documents**

The following Communication:  
State of Maine  
One Hundred and Sixth Legislature  
Committee on State Government

June 20, 1973

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

Augusta, Maine

Dear Speaker Hewes:

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

Total number of bills received including 3 referrals,	184
Ought to Pass	28
Ought Not to Pass	20
Ought to Pass	
As amended	24
Ought to Pass	
in New Draft	22
Divided Reports	34
Leave to Withdraw	51
Referred to Another Committee	5

Sincerely

(Signed)

THEODORE S. CURTIS, Jr.  
House Chairman

The Communication was read and ordered placed on file.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: In addition to the rather brief summary of the number of bills that were considered by the State Government Committee, the two chairmen of that committee prepared a short summary that describes in a little bit greater detail what kind of action was considered by the State Government Committee.

You may recall that from time to time we came out with unanimous reports which were overthrown by the entire legislature. As a result of some of this frustration and some other activities, we adopted a saying of one of the gentlemen from the other body as our motto, and I have just sent up a copy of this for the Speaker to read — "No amount of planning can substitute for dumb luck." It is by Uncle Hollis.

**Orders**

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

WHEREAS, since last year an open channel has been created between the United States and the people of the Republic of China and through this channel mutual interests either economic, scientific or athletic, etc.; and

WHEREAS, A new China, medically speaking, has appeared through the yellow curtain, very much progress has been noticed by our medical school here; and

WHEREAS, a new type of pain killing system official and legal matter of treatment in China for over 2,000 years then empirically practiced but scientifically done now; and

WHEREAS, this treatment is also very valuable for purpose of anesthesia prior to surgery with the difference that anesthesia so provoked does not leave the patient drugged and weak; and

WHEREAS, there is need in the State for some treatment like this to take care of pains from arthritis, cancer, etc., in which we could use acupuncture instead of drugs to which most of these pains do not respond and leave the patient drugged, sick and addicted; and

WHEREAS, the technique of acupuncture has recently been formally recognized in the States of Nevada and California and under consideration by others; and

WHEREAS, there is real concern that the enormous public interest in this potentially valuable technique will lead to exploitation by untrained persons; now, therefore, be it.

ORDERED, the Senate concurring, that there is hereby created a special commission on acupuncture consisting of 7 members, 2 of whom shall be Senators appointed by the President of the Senate and 5 of whom shall be Representatives appointed by the Speaker of the House. The members shall select their own chairman and be compensated for their duties in connection with the commission at the rate of \$25 per day, plus all actual expenses. It shall be the duty of the commission to study, evaluate and make recommendations concerning the practice of acupuncture within this State and is authorized and

empowered to meet publicly 6 times when deemed necessary. Meetings are to be held in the larger towns of Maine where hospitals are available. At these meetings the public will be invited and a panel of doctors will be there to answer questions either from the public or from the committee, records will be kept and in the final executive session in December a program will be outlined and recommendation for legalization to the special session in 1974. If vacancy in the committee shall occur by death, resignation or otherwise of those appointed as commissioners, the vacancy shall be filled in the same manner as the original appointment; and be it further.

ORDERED, that the Department of Health and Welfare and Mental Health and Corrections shall provide such administrative assistance as may be needed by the commission in the discharge of the responsibilities; and be it further.

ORDERED, that there is allocated from the Legislative Account the sum of \$1,500 to carry out the purposes of this Order (H. P. 1629)

The Order was read.

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

Dr. SANTORO: Mr. Speaker, Ladies and Gentlemen of the House: My purpose in presenting this order and to speed its passage lays in one fact and one fact alone. We want to find out in connection with the medical profession and the public in general, through these meetings, how much truth and goodness, empirically or scientifically there is in the concept and practice of acupuncture. We know that this is an ancient art of the Peoples' Republic of China, lately perfected and practiced with skill and with science by mostly all Chinese doctors and Chinese paramedical persons and also practiced throughout the English Commonwealth, parts of Europe, Japan and some parts of the United States.

Acupuncture has shown enough positive evidence to be recognized as a strong possibility of treatment and a strong helpful method of

anesthesia, even if it has not reached the highest top of being a new definite help in the doctor's armamentarium.

Here I will present to you a few facts that I have selected from a file of medical journals and magazines that I have studied for the last three months in preparation of this order.

During Sept. 1971, Dr. Paul Dudley White, the famous Eisenhower doctor and member of the faculty of Harvard Medical School and Dr. Grey E. Dimond of Missouri, Kansas Medical School visited the People's Republic of China and got the government's permission to visit hospitals and see what they were doing. They were very welcomed by the China Medical Society, to which many thousands doctors educated in the western world belong because they practice there. These visiting doctors like many hundreds have gone to China since then to be observers for the western world by acupuncture are referring to the placement of steel needles at strategic points, like shown in this picture of man's mannikin rigidly defined by the text books and by over 2,000 years of authority and experience, as a pain killer and a curative for chronic or acute conditions. The old method was of a superficial placement of needles with no manipulation, which was 10 to 30 minutes in duration.

At present in China they consider this the old method and they now use deeper placement in different sites and manipulation of the needle, bringing the needle up and down a half inch under the skin with a to and fro twirling. They use, by the way, this method in the treatment of deafness, and I heard the other day on the Today Show that they probably are going to be successful in the treatment of deaf and dumb people.

We have a report of a doctor who had a migraine while there and nothing could help him, not even Demoral, but the acupuncture did the job. He swears by it now.

The achievement in this field of anesthesia is remarkable. Doctors Snow and Reston have described many major surgical procedures without evidence of anesthesia and

all with good results. Doctors White and Dimond while in China visited the 700 bed Kwangtung Provincial People's Hospital. Six patients were scheduled that morning for surgery, three of these procedures to be done on acupuncture anesthesia only. The surgical room, clothes and masks serve as in the western world. One patient, a 40 year old man, had a large tumor (adenoma of the thyroid). The patient walked in the operating room, removed his pajama top, retaining the pants, and stretched out on the operating table. Two needles were applied on the forearm between the elbow and the wrist, small current applied to the shaft of the needle from a battery about 9 volts of electrical current. After 20 minutes, the operation was started and performed. During the operation the patient had a glass of water and felt fine. After the tumor was removed, he sat up, drank a glass of milk, stepped off the operating table, put his pajama top on and walked back to his room.

The second case was a duodenal ulcer and the third case a goiter. In both instances, acupuncture anesthesia worked well and both patients walked away from the operating room to their room and to their beds.

The merits of a c u p u n c t u r e anesthesia are: Absolutely safe; patient can still drink or eat; no nausea or vomiting; the method is simple and all the time available; keeps the blood pressure up, so it is good for old and debilitated people.

Doctor Saltoun, a London anesthesiologist, visited the People's Republic of China and saw acupuncture there in Shanghai, Peking, Nanking hospitals with a group of 10 physicians from London. He says that from what he saw the evidences are good, but all needs further investigation but it is certainly a matter to be considered. Dr. John L. Bonica, chairman of the acupuncture research committee in Bethesda, Maryland last August 1972 concluded after the meeting that acupuncture does have effect that should be of interest to medical science.

Preliminary results by the committee indicate that it might be useful in pain problems and may be effective in producing anesthesia for some surgical procedures.

Competent medical people well and modernly trained have accepted this procedure and consider it one good modern advancement. The stoicism of the Chinese people and the current ideological indoctrination does play a role, but does not seem an adequate explanation for the effective anesthesia. The existence of a neural or nerves pathway has not been proven but it is suggested.

Before I close, I want to read a little piece from a medical magazine. The State of Nevada became the first state to license acupuncture on a full scale basis. The legislature approved the practice of the science by skilled practitioners, following weeks of demonstrations by Hong Kong acupuncturists treating hundreds of people, including one of the legislators.

In closing I hope I have given a little bit of information on the subject and I hope you will vote with me.

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

Mrs. KILROY: Mr. Speaker and Members of the House: It really takes acupuncture to get me on my feet. As most of the people know who were here in the 105th, I was pretty bad off with rheumatoid bursitis. I only had seven treatments, and I think I am living proof of something that you people would be very much interested in studying this subject. I hope you will go along with the order, with Representative Santoro.

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

#### Joint Resolution

Mr. Peterson of Windham presented the following Joint Resolution and moved its adoption:

WHEREAS, the Maine National Guard is a reserve force of trained and equipped men for the defense of critical State and national interests; and

WHEREAS, the Maine National Guard has provided well over \$360,000 in savings to the State over the past 3 years; and

WHEREAS, such savings are reflected in serving needy projects throughout the State in exchange for their training value; and

WHEREAS, the Legislature wishes to acknowledge with gratitude such in-state training contributions of the Maine National Guard with sincere hope this valuable program will be continued and expanded; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the 106th Legislature of the State of Maine join in an expression of gratitude to the Maine National Guard for their valuable participation, brought about through in-state training, in needy projects throughout the State and extend special thanks to all those who are in a position to encourage and expand this worthy service; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to the Governor, the Adjutant General and the Maine Congressional Delegation in the Congress of the United States as notice of the Legislature's interest and support in continuing and expanding the existing levels of in-state training programs in the near or immediate future. (H. P. 1629)

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

#### (Off Record Remarks)

#### House Reports of Committees Leave to Withdraw Covered by Other Legislation

Mr. Haskell from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Additional Matching Funds for Social Services" (H. P. 1358) (L. D. 1814) reporting Leave to Withdraw as covered by other legislation.

Report was read and accepted and sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Transportation on Bill "An Act to Provide for the Reduc-

tion of Speed Limits to Conserve Fuel during Energy Crisis" (H. P. 1627) (L. D. 3023) reporting "Ought not to pass" pursuant to Joint Order (H. P. 1623).

Report was signed by the following members:

Messrs. CIANCHETTE  
— of Somerset  
SHUTE of Franklin

— of the Senate.

Messrs. WOOD of Brooks  
DUNN of Poland  
STROUT of Corinth  
JACQUES of Lewiston

Mrs. McCORMICK of Union  
BERRY of Madison

— of the House.

Minority Report of the same Committee on same Bill reporting "Ought to pass" pursuant to Joint Order (H. P. 1623).

Report was signed by the following members:

Mr. GREELEY of Waldo

— of the Senate.

Messrs. FRASER of Mexico

KEYTE of Dexter

WEBBER of Belfast

McNALLY of Ellsworth

— of the House.

Reports were read.

On motion of Mr. Strout of East Corinth, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

#### Passed to be Engrossed

Bill "An Act Increasing Indebtedness of Berwick Sewer District" (H. P. 1616) (L. D. 2036) Emergency.

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

#### Emergency Measure Later Today Assigned

An Act to Redistribute Certain Statutory Powers Now Vested in the Executive Council, to Abolish the Legislative Research Committee, to Create a Statutory Legislative Council, to Provide for Permanent Joint Standing Committees of the Legislature, and to Provide for an Annual Rather than a Biennial State Budget. (S. P. 661) (L. D. 2021).

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

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

#### Passed to Be Enacted Emergency Measure

An Act Relating to Representation of Board of School Directors. (H. P. 1617) (L. D. 2037).

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. 115 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

An Act Regulating the Interception of Wire and Oral Communications. (S. P. 377) (L. D. 1108)

An Act Authorizing Plus New England Services of Maine, Inc., to Confer Associate Degrees. (H. P. 907) (L. D. 1195)

An Act to Amend the Employment Security Law. (H. P. 1212) (L. D. 1574)

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

#### Enactor

#### Indefinitely Postponed

An Act Relating to County Estimates. (H. P. 1549) (L. D. 1983)

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

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

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: I have great respect for my good friend from Strong, Mr. Dyar, also my good friend from China, the House chairman of the County Government Committee, Mr. Farrington, but I am at a loss to understand the logic of their reasoning. I do not think this is the proper bill at this time. I am not going to talk at

length on this bill. I will leave that to others to explain to you the reason why this bill is not desirable.

Before someone beats me to the punch, I move, Mr. Speaker, that this bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The Gentleman from Millinocket, Mr. Crommett, moves the indefinite postponement of L. D. 1983 and all accompanying papers.

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

Mr. TRUMBULL: Mr. Speaker and Members of the House: We have this morning passed legislation previous to this where one-man one-vote rule prevailed. Right behind it we have this piece of legislation which does the opposite from one-man one-vote, is that in counties, a very small percentage of the population can control the county financing completely. This bill is just very unconstitutional, very unfair to the people, and will do nothing but to create bigger and greater chaos in county government than already exists.

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

Mr. DYAR: Mr. Speaker and Members of the House: I am somewhat amazed at the status of some people in this body this morning and previous days. Twice a day I commute from my home to Augusta, and I have about an hour and 15 minutes every morning and night to review the day's proceedings and think things out in my mind. Last night going home, I knew that there were some misconceptions on this bill. I had spoken to some of the people who voted against it on the floor the other day and I think settled some of the problems in their mind. It brought to my mind some of the statements my grandfather used to make. Now he was a pious man, he didn't attend church every Sunday. About the only time he went to church was to attend a funeral of a close relative or a dear friend. His outlook on life was based on the ten commandments, and the ten commandments he used were not those taken from the Bible, but

they were all paraphrased in these ten great works and two come to mind.

Number one is not germane to this bill but possibly might lead into it. It pertains to two of the commandments which he condensed into one, and he always said, "Love thy neighbor, but leave thy neighbor's wife alone." His second one was, "When you must debate or stand up for your rights, that you do this toe to toe, face to face with your opposition, looking your opposition straight in the eye, but when your opposition's eyelids drooped and look toward the ground, continue your debate and turn and leave, but never take your eyes from your opposition under this circumstance until you are out of their reach from bodily or physical harm."

Now, this bill has taken hours of work. It covers county government as it applies to this state. The redraft was satisfactory to the committee, and then our friends from Maine Municipal stepped in. They too, like Mr. Trumbull, were very concerned with the one-man one-vote concept.

The redraft set up a finance committee, as I have stated before, of five individuals representing the municipal officers of the county, elected by them to serve on this finance committee and two members of the legislature or a seven-man board. This one-man one-vote concept became an issue, and you had Senate Amendment "C", I believe, which was adopted in the other body, and we adopted it here when we passed this bill to be engrossed.

This committee amendment gave every municipality in the State of Maine within every county a seat on the county finance board. It also gave a weighted factor for the cities and municipalities that paid a heavy proportionate share of the county tax. This factor was based on a state evaluation of \$20 million; for each \$20 million, that municipality would have one weighted vote. I did not go along with this and many members of the committee. We knew that Maine Municipal Association supposedly represented



municipalities in Maine, and they were speaking on behalf of your towns and my town. I felt that this large board would not do the job. I felt safe from prior experience knowing full well that a county with 38 authorized members would probably dispense up to possibly 15 members representing municipalities to any one given meeting. At one time I did suggest that any municipality that did not participate, that we should include statutorily a provision that that town would be fined for not participating in the finalizing of a county budget, but this seemed, after review, unnecessary.

I think many have been led down the road behind the hill with a distortion of many facts by those who oppose this piece of legislation. I am not an authority on county government, but I will stand up with anybody and discuss county government as long as they want to discuss it, and I think I am somewhat familiar with the statutory provisions and the history of county government, not only in this state but in Massachusetts and in England.

This bill allows county government home rule. In the 104th, we had a vehicle before us that gave municipalities in this state home rule. This vehicle at that time included municipalities in the State of Maine as well as counties. Someone at that time struck out counties. This bill is to give county government the same prerogatives that the municipalities of this state now have.

To those who argue that this will make our county commissioners dictators and all powerful, I would disagree. This piece of legislation takes away powers of the county commissioners, but gives them more authority to carry out statutory provisions and act on behalf of the municipalities in the counties.

Again I would bring to your attention that Maine is the only state in this nation where county government brings their county budget before this body for approval. Now, if you believe in this concept, possibly we should amend our own constitution and have any budgets acted upon by this body sent to

Washington and let Washington approve our state budgets. I think the people elect county commissioners to that office to run county affairs, and when these commissioners are not capable of running county affairs, then this body here will take action. This legislation provides for this. This has a petition section within the bill which will allow municipalities, if they do not agree with the county budget, to petition the Secretary of State to have the county budget brought to this body to be discussed, compromised, and sent back for the assessment of county taxes upon the municipalities.

I do not go along with the amendment put on by the other body which set up this large finance board, but I hope this morning that you will go along with me and let the Maine Municipal Association, as I say, which represents your towns back home, have their way. Let us try this finance committee once. Let us give them the opportunity to see them in action and see what the outcome is. If this board is cumbersome, some of us will be back here in the 107th with the experience, and we can amend this bill before you today to put it back to either a seven man or eleven man finance board, whatever seems to be most feasible. But if we are going to have county government in this state, enact this piece of legislation today, give our counties home rule as every other county in the United States has except for the counties here in the State of Maine, and let our county commissioners, our people in our court houses and at local level run their own business.

Now we had some 80 bills before the County Government Committee this session, and these bills were on the county budgets, on the salaries of county officers, on the amount of money that was going to be spent in the county law libraries and things like that. Now, that was probably 60 bills that our committee heard individually that could have been taken care of within the county. If you figure the cost of the bills that we heard, the paper work and so forth, what little debate did go on, we probably spent \$100,000 or more of tax-

payers' money to hear bills that could have been taken care of at local level.

Now, we have given municipalities home rule. I think for the greater part it has worked. I have not seen any charter change bills in municipalities before this body this session, or any bills of major importance that concern municipalities. So let us take positive action here this morning, and let Maine become joined into the 50 states and have the equal rights that other states enjoy.

If you are against county government, the concept of county government, you have had ample opportunity over the past six months to present legislation to annihilate county government here in the State of Maine.

Many of you will say that county government is a level or a strata of government that is not necessary, but to you who have this opinion, my answer is that you are saying that we here in this legislature are Almighty God and that those out in the hills and along the coast of Maine are not capable of taking care of their affairs at home. If this is the way you want to be, I would suggest that you vote against this bill this morning. If you want to see reform in county government, give your local elected people a job to do, then vote for the bill.

I certainly hope that those of you who extended the courtesy to vote for this bill several days ago will go along this morning and pass this bill to be enacted. Please disregard what I consider as being propaganda that was placed on your desk this morning, an amendment that might be introduced in the other body.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I haven't had too much to say on county government lately. I have been quite restrained in any criticism of this particular bill, which is 1983. I had hoped that through its travels through the two Houses, possibly something acceptable to my mind would be arrived at. As I stated previously,

though, I still insist that it is an addition to the patchwork type of county government which has been prevalent for nearly 300 years in the State of Maine. There is no real reorganization or rebuilding of county government within this bill.

I regret that it was the will of the legislature — and I do not question it — to have been unable to accept the rather rank proposal that I presented to rebuild and restructure county government on a foundation which I believe and several of us believed was an equitable way of approaching the whole question.

I am not going to indulge in too much sensational rhetoric. I do want to take issue with my very good friend, Mr. Dyar of Strong, on one or two points. He compares county and state government with state and national government. There is no comparison. Our state governments were sovereign governments even before there was a national government, not so with counties. County government has always been an extension of state government and is still so. It is a part of state government in almost all of the states, even though a lot of them have given them a certain limited home rule, which I was trying to do. This bill, 1983, does give a lot of operational authority to I might say a sort of an impossible type of government to handle it, a board of three elected officials with no specific executive to make a decision. If you are going to have home rule in county, it should be a legislative body, not a three-member group, that originally were appointive and it is a holdover. So again, county government is not state government and state government is not federal government so let's not disillusion ourselves there. There is really no comparison.

The only value I can see out of this amendment explanation which is passed out is to show you several weaknesses in this Finance Committee. In the first place, it is cumbersome. I wonder how many of the larger counties would ever expect to get this committee together and yet, I can tell there is no arrangement in here to pay

them. Are you going to get in Aroostook County, for instance, 69 people together to decide these issues and then maybe work it over and get together again, which Aroostook County calls for? In Oxford County you have to have at least 35. I know my county, I know you wouldn't get 15 out of that 35 together. So would you then have fair representation on your Finance Committee?

Ladies and gentlemen, I think that rather than try to go along with this monstrosity, you would do better to go back to what we have right now and we may have done better to perhaps have strengthened the legislative delegation.

I know there has always been a conflict as to just who is authorized to approve county budgets. Through the years, it has been custom for the legislative delegation to approve these budgets and then to recommend that approval to the committee, and then the legislature in its decision has made those decisions which has been within their rights because the county has been a creature of the state government and still is.

I do not see why it is such a terrible catastrophe if this bill dies along with my bill which I spent years to prepare. I do not see why this bill is any more precious or any more inviolate than my bill. I have not before had very much to say against this bill. I have leaned over backwards to get this bill on its way through, to give it every opportunity, and now I say as does my friend Mr. Crommett from Millinocket, the bill should not survive, and I shall certainly support the indefinite postponement.

I feel that we need, probably in another couple of years, maybe four, maybe six, to really decide this issue, and I wouldn't wonder but because of the stirring up of the issue this session, we really could do something in another two to six years. I may not be a part of it, but I think you will find that something is going to have to be done, not only just on the finance end but on the operational end to do away with some

of the cumbersome horse and buggy methods of procedure which are now prevalent in county government.

We recently gave certain home rule rights to cities and large communities which was very well, although most communities and cities inherently have had a certain amount of home rule anyway, because the basis of government in this country is supposed to be at the local level, not at state and federal and not at county.

Now what we need to do is either one or two things, either strengthen county government with a worthwhile bill that begins at the bottom and restructures county government—or I might say three things—or eliminate it, work directly from state to community and city or make it a district of state and give it a sort of directorship from state level.

I am not going to speak on this again. I know several of my remarks will be criticized perhaps, but I feel that the time has come when this bill should go along with mine and be laid to rest until such time as something halfway between perhaps can come up that this legislature can accept.

Mr. Bustin moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the consent of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken, and a sufficient number having voted for the motion for the previous question, the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This question is debatable for no more than five minutes by any one member.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I recognize the need to

hasten things along, but I had a question that I wanted to ask and I do not think it has been touched upon and I think it is very fundamental and ought to be answered.

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

Mr. LaCHARITE: Mr. Speaker and Ladies and Gentlemen of the House: I also feel the same way, not that I have any questions to ask, but I think at this time in the session the important bills are before us and I think that these questions should all be answered and give people the opportunity to answer these questions.

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

Mr. PETERSON: Mr. Speaker and Ladies and Gentlemen of the House: I also wish the previous question would not be moved. I have some comments that I would like to make on some data that I passed out to the House members this morning.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: I do not know why somebody comes up for the previous question when a debate is in progress. I think there are a lot of people here who would like to express themselves and they are waiting for the proper time to get up. When this motion gets up for the previous question, I think it is out of bounds and I think we should not accept it.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I hesitate to get up to say this this morning, but this is a bill, as many other bills that we are going to have before us today. The weather is warm and we certainly have all studied these measures and if we continue, each one to add his input to each bill that comes before us, it will be much later than it is when we planned to get out of here. I would

hope that some of us would realize that certainly the debate that we are having, in my opinion, in my opinion alone, isn't changing a vote.

I think that on this measure, if you vote now or if you vote an hour from now, you are going to get exactly the same vote, and that is all I am addressing myself to. I agree, everyone should have a right to express their views. The views on this particular bill have been expressed about five times now, and I think that it is time that we as responsible citizens at the rate of \$14,000 or \$15,000 a day bite the bullet and clamp our jaws and move ahead with the affairs of state.

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

Mr. BUSTIN: Mr. Speaker and Ladies and Gentlemen of the House: In relation to the comments of the gentleman from Old Town, Mr. Binnette, I think if he checks the record he will find that everyone in here was duly elected everyone has a microphone, everyone has the right to make any motion he wants at any time he wants. I think the gentleman from Brewer, Mr. Norris, has aptly phrased it. We have heard every argument that we just heard in the last half hour at least twice.

I recognize that there are some people who do want to add new information, yet the votes are already determined. In a number of instances I have seen debate in this House go for at least an hour and fifteen minutes and the vote comes out 112 to 21. Perhaps we might consider a new rule on taking a preliminary vote first and then saving the state a lot of time in debate. It is the same arguments, the votes are not going to change, I think we should proceed to get this over with.

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

Mr. CROMMETT: Mr. Speaker and Ladies and Gentlemen of the House: I agree with the remarks made by my good friend Mr. Bustin to a certain extent. There have been many bills in this legislature

that I didn't have too much interest in, but I sat and listened.

There are people who want to talk on this bill and they should not be denied the right. This is democracy in action.

The SPEAKER: The pending question is, shall the main question be put now? All in favor will vote yes; those opposed will vote no.

A vote of the House was taken, 47 having voted in the affirmative and 48 having voted in the negative, the motion did not prevail.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: They say that debate has been extensive on this thing and nobody is going to change their vote, that all the questions have been answered. I would like to have one answer, preferably by one of the gentlemen who moved for the bill or supported it. Under this bill are we putting a new interpretation on one man, one vote?

I detect that because of county taxes, the votes are going to be weighted for those who pay more than the small towns. Now that is an entirely new distinction. If that is so, are we going to carry this back into the towns and allow the people who own the property in the towns to have a greater vote in town affairs? One man one vote means simply that, one man one vote, and it doesn't make any difference whether you are poor and on welfare or whether you own half the town or half the state.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to express my appreciation for the cooperation that I have had from the delegation for the 16 counties for the year.

I will speak to the issue regarding the need for reform, not just for the sake of reform, but for the sake of the benefit of the people of the State of Maine, and furthermore, youthful purposes served in taking away an additional respon-

sibility that the legislature now has.

It seems to me in the various bills that we have before us, trying to streamline and trying to cut out the costs incurred by this body that we could well look at this reform as a good measure.

I cannot wholeheartedly go along with the Senate Amendment. I think there is need for improvement there, but I do think at this time we should take action to pass this bill as Representative Dyar has indicated, and we will have a workable tool to build on in the future. It is very difficult, extremely difficult to pass upon budgets with the present system that we have. There is a lot of arm twisting at the wee hours just before the budgets are to come out. In my estimation it is not a businesslike or a practical method. I realize that we have passed some companion legislation this year that might be helpful whereby the various delegations can attack the lines on the budget. This might add to less confusion.

Now speaking to the point of those who should control in regard to those who actually pay the bills. This is the area where the municipalities of course have to furnish the greater amount of taxes for the counties and I sincerely think that there should be more input in regard to a finance committee on the local level. Again I reiterate, I don't think that the Senate Amendment is absolutely proper, but I think it is a start, and I hope the House in all sincerity will go along with this measure this morning.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I placed some data on your desks this morning concerning the county finance committees that will be set up, and I wish that you would all look at them. I know that there is a terrific line of material being passed out these last days, but there are a couple of things I think we should look at.

In the county of Cumberland there are going to be 36 members

on the finance committee with a total of 133 votes. One municipality is going to have 98 of those 133 votes. That means that there are going to be very few votes distributed between the other 25 municipalities. This also means, I think, that the small communities will not be getting adequate representation.

The other thing is, in Aroostook County the committee is going to be made up of 69 members. Now with the road situation up there that we have heard in the past few days, I would find it very difficult to believe that 69 members are all going to be able to get together in that county, I find it very hard to believe.

We also have in Penobscot County 65 members on the finance commission. I just think this is unwieldy; I can't see all the members getting together. I think that the location would determine pretty much which communities are going to be represented in those communities that were closest to the meeting place and probably the communities closer would have more representation than the communities located farther away.

I think this is terribly inconsistent, illogical and irrational. I would hate to think the county budgets are going to be established this way.

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

Mr. DYAR: Mr. Speaker and Members of the House: I would just like briefly to answer the gentleman from Windham.

The town he represents is one of the small towns in Maine that through efforts of an organized group was asked to be included in this bill by having a member. Now the gentleman has shown that he is outvoted by Portland 7 to 1. I think that if he just looks around the House this morning and compares the Portland vote on the floor of this House compared to his one vote in Yarmouth, he is defeating his argument.

When the vote is taken, Mr. Speaker, I request a roll call.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I will be very brief, but I am kind of glad this debate has gone on so long, just because I have found out some facts that even the sponsors apparently didn't know about this piece of legislation. I am going to oppose it, primarily because I think there may be a constitutional problem here basing the votes upon valuation rather than upon the numbers of people.

In my own particular case in the Town of Orono, with the second largest population in the County of Penobscot, almost 10,000 people, but a very small state evaluation because most of the evaluation in my community is nontaxable and not included. We have a very small voice. We have only one vote, and yet when the taxes come to be assessed, there is going to be a large increment of that assessment, those taxes fall upon my property owners in my community.

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 Millinocket, Mr. Crommett, that L. D. 1983 and all accompanying papers be indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEAS — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Binnette, Bither, Bragdon, Brawn, Briggs, Bustin, Cameron, Carrier, Chonko, Clark, Conley, Cooney, Crommett, Curtis, T. S., Jr.; Davis, Deshaies, Donaghy, Dow, Dudley, Dunleavy, Dunn, Farnham, Faucher, Finemore, Fraser, Gahagan, Genest, Good, Goodwin, H.; Hamblen, Haskell, Henley, Hobbins, Hoffses, Huber, Hunter,

Immonen, Kauffman, Kelleher, Kelley, R. P.; Keyte, Kilroy, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Lynch, Maddox, Mahany, Martin, McHenry, Merrill, Mills, Murchison, Palmer, Parks, Peterson, Pratt, Shaw, Simpson, L. E.; Smith, S.; Snowe, Soulas, Stillings, Susi, Theriault, Tierney, Trask, Trumbull, Tyndale, Webber, Whitzell, Willard, Wood, M. E.

NAYS — Berube, Birt, Boudreau, Brown, Bunker, Carter, Churchill, Connolly, Cote, Cottrell, Curran, Drigotas, Dyar, Emery, D. F.; Evans, Farley, Farrington, Flynn, Garsoe, Gauthier, Greenlaw, Hancock, Jackson, Jacques, Jalbert, Kelley, Knight, LaCharite, LaPointe, MacLeod, Maxwell, McCormick, McKernan, McMahon, McNally, McTeague, Morin, L.; Morin, V.; Mulhern, Murray, Najarian, Norris, O'Brien, Perkins, Ricker, Rolde, Rollins, Ross, Santoro, Shute, Silverman, Smith, D. M.; Sproul, Talbot, Tanguay, Walker, Wheeler, White, The Speaker.

ABSENT — Carey, Cressey, Dam, Fecteau, Ferris, Goodwin, K.; Herrick, Littlefield, Morton, Pontbriand, Sheltra, Strout.

Yes, 80; No, 59; Absent, 12.

The SPEAKER: Eighty having voted in the affirmative and fifty-nine in the negative, with twelve being absent, the motion to indefinitely postpone does prevail.

Sent up for concurrence.

An Act Reconstituting and More Effectively Coordinating the Maine Commission on Drug Abuse and the Division of Alcoholism and Providing an Alternative Sentencing for Violators of Drug Laws. (S. P. 635) (L. D. 2008)

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

Thereupon, Mr. Good of Westfield requested a vote on passage to be enacted.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be brief. We haven't discussed this bill too much. It is a 26 page document with a very small Statement of

Fact. It combines the Alcohol Abuse Division and the Drug Abuse Commission. And the Drug Abuse Commission, when they testified before Appropriations on the Part II budget, other than the monies they are going to send out to communities, they are most basically interested in the judicial review of the laws. Now the alcoholic treatment part of the community have done this and they have passed their bill which is 76, and it is funded in Part II, and the Drug Abuse Commission is funded separately in Part II.

I hope some people from Appropriations will address themselves to that perhaps in a few minutes.

I feel that this is complicating certainly a very serious problem in all of our minds, both the Drug Abuse in the alcoholism and drug abuse in the harder drugs, but the alcoholic section, the people who are treating reformed alcoholics and counselors and professionals people in that field feel that at this time anyway, and this is such a long and complicated document, it is 26 pages and the Statement of Fact is two paragraphs which just simply says it combines — and I am sure the intent of this is good but I think that at this particular time it is moving too fast on a very serious problem.

I hope that you would vote against final enactment of this bill.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: I personally agree with the concept of this bill. It is probably the first step towards a more efficient organization of a human service program to be administered by the state. I am sure that both the drug and alcoholic treatment centers will be strengthened by this bill. However, I personally feel we are talking about two different things.

These two bodies should be separated. We should have a treatment center for each problem so that the recipient would be able to get the proper treatment from

those who are more qualified to give these treatments — one for drugs and one for alcoholics.

For these reasons I hope you will vote against the enactment.

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

Mr. BROWN: Mr. Speaker and Members of the House: I am not too familiar with this L. D. On the other hand, I think that I certainly would go along with the remarks of the gentleman from Brewer, Mr. Norris.

I hope you will go along with indefinitely postponing the bill.

The SPEAKER: The pending question is passage to be enacted. A vote has been requested. 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.

Thereupon, Mr. Curtis of Orono requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call vote, 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 Orono, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure that people are familiar with this piece of legislation. I discussed it when it first came out of committee. As far as I know, the only opposition we have run into at all on this legislation was from the two organizations involved which of course, like any bureaucratic divisions don't like to be interfered with at all. We have spent a great deal of time on this in the State Government Committee; we really think it is a feasible proposal and it is going to work.

Right now we have efforts of the state going in two different directions. They could, and this proposal will effectively coordinate those efforts. It will cut down on some

staff personnel, it will provide some savings to the state and it will provide better service to the people. It will interfere with a couple of small bureaucracies.

The SPEAKER: The pending question is passage to be enacted. All in favor of that motion will vote yes; those opposed will vote no.

### ROLL CALL

YEA — Albert, Berry, P. P.; Berube, Birt, Bustin, Carey, Chick, Chonko, Clark, Conley, Connolly, Cooney, Crommett, Curran, Curtis, T. S., Jr.; Deshaies, Donaghy, Drigotas, Dunleavy, Farley, Farnham, Farrington, Flynn, Gahagan, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Henley, Hobbins, Huber, Jackson, Knight, LaPointe, LeBlanc, Lewis, J.; Lynch, Martin, McHenry, McKernan, McTeague, Morin, L.; Morin, V.; Morton, Mulhern, Murchison, Murray, Najarian, O'Brien, Palmer, Perkins, Peterson, Rolde, Rollins, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Talbot, Tanguay, Tierney, Webber, White, Whitzell.

NAY — Ault, Baker, Berry, G. W.; Binnette, Bither, Boudreau, Bragdon, Brawn, Briggs, Brown, Bunker, Cameron, Carrier, Carter, Churchill, Cottrell, Davis, Dudley, Dunn, Emery, D. F.; Faucher, Ferris, Finemore, Fraser, Good, Hamblen, Haskell, Hoffses, Hunter, Immonen, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, LaCharite, Lawry, Lewis, E.; Littlefield, MacLeod, Maddox, Mahany, Maxwell, McCormick, McMahon, McNally, Merrill, Mills, Norris, Parks, Pratt, Ricker, Ross, Santoro, Shaw, Shute, Snowe, Soulas, Sproul, Strout, Theriault, Trask, Trumbull, Tynedale, Walker, Wheeler, Willard, Wood, M. E.

ABSENT — Cote, Cressey, Dam, Dow, Dyar, Evans, Fecteau, Garsoe, Herrick, Pontbriand, Sheltra, Stillings, Susi.

Yes, 66; No, 71; Absent, 13.

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

Sent to the Senate.



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

Mr. GAHAGAN: Mr. Speaker, having voted on the prevailing side, I move we reconsider our action on item 6 on page 4 and hope you vote against me.

The SPEAKER: The gentleman from Caribou, Mr. Gahagan, moves the House reconsider its action of earlier whereby it indefinitely postponed An Act Relating to County Estimates, House Paper 1549, L. D. 1983. All in favor of reconsideration will say yes; those opposed will say no.

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

An Act to Protect the Rights of Injured Persons under the Workmen's Compensation Law. (H. P. 1584) (L. D. 2011) (S. "A" S-243).

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

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Trask.

Mr. TRASK: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do not vote to enact this bill here today. In a time when we are interested in getting prompt payment to injured employees, this bill, if it is enacted, will have just the opposite effect. The bill would set up roadblocks to prevent a workmen's compensation carrier from processing a claim and making prompt payment.

I hope you do not vote to enact this.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: We deal here with a Senate redraft basically, Senate Amendment "A" of a bill that I believe had a unanimous committee report.

The problem is this, we have over the years treated people suspected of serious crimes and felonies in one way. Before they have been questioned by a police officer or prosecutor they have been informed of various rights, including the right to remain silent, including the right to have counsel, including the right to appear before the

court. Unfortunately our law has not developed the same way in regard to injured workers who have committed no crime whatsoever.

We have a situation where not all but some insurance carriers have abused their superior position and power and knowledge to deprive injured employees of their rights by taking statements from those employees which are used against the employees to defeat their claims for compensation to work injuries.

The Labor Committee sought to resolve this and they sought to resolve it in a reasonable way, which while protecting the rights of the employees would in no way hinder, handicap or delay voluntary payments.

I have the amendment before me, which is Senate Amendment "A" under filing number 243, on the second page, in the last paragraph of that amendment it states very specifically, "This section shall not apply to agreements to pay compensation made pursuant to the workmen's compensation act."

So it doesn't apply to agreements to pay compensation, it does apply to statements taken from an employee who may be untutored and unsophisticated in some cases in regard to complex problems of insurance and workmen's compensation, when he is up alone and unaided against a sophisticated insurance company.

I hope that the motion would be defeated.

Mr. Speaker is the motion indefinite postponement?

The SPEAKER: No.

Mr. McTEAGUE: Mr. Speaker, I would move enactment of the bill, and I would ask for a roll call on it.

The SPEAKER: The gentleman from Brunswick, Mr. McTeague requests a roll call.

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

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: I am in complete agreement with the gentleman from Milo, Mr. Trask. This L. D. states that the purpose is to protect the right of injured persons under

workmen's comp. Well, this L. D. not only slows down payment to the injured person, as pointed out by Mr. Trask, but adds an additional burden.

Here is a list of what an injured person or his employer must comply with as proposed by the Senate Amendment. No statement may be made to any investigator or employer unless, number one, it is in writing; number two, that a true copy of said statement is delivered to the employee by certified mail; number three, the employee has been previously advised in writing of (A) that the statement may be used against him (B) that the employer may have pecuniary interests adverse to the employee (C) that the employee may consult with counsel prior to making any statements (D) the employee may decline to make any statements, and so on, and on, and on, and on.

Now this in my opinion does not protect his rights. It imposes so many restrictions that it drives him to a lawyer for fear of being tripped up on some technicality. He can't collect for his injuries until he or his employer complies with all these requirements. It practically forces him to hire a lawyer to collect even the simplest of cases.

At this point I leave it to your imagination. I hate to use the term if it is the intent of this bill to speed up payments and to help the workingman, then it is very, very poorly prepared, as the exact opposite will be accomplished.

I hope for the sake of the workingman that has to wait for his check when he is home recovering from his injuries that this bill is indefinitely postponed, and I so move, Mr. Speaker.

The SPEAKER: The pending motion is the motion of the gentleman from Westbrook, Mr. Deshaies to indefinitely postpone this bill.

Mr. McTEAGUE: Mr. Speaker and Members of the House: I have on past occasion, I think mistakenly and to my prejudice, but too perhaps to my knowledge and benefit had an equal degree of fer-

vor as that displayed by my good friend the gentleman from Westbrook, Mr. Deshaies. I shall not try to match his fervor but I know there is one area that every member of the House shares an equal ability in, that is the ability to read. And it is a short bill, the Senate amendment, it is about a page and a quarter, and I would invite you, perhaps those of you that are as careless as I am in regard to keeping amendments in order, I would read to you what my seatmate gave me, the amendment right before me.

First of all, it is inaccurate to say that this bill precludes agreements to the payment of compensation. Look at page two of the amendment. The statement is very clear. I repeat it again, this section does not apply to agreements for the payment of compensation.

We are not talking about an insurance company that does not want to pay a claim, and is trying through the advantage of their superior knowledge and an adjuster who deals with this matter every day to possibly defeat a man's claim. We don't say the adjuster can't talk to the man at all. We do say that if he talks to him, and he wants to use what the man says against him, that because the adjuster may carry a tape recorder with him, and the injured employee doesn't happen to have a tape recorder in his back pocket, that it is decent and fair and just to give the injured man a copy of the statement that the insurance company already has. And we also say that the injured employee who does not have a lawyer or who is not sophisticated or claims conscious could be advised of his rights.

If he has a lawyer he doesn't need this bill, but the employee who is sitting down, who is used to shoveling sawdust outside some mill rather than dealing with claims and workmen's compensation every day, when he comes up before an adjuster he needs this bill to equalize the score.

I guess the best way really, ladies and gentlemen, is to read the bill and consider if you will the

fact that the way the law is now, the only way an employee can learn of his rights is to retain a lawyer. With this bill he will have at least in the simpler cases the knowledge provided to him without the bother to retain counsel.

The only thing that bothers me is why some gentlemen who have experience in the industry seem to be so very concerned about this bill. I had thought when the Labor Committee developed this bill that there was a problem only with the small minority of insurance companies but the fervor of the opposition indicates there may be an even greater need for this bill than we originally estimated.

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

Mr. ROSS: Mr. Speaker and Members of the House: I have always supported equitable changes in both the employment security laws and the workmen's compensation law. This particular law as amended will have no adverse effect upon the employer and does not affect the usual claim made by the employee.

If we have compassion for the injured workingman, we should go along with this amendment. This bill as amended does just this, it protects his rights. It guarantees what statements will be admissible as evidence. It protects him from insurance lawyers who want to defeat his claim.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly. There was nothing in the testimony on this bill that would indicate this would add to the delay in the processing of a claim, but that it would add to the protection for the individual. I support Mr. McTeague.

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

Mr. BINNETTE: Mr. Speaker and Members of the House. Being a member of that Labor Committee, we heard that bill, and to be frank with you folks, I was very compassionate and I still am. I believe that our injured people, in

some cases, need a lot of protection, because when they do not know exactly what position they are in, and some of these adjusters come along and they sell them a bill of goods and they sign their name to a document, they are left, in my estimation, holding the bag. I really believe very much in opposition to what the good friend of mine from Westbrook stated here. He went at it in quite a style. I thought we were in a court room for a minute there.

But, nevertheless, I still think this amendment is a good amendment, and it isn't hurting anybody, it is just giving the injured employee a better break and a chance to protect himself, and that is why I supported it.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Ladies and Gentlemen of the House: The bill before us today is a very important bill, and it received the unanimous report of the Committee on Labor of which I am a member.

The amendment before us only clarifies the existing legislative document before us, and it was presented by the chairman of the Labor Committee of the other body. It was decided by the Labor Committee in Executive Session after careful evaluation that we should protect the rights of employers under the workmen's compensation law. I feel that this bill will do so. So I urge you to defeat the pending motion so that we can accept and enact this important piece of legislation.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I have worked in industry all my life. I have worked under compensation laws, and even with my own experience in the legislature, I can be perfectly frank that I really don't even know today what real benefits I might have if I were injured. Fortunately, I have never had an injury during all of this time.

In reviewing this, it appears to me it parallels a great deal the

decision of the United States Supreme Court some years ago in granting a criminal certain rights under arrest. I know that not too long ago a friend of mine called me and wanted to know something about his rights under a workmen's compensation situation, a fellow who had never had any injury in any way. He had been with the company as long as I had and he really did not know his rights. I did get a copy of the workmen's compensation law and sent it to him.

I don't see anything basically wrong with either an insurance company or a company that an employee works for having to at least inform the employee what his rights are in case of an injury under workmen's compensation.

I fail to basically see anything really wrong with this amendment, and I hope that the amendment and the bill do pass.

Mr. McTeague of Brunswick 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 Westbrook, Mr. Deshaies, that An Act to Protect the Rights of Injured Persons under the Workmen's Compensation Law, House Paper 1584, L. D. 2001, and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Deshaies, Hamblen, Henley, Jackson, Kelley, Knight, LeBlanc, Maddox, McCormick, Parks, Pratt, Sproul, Trask.

NAY — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Binnette, Birt, Bither, Boudreau, Brawn, Briggs, Brown, Bunker, Bustin, Cameron, Carey, Carrier, Carter, Chick, Chonko, Churchill,

Clark, Connolly, Cooney, Cote, Cottrell, Crommett, Curran, Curtis, T. S., Jr.; Davis, Donaghy, Dow, Drigotas, Dudley, Dunleavy, Dunn, Emery, D. F.; Farley, Farnham, Farrington, Faucher, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Haskell, Herrick, Hobbins, Hoffses, Hunter, Immonen, Jacques, Jalbert, Kauffman, Kelleher, Kelley, R. P.; Keyte, Kilroy, LaCharite, LaPointe, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Mahany, Martin, Maxwell, McHenry, McKernan, McMahan, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Perkins, Peterson, Ricker, Rolde, Rollins, Ross, Santoro, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Stillings, Strout, Susi, Talbot, Tanguay, Theriault, Tierney, Trumbull, Tyndale, Walker, Wheeler, Whitzell, Willard, Wood, M. E.

ABSENT — Bragdon, Cressey, Dam, Dyar, Evans, Fecteau, Huber, Lawry, Pontbriand, Sheltra, White.

Yes, 13; No, 125; Absent, 12.

The SPEAKER: Thirteen having voted in the affirmative and one hundred twenty-five in the negative, with twelve being absent, the motion to indefinitely postpone does not prevail.

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

An Act Relating to the Terms of the Commissioners of the Departments of Health and Welfare and Mental Health and Corrections and to the Constitution of those Departments. (H. P. 1621) (L. D. 2039).

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.

The following Enactors appearing on Supplement No. 1 were taken up out of order by unanimous consent:

### Passed to Be Enacted

An Act to Increase Benefits and Reduce the Waiting Period Under Workmen's Compensation (H. P. 618) (L. D. 816)

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

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

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I rise today not as a majority floor leader but as an individual who is really concerned about this bill, its impact and its future impact on this state. I feel very strongly about us talking about an issue, such as equalization of education, under the guise of property tax reform. If we are going to talk about equalized education then I believe we should talk about equalized education. If we are going to talk about property tax reform, then I believe we should really talk about property tax reform or better yet, property tax relief, relief that is guaranteed.

If we want to talk about equalized education, I would like to just quote to you from a study that was done some time ago — not some time ago, quite recently, in fact. It was a commission that was appointed by the federal government to study the impact of putting money into education hopefully to equalize it. This came about especially because of the problems of our poor people in the ghettos and so forth as to the determination of it. It goes something like this: There was no statistical data available to prove the charges, and the charges were that money actually did equalize educational opportunities, but they seemed plausible enough and were widely believed. It would establish once and for all the existing discrimination against children from low in-

come backgrounds. Congress ordered in 1964 Civil Rights Act a comprehensive survey be undertaken to form the basis for future legislative corrective action. Some grumbled at the time that it was a waste of money to spend 1.25 million to find out what had long been common knowledge, but the survey was undertaken anyway, the most extensive ever of American schools, by James Coleman, a sociologist from Johns Hopkins University. The results surprised Professor Coleman and everybody else, with the exception of a few heretical researchers who had been saying so right along.

Coleman summarized his findings. The evidence revealed that within broad geographic regions and for each racial and ethnic group, the physical and economic resources going into a school had very little relationship to the achievements coming out of it. Stop and think about that a minute. He said, "The physical and economic resources going into a school had very little relationship to the achievements coming out of it." He concluded that, "If it were otherwise, we would give simple prescriptions, increase salaries, teachers' salaries, lower class size, enlarge libraries and so on, but the evidence does not allow such simple answers."

Ladies and Gentlemen, we are talking about funding for this particular package. I would like to personally see the funding right in here. I don't care where you look. Down the road someplace, there is an increase in the income tax to fund this package. If you will remember, the Part I and the Part II budget are a one-year budget only. In January, we will be coming back here, and we have got to fund another part of that biennium. We do not know what the outcome is going to be between now and then. We are not sure of what we have in revenues coming in. We are talking about balancing budgets by increasing revenue estimates. Therefore, we have got this thing hanging over us.

Under the guise of an amendment that would not lock in the 107th Legislature, we are saying, in fact, in the 107th, it will not be

the intent of this legislature that they have to increase the cost of education to equalize it — increase it up to 60 percent. But what about the so-called \$24 million that people are saying is floating around here? What if it was put in there right now? Where does that \$24 million come from in the 107th? I tell you it is going to come from an increase in the income tax, and we should tell the people that right now.

I have never seen a bill yet that has ever really gone on the books with the understanding that in the 107th, if it is not the intent of the legislature to continue it, they can take it out and then have it actually done. Very few bills are ever removed from the books once they are put on there.

There are two other items in here that I would like to take and call your attention to. One is the full cost of transportation. Let me give you an example in my own school district. We are in double sessions. I happen to live in one end of town, and I realize that because I live on the extremity of town — I enjoy living there, and I, therefore, don't argue with the fact that some of my kids get on the school bus at six o'clock in the morning and ride the bus for an hour or an hour and a half. We do that because our school board happens to be very conservative. We have very conservative people in our town concerning the cost of education. They want to control it at that level. Therefore, I feel if it is in the best interests of our taxpayers in the town, then fine, I will let it go; but if the state is going to pick up the total cost of transportation and they are going to have the determination in the plan that is submitted to them, then I will guarantee you, our school board will re-submit another plan, and they will lay it on the line that children shouldn't be riding on the busses more than an half an hour or forty-five minutes. We will get new busses, no doubt.

Let's face it, the education community is behind this package. They are the ones that are supporting it. They are the ones who have really drafted it. They have had outside help, granted; but

when we start to lay the control and the approval of plans over in that Department of Education, I am going to tell you the local people are going to lose that control.

Let's look at the total cost of school construction as we pick up all past indebtedness and we start to pick up all future indebtedness—my district is building a new high school right now. Fine, the state is going to pick up the cost of it. All right, what else is going to happen? As they pick up that cost, we suddenly realized, too, in the district that even though we have a new high school going on, that we are still probably 20 classrooms short right now. You think we are not going to put in a plan to have a new school built down there so that we can have a 20 to 1 ratio or a 25 to 1 ratio instead of us determining that we are satisfied with a 28 or a 30 to 1 ratio? This is where the danger in this bill comes in.

The State of Maryland tried this. They tried to pick up the entire cost of school construction. When I served on the Education Committee in the 105th, I got intrigued by that bill, so I started to communicate with the people in Maryland. Within a matter of months, they had a call to go into special session and repeal that law and take it off. Why? For the simple reason that all of a sudden the criterion was established that you have a certain teacher-pupil ratio. All of a sudden they got involved with the state participation in school contracts. So what happened? Every single municipality started to put in for new schools to bring this thing down. Sure, if one school already had a swimming pool, the other one wanted it. If they had an observatory, the other one wanted it. Within months, the State of Maryland nearly went bankrupt.

You just take a look at this thing, and when we start to pick up the entire cost of transportation and the entire cost of school construction, I say that we are headed down a dangerous path. This is a dangerous path to be following. If we want to talk about property tax relief, then I am willing to discuss it all day long, and I am

willing to push my vote yes to put the income tax on it and shift it, but I am not ready right now to take and push my vote yes on this bill when I realize the dangers that are down the road when we are talking about equalized education and not property tax relief.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: From the very beginning of this legislative session, I have been concerned over what I consider to be a thinly disguised attempt to mislead not only members of this legislature but more particularly the people of the State of Maine. As the weeks have grown into months, I have become even more concerned to the point where I can no longer keep my doubts and my feelings to myself. I say to the members of this House and to the people of Maine, the use of the words "tax reform" that has been repeatedly passed around for public consumption amounts to almost gross deception.

What has transpired amounts to a comparison with a Madison Avenue advertising theory that the more you repeat the name brand or theme of the subject, the more it becomes firmly implanted into the consumer's mind. Again and again in the past several months, proponents have been drumming into our minds that they have a real tax reform package, and this is what they have.

I am this morning, because I have served for many many years on the Appropriations and Financial Affairs Committee — and I am speaking for myself as a member and not for anybody else — I am going to give you some figures which when I get through — and I finally have checked for accuracy — actually, really shocked me. I would like to have you follow me very very closely. I do not have any copies to go around. I can have some made for anybody who would want some later on. I would like to give you exactly where we stand now, where we will stand without this

package and where we will stand with it.

As you know, and it was my proudful moment after many many hours of studies and the proof of the pudding is just looking at my budget book — I didn't exactly get it in this kind of shape by just looking at it — came up with the idea of a one-year budget. I submitted it to the chairman of the full committee and then took it up at length with the committee itself, and then the leadership met. In any event, it was accepted for the reasons that we were coming back anyway. I have my doubts as to what the economy is going to be by January. I have serious doubts that the estimated revenues even as cut back will hold, and I also want to know what we are going to come up to insofar as the result of the management cost survey committee is going to be. This should hit our hands around the 10th of September. It is the thinking of the chairman of the Appropriations Committee to study that and other programs whereby we might be able to perpetrate some savings.

I would like to have you keep in mind when we talk about — we see headlines the first couple weeks of the session, Governor proposes 450 or 500 million dollar budget. This is a myth. If you look from page 30 to page 70 of your budget book, you will find special revenue accounts which have grown in leaps and bounds to the unbelievable amount of a half a billion dollars. Adding the Governor's proposed budget, nearly half a billion dollars, and the dedicated revenue amounts, highway and fish and game and the like, we actually have in Maine a budget, unbelievably so, of a billion 300 million dollars.

Now, going back to the picture as we are now — and I am using now first year figures for '73-'74 — the estimated revenue of Part I, the amount of \$248,100,000. The budget that was enacted was \$221,200,000, which left us with a balance or leaves us with a balance of \$26.9 million. The unappropriated surplus is set at \$35 million, and the reason that I am doubtful of these figures is that if

you read on page 6 of your budget — and I happen to call this page out because it was worn out in my book — you will indicate that the actual of that part of the budget of revenues was 36 raise — hike I mean was estimated at \$33,500,000. The departmental request for '73 was 42 million, for '74 was 46 million, and the budget recommendation was an unbelievable amount of 50,500,000 for the first year and 50,600,000 for the second year. Nevertheless, I am leaving that figure of \$35 million in there which gives us an amount of 61.9 million. The Finance Office has gone me one better. They have increased the unappropriated surplus by 3 million in the last few days, which gives us a total of \$64,900,000.

Since then, we have or eventually we will in here submit to you a cutback, in my opinion, a great deal — although maybe a little more should have been cut back — in any event, a Part II budget of \$10 million, which leaves us with 54.9 million. We have already enacted the 23 million capital construction budget which leaves us with 31.9 hundred thousand dollars.

L. D.'s, we have 216 L. D.'s on the table amounting to anywhere between \$30 million and \$40 million. The assumption is that we will pass \$5 million of these, which would leave us with 26.9 hundred thousand dollars.

The salary increases, which is already signed into law, amounts to \$3,500,000, which leaves us with \$23,400,000. The decrease in the revenue estimate, as agreed upon by all the areas within the financial field of the legislature, amounts to \$6,700,000, which leaves us with \$16,400,000.

The appropriation already made for adjustments in the Health and Welfare, the Indians and these other areas amount to about a million 200 thousand dollars which leaves us with a total of \$15,200,000 for the first year of the biennium.

Now, going into the second year of the biennium, which we will start working on in January, we have \$265.4 million for estimated revenue. The estimate of the cur-

rent services budget for that second year is \$240,300,000, which gives us a balance of \$25 million.

The Part II budget for the second year again will be around the area of \$10 million, which now leaves us on a base of \$15 million. The L. D.'s will be about \$5 million, which leaves us with \$10 million. The salary increase is \$5 million, because we funded only the first year only on a  $\frac{1}{2}$  level, as a matter of fact, is \$5 million which leaves us \$5 million.

A decrease in the revenue estimates for the second year is \$6,900,000. We now start being in the red by \$1,200,000. However, we are going to get about \$2,100,000 in inheritance tax upwards so we are back at plus \$900,000.

Now, if we pass this amended version through the Bither amendment of L. D. 1994, it will cost us for the second year of the biennium \$24 million, which now puts us back in the red to the tune of \$2,300 million, and I want you to follow these figures very closely.

Now we are going in to the second year of the biennium starting out with \$23,100,000 in the red. The increased costs of government, not including any salaries or any emoluments or anything, is \$25 million. That leaves us with \$48 million in the red. The full implementation of L. D. 1994, \$89 million plus. These are their figures, I claim it is more, but I am using their figures of \$89 million.

So I add this \$48 minus, plus \$89 million leaves us with \$137 million. Adding to this is the complete funding of the salaries, because there are buildings in there, and we only funded  $\frac{2}{3}$  of the package anyway. You add \$10 million to that, it leaves us with a minus of \$147 million. We estimate that the increase of revenue will be \$40 million, so that if you subtract that \$40 million from \$147 million, it leaves us with the incredible amount, just to keep the store open for the next biennium, of \$107 millions of dollars. You add to that the normal salary raises, the new programs, the H and W programs, the emoluments that we give in the various 100 departments that we have, and I have estimated that at a very low sum of \$60 mil-



lion. It leaves us then to finance to the tune at the 107th Legislature of \$167 million. We then have three weeks to do it. We can two and a half times — operate two and a half times more on the corporate and personal tax which would bring it up, the personal, to 15 percent and the corporate tax to 10 percent, or we can raise the sales tax 3½ cents based on the fact that each cent of the sales tax yields us \$50 million, or we can give a little of both by doubling the income tax and raising the tax on sales to the tune of 1½ points; that is, in other words, 6½ percent.

Now, I am as interested in taxation and relief as much as the other individual. However, I want to ask any member of this House what positive assurance that the passage of this bill will give in hand, in their hand to the property tax owner money?

I asked one person the other day, a member of this House, a proponent of this measure, what about the millions who pay rent? The answer to me was, "The landlord will lower the rent." That was the end of the discussion.

I say that we are now trying to operate government by gimmicks. This is a double Sinclair Act. This is a double school subsidy act, and make no mistake about it.

I am not going to go into the fact that it does absolutely nothing for my community, which, incidentally, is the second largest tax paying area in the state. I am going to touch, however, on my community in Lewiston by saying this: The State of Maine had its own revenue sharing program by giving 4 percent of the yield of the sales, of the yield of the corporate, of the yield of the income tax back to the cities and towns. My community got about a quarter of a million dollars. Then the federal government gave my community a million five hundred thousand dollars from the federal government through revenue sharing. Yet, this year my community raised the tax rate 1.8.

I shall vote for a reform of taxation programs which means relief when it has been proven to me positively and absolutely that

the money that is given in so-called reform is given into the hands of the people. Now, we of the 106th are truly a responsible group, and I certainly hope that we will remain that way. We have had a pummelling, an absolute pummelling of a one-way program, one-way tax reform; tax reform of what, tax reform of juggling of taxes, tax reform, of robbing Peter to pay Paul? We are heading for Sophie William days in Michigan, and we are heading there fast, and the figures that I have quoted you I did not get out of thin air.

I have had this program for 11 weeks. I have had it drafted and redrafted at least 20 times. The figures that I have quoted to you were the final draft that was made up at three o'clock this morning and checked out with our finance experts in the state.

I say to you and to the proponents of this measure, if you vote for this measure, you are hooked in with a \$23 million deficit at this session; you are hooked in for a tripling — two and a half times the income tax at the next session of the legislature in corporate tax or 3½ cents on the sales tax or a combination of both. Is this what we call tax reform?

I have gone to people, and I have gone to people in my area in an objective fashion. I have left a text of this proposal with them in several areas, and I have not even talked to them about it. I have asked them, "Will you please read this? If you approve of it, tell me; if you disapprove of it, tell me by just putting your name on the back, approve or disapprove." I have had not one person, not one single person, who has raised his voice in approval of this program.

Now, when we first had the Sinclair Act so-called, the first subsidy program, it cost my community a tremendous amount of money, and I was highly criticized for voting for it. As a matter of fact, I was one of the leaders of the program, because I felt that it would help the smaller communities better themselves in the field of education. We no longer,

in this area — it took away the \$3 per pupil and based on that, with our tremendous amount of school students, it is understandable that it cost a lot of money.

My community is no longer a wealthy community. We need help, and we need help badly, and one way that we don't need help is affairs like this. The figures that I have quoted to you are honest figures. I have been here too long and I have too much pride in the seat that I hold to go along and falsify and oppose measures that I know are good.

So far, this legislature — contrary to what people think — has had an excellent record in passing legislation that is good and in stopping legislation that is bad. And as far as 1994, as far as I am concerned, the buck stops here.

Mr. Speaker, I move that this bill and all of its accompanying papers be indefinitely postponed, and when the vote is taken, I proudly want to go on record by asking for a roll call.

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

**MR. MARTIN:** Mr. Speaker, Ladies and Gentlemen of the House: There has been no issue during the last campaign and throughout the years since that time, that people have been so concerned about than this one. Individuals throughout the state have discussed the problem. Today we are faced with a decision that is going to affect the course of action that we are going to have to take. We have to decide whether or not we are going to pass a bill that is going to try to solve some of the problems that people are concerned about, and when we make that decision, all of us want to be sure that we do not bankrupt the state, that we do not create a problem that other legislatures are going to be faced with; and at the same time we want to do what is right and what people want us to do.

I have approached this problem from what I hope to be a reasonable and a realistic attempt to find out where we are going and where we ought to go, whether we call it reform, repair or shifting

of the burden, call it what you might. This is something that people are concerned about.

I have been a member of this legislature for five terms, and at the end of the legislative session, I have heard the gentleman from Lewiston, Mr. Jallbert, give us the doom and gloom forecast of how we are going to come back here and we are going to be faced with deficits of 50 to 60 million dollars. I well remember the last session when I went through this and I listened and lo and behold, the deficit is not with us this year, but instead we have a surplus.

Every single time that I have been here in five legislative sessions, the estimates that we have received from the Finance Administration Office in terms of available funds have been correct. And as a matter of fact, if anything, they have been under estimated. Over and over and over again the facts bear that out. There is no question that this type of legislation is going to cost extra money, but I do want to spend just a moment talking about this document. This bill does not go into effect for this year of the biennium, it goes into effect for the second year.

There is money, contrary to what the gentleman from Lewiston said, in this biennium for the programs, even if you have to take the most conservative estimates of the available money that we have in this state. You have had something distributed to you something which I have asked to be distributed to you for the various methods of what could be used if you say that the estimates that the Governor has used are wrong.

I was here in 1965 when the gentleman from Lewiston recommended we raise the estimates of the Taxation Department in order to fund an additional program. Those estimates were raised by legislative order by request of John Reed, the Governor of the State of Maine. He felt he did not want to take the responsibility alone or simply by a letter, and so the legislature passed an

order raising those estimates and approving of the raise in estimates. We are not even being asked to do that. The department and the Governor are saying the money is here. Let me point out to you that in the sessions that I have been here, that has never been wrong. The money has been there when they said it was there.

In reference to available funds, the gentleman from Lewiston indicated that we would be using \$5 million for L.D.s. That to my knowledge had been decided that we would be using somewhat a little less than \$3 million each year of the biennium for L.D.s. That has been a known factor and it has been advertised in the newspapers and distributed among the members of the legislature.

Let's take a look at the program that we are embarking on if we are to embark upon it. It is an attempt to try and leave local control where it is. People say that we don't know what local people are going to do, and yet most people—and I would think that 95 per cent of the members of this House would be opposed to a mandation of imposing something upon the local municipality because we believe strongly that we ought to let that decision be made locally.

The gentleman from Lewiston made an excellent point in reference to revenue sharing. Here is an example of money that was to go unattached to municipalities. And if you take a look at the survey that has been done, of what municipalities have done with an awful lot of that money, you will find that it did not all go to lower taxes. As a matter of fact, a very small portion of it went in that direction. An awful lot of it went to programs that were unrelated to municipal government, and at times the buying of new trucks and snow plows were priority items over people.

We have a program here that money is going to go to the municipality to be spent by the municipality and to be used by them. If we do not have faith in the elected municipal officers to do what we know is right, to have

them lower taxes from the remaining funding that they will now have to take on, then we have little faith in elected government and they might even say that they ought to have little faith in us.

I believe and I believe strongly that the way to try to solve the problem is through this method. Some people have indicated that there are other things that can be done, yes, but some of those cannot be done now. We have to wait until we have a better assessing method. We have to wait until we have a system statewide that is going to give us a better approach.

As you see it and as you listen to the debate today, please vote on the merits of the legislation and please do not vote with the fear that the money isn't there because I can assure you that in the five terms that I have been here that the estimates provided by the Department of Finance Administration and used by the Governor of both political parties have been right.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I would like to pose just one question to the gentleman from Eagle Lake.

The SPEAKER: The gentleman may pose his question.

Mr. KELLEHER: In his remarks he said that the money is there. Why not show the House where the money is?

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I will respond only to the question because I may want to speak later. To the gentleman from Bangor, Mr. Kelleher, I would remind him of the four pages that were given to him yesterday and to use the estimates that are provided for in the budget document and the material that has been supplied to him by the Gov-

ernor's office and by the Department of Finance Administration.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: I defy any member of this House to go down to the Department of Finance and Administration, our own department and say that my figures are wrong — any member of this House, that's number one.

Number two, I am not taking anything away from the Governor's budget in this thing, and number three, the gentleman from Eagle Lake mentioned here about us knowing that we would have \$3 million spent in L.D.s and it was distributed to us. What member of the House has been told by anybody on the Appropriations Committee how much was going to be spent for L.D.s? If they have been, it is news to me and I am on the committee.

I don't know anything about \$3 million or \$2 million or \$8 million. I just assume under past performances that it is going to be in the area of \$5 million, and I am told by the chairman of the Committee that those figures are pretty good as of about an hour and a half ago, as well as the one gentleman that we paid to work for us as well as the director of the Finance Committee.

Insofar as projections are concerned and conversations are concerned wherein it involves the figures that I have used in the past, I can remember opposing the income tax because it would bring too much money and it would bring too much surplus and that surplus would be spent and spent and spent. And we have been on that spending spree for a long time.

Two years later, my figures somewhere along the line must have been accurate, because we drew about 32 or 33 million dollars and we drew then about \$28 million from the corporate and the capital tax and we wound up with a \$26 million surplus. So somewhere along the line, my thinking, in that I was not against the concept of the corporate and personal

income tax, my thinking that it would bring too much money must have been right when we brought back as much of a surplus as the tax did yield to us.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: I have more than a passing interest in this bill because this bill is the bill that I sponsored initially as 1617. It was rewritten in the committee and it was brought out as 1974. I want to make my position perfectly plain. I am 100 percent in support of the bill. I believe the time has come for its passage and I believe that the thing that we have to address ourselves to now is the funding and the financing. I am not quarreling with Representative Jalbert's figures; however, I do think that they require some explanation, more than we have had up to this point.

In the first instance, looking at this biennium, the second year of the biennium, if we pass the bill, it will have to be funded. The disagreement on funding basically lies in a disagreement as to what is a true estimate of our financial position. It ranges from a \$14 million available to \$27 million available. If we come back in the special session and find that the \$14 million is, in fact, a legitimate figure, very obviously we are then going to deal with a revenue gap.

I think all of us are sophisticated enough to know that probably the method of funding that we are going to have to resort to is an increase in the income tax. So judging the most conservative estimates, you may be faced with a gap between \$19 million and \$24 million.

Moving on to the next biennium, I want to give you about four or five figures. I think they may be helpful to you if you jot them down. The best estimates that are available in the state by the people who in my opinion are the best able to make these estimates correspond very closely with the figures that Representative Jalbert has given you this morning. However, I think the distinction that

is important to be made is this, that whether we pass 1974 or do not pass it, we are probably going to be faced when we come back in the 107th with a need to finance approximately \$50 million, because if the increases that are built into our state system are taken account of, increases in revenues on an estimated basis, we come up as of right now, the best judgment is that we are going to be faced with a deficit of approximately \$50 million.

So I think that part of our judgment this morning should be that in any case the 107th legislature is going to be faced with the necessity for finding increased revenues.

I think now that our judgment gets down to what is the real impact of this bill going to be in the next biennium? As of this moment, I have been unable to get a firm estimate or a firm figure from any source. The one that has been used, as Representative Jalbert indicated, by some sponsors of the bill and others is that advancement of the impact is somewhere in the area of \$89 million.

I think you should vote for this bill, knowing that if the most conservative estimates prove true, for the second year of this biennium there is the possibility we may have to raise some additional revenue.

I think that you should vote for it, knowing that if we do implement it the 107th most surely will have to find increased revenue sources because even without the passage of this bill we are going to have to face up to finding additional revenues somewhere in the order of \$50 million. Again, I think that you have to place this figure against an additional figure that was used here this morning, knowing that in effect, our state budget is really in excess of a billion dollars in a biennium.

We deal here with the undedicated part of the revenues and allocate them through the appropriation process and allocate highway funds and so forth, but there are a tremendous number of special revenue funds that, as Representative Jalbert indicated,

our total budget for the biennium is in that area. In my best judgment that is what is facing us in terms of financing on this bill. I think you have to put that over against what I believe the majority of the people here recognize, the absolute necessity, first of all, of affecting some property tax relief, and next — and to me at least equally as important — to provide an equalization of educational opportunities throughout the state.

The bill that I sponsored and which is now before you in the redraft out of the committee was written, basically, in my view, by people who are extremely competent in the field of education, and it is a complex and a complicated field. It was written by Sawin Millett. It was written by John Salisbury and by Asa Gordan. They collaborated on it after many hearings and a great deal of work, and I think it is a good vehicle. I think the time has come for its passage, but I think that we should pass it with a firm background that implicit in it is the necessity for us to find additional sources of funding it at the state level.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to oppose L. D. 1994. I do so obviously, as a representative of the people of my town whose interests will be seriously affected by the passage of this bill. We will, in short, be badly hurt by the passage of this measure, and instead of property tax relief, the people of my town will only know a property tax increase.

I can hear the silent snickers already of those who will say to themselves, well, my heart doesn't bleed for you rich towns, you have had it pretty good all these years.

I don't know whether my town is a rich town or not. I know that we have had considerable dispute with the state on our valuation, but I do know that most of the people in our town are not rich nor are they out-of-staters who have come just for the summer. They are

mostly working people, middle income people; and like other towns in Maine, we have our proportionate share of poor people, of elderly, of widows, of unfortunate people just trying to scrape by.

When I oppose this bill, it is these latter people I am thinking of. I am thinking of one particular elderly lady whose yearly income is about \$1,600 and whose property taxes on her ancestral home come to more than \$400. She is so hard-pressed that on her birthday, her son, who also has a minimal income, gives her a sirloin steak as a present, because otherwise, she is never able to afford such expensive meat. Why doesn't she apply for property tax relief for the elderly you may ask. Good question. I have tried to persuade her to do so. Her son has tried to persuade her, but this lady is over 80 years old, and she is both proud and suspicious, and we have not yet been able to persuade her to apply for property tax relief for the elderly. So I am thinking of her when our local taxes will go up.

I am thinking of a young divorcee whose husband has abandoned her and her children, who is struggling to keep the payments on her house so she can keep a decent home atmosphere for her children. I am thinking of a friend of mine whose husband recently died after a long illness, and whose social security disability payments she no longer has to supplement the income she gains by working six days a week. She can't meet her bills now.

I realize that these cases can be duplicated in every town in the state, and that a major premise of L. D. 1994 is to help such people; but while they will be helped in most communities, they will be severely hurt in some 66 communities throughout the state.

The gentleman from Strong, Mr. Dyar, has made very clear the difference between property tax relief and property tax reform. Reform will not necessarily mean relief. In 66 communities it will mean hardship. For all of Maine, it will, apparently after the first

year, mean an increase in the income tax.

We have talked about the Homestead Exemption Act as a possible vehicle for bringing property tax relief, genuine relief, and bringing it to all taxpayers.

The objections raised to this approach are all valid. The Homestead Exemption Act does not address itself to the equalization of educational opportunities. That is entirely true. It does not eliminate tax havens. That is entirely true. It perpetuates inequities both between communities and within communities, and that is also similarly true, although less true because those in the towns with higher tax rates will get more relief.

Yet, most importantly, the homestead exemption will do one thing, it will give the people of Maine some credence in our announced intention to do something about the property tax. It will put some money, some hard cash in their hands. It will make believers of them, and that is something that 1994 cannot guarantee even for those towns that will benefit from it.

The 105th Legislature passed a property tax relief for the elderly bill that also perpetuated the inequities of our present property tax system, but if it did nothing else, this bill broke the ice in the matter of property tax relief. It gave money to the elderly, it overrode the suspicions of most of them, even if my 80-year-old lady in York wasn't convinced. Also we were able to see the problems with working out property tax relief and to devise workable corrections. This legislature has revised the property tax relief to the elderly bill and has come out with a fair and more equitable formula.

I suggest that we take this more cautious but perhaps more practical approach to the question of property tax relief and give all of our people something instead of hurting some at the expense of others and promising more than we can perhaps deliver.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I just briefly want to go on record explaining the position that I am going to take on the vote on this bill. I am going to vote against the bill. One of my reasons is that it is not tax relief for three of the towns that I represent. Three of the small towns that I represent under this print-out we have been furnished actually receive less money if we pass this than they are now receiving. The other towns do benefit slightly but not very materially.

The other principle I think was gone into at great length. The other reason that I opposed this was gone into at great length by our majority floor leader, and he pointed it out so well that probably it is not necessary for me to mention it. In my mind, the basic idea behind this whole thing is not sound financial or any other kind of thinking; and I explain my position this way, that I do not believe that you can limit the amount of money that each individual municipality is going to furnish for the cost of education and with the understanding that the rest is going to be provided for the state and ever hold the cost of education within reasonable bounds. I assume that some of these who are for education all look upon this as a very weak argument. To me it is a sound argument. I think our costs have increased since we have instituted the Sinclair Law pretty much on the same idea.

With these few remarks, I have explained my position to my constituents, and I am going to vote against the bill.

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

Mr. SILVERMAN: Mr. Speaker and Members of the House. As a proponent for property tax relief to the homeowner in the State of Maine, which means when they get their property tax bill this coming year and in the future, they see a reduction in the size of that bill to the extent it can be a help to them in affording to own their own property, their own homestead. I cannot favor this

present bill as a property tax relief measure.

One thing that I think disturbs and can disturb many people in this House — the major issue here is property tax relief. Many of you legislators here have come to me after I spoke twice on the homestead approach and agreed that this will directly give the homeowner in the State of Maine tax relief. How do we go about getting this bill passed at the homestead approach? This, of course, is up to leadership and you as legislators. But one thing is for certain — and you can go down into the library here, the law library, and you can read the homestead approach in the State of Florida. What is required is somewhat simple. It is an application, and the application says thusly: "The Department of Revenue shall furnish to the assessor of each county" and in our case it would be each municipality, "—a sufficient number of printed forms to be filed by taxpayers claiming to be entitled to said exemptions." Then it says, "I hereby make application for an exemption from all taxation after the valuation of \$5,000 on the following described property." The title is in whose name, and with this and your signature, if passed in the State of Maine, you would be entitled to a \$5,000 exemption which is likely to mean \$200, if you are under a 40 mill tax base to every property owner in the State of Maine, and if we can't afford it, as many people have said, with our present funding, then we can cut this to \$2,500 by an amendment they would possibly receive \$100 less property taxes in our State of Maine. And this to me — and I do not see how anyone can dispute it — is property tax relief where it belongs.

It also does something which 1994 doesn't do and why I am opposed to it. Under 1994, the big shopping centers in this state, the industrial complexes in this state, the people who have very expensive tourists — or places to reside in the summer in this state are going to get the same tax relief as the property owner homestead, and they don't need it. It

is the people who own homes that need it in this state.

The second thing which was mentioned here that really disturbs me, that under 1994 there is no — I would say no guarantee that the municipality would take these funds for property tax relief and give it to the homeowners. There is no guarantee of this, and we just went through having a 4 percent tax revenue given to our whole municipalities. And how much tax relief did you get out of it? Can any of you show a reduction in your property tax? In my opinion, the fairest bill, if you are talking property tax relief is the homestead approach; and if we want to leave here in sincerity saying to our people back home we have given them a law where they are getting property tax relief, we have got to take the homestead approach, and if anyone wishes to disagree with me, I wish to hear it.

Therefore, I would hope for the sake of property tax relief, you vote against 1994, if that is correct; vote yes for the indefinite postponement as Representative Jalbert has made the motion, and we go about giving property tax relief through the homestead approach.

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

Mr. McTEAGUE: Mr. Speaker, Members of the House: My good friend, many of whose sentiments I share, the gentleman from Calais, Mr. Silverman, would say that I do not view these bills in this antagonistic way. Both of the bills, both the educational funding bill and equal tax efforts bill which is before us, and the homestead bill, like any men together can create, have defects. There are many criticisms, some of which can be changed by amendments, and there are inherent things that exist and that are undesirable in some context.

I do not agree with my good friend in regard to the contention that equality of educational opportunity is not an issue of tremendous importance and magnitude, at least to those of us who have children of an age where

they may be attending public schools.

I would like to digress for a moment, Mr. Speaker, and mention some personal reasons why I believe, as I think we all do — it is almost an American slogan — but why equality of education opportunity means so much to me and why even though I recognize the defects and, in a sense, some of the injustices in the bill before us as it affects certain municipalities with large parochial school populations, I wish there were some way around it. We tried a way around it sometime back, but the courts blocked it; and like it or not, that is not open to us.

I attended grammar school at parochial school where there was no tuition paid. It was supported by contributions to the church. We had often in the high 50's or low 60's in a class. We had some wonderful ladies, dedicated nuns, who had given their lives to the education of the children, and they did some things for those children that no Ph.D. can do. Although money itself does not mean a good education, as a person that came out of a system like that, an absence of money means that even with the best help available — and these dedicated nuns were it — you still could not have a completely well-rounded education.

You don't have to attend a Catholic school to have that problem. If you come from a so-called poor town in Maine where you do not have enough in the way of funds to educate those children, their education will not be rounded, it will suffer.

I am often reminded of the article in the Maine Sunday Telegram contrasting Wiscasset and Richmond. The children that live in both of those towns will go out into our state and be taxpayers, and they will be the future of this state. What justice and what right is there in not giving the same opportunity for educational achievement to the children because their parents happen to live in one town?

This bill does have some undesirable features, but if you consider what is available and that



what is available to help with the question of equality of educational opportunity, this bill does a lot. It is a significant improvement over what we have now.

A second thing done by the bill, in addition to the question of equality of educational opportunity is the question of the tax havens. We all know the towns and there is no need to bother any of the members with towns they represent. I apologize in a sense out of friendship to my good friend in the row behind me who represents one of the towns, but there is no justice and no sense in paying the burden that many of us pay on an assessed value of say over 40 mills when in some communities, and not only do the homeowners in those towns pay a very desirable low tax, but some large industries in those towns pay a very low tax. This bill, through the uniform local tax effort, does something about this.

One last item, Mr. Speaker. Whether or not this bill passes or fails, I would hope to join with the gentleman from Calais, Mr. Silverman, and other people who are interested in the homestead concept. The homestead bill is not dead if this bill passes, or at least it is not going to be dead unless a majority of you kill it.

We have a plan to place an amendment on the homestead bill, not to take surplus, not to increase the income tax on the vast majority of our citizens, but rather to make the homestead bill self-funding, no federal revenue sharing, no surplus, no problem about what the estimates are. We can finance a reasonable level of beginning of the homestead bill by means of not an income tax on our constituents, on all of our constituents, but an income tax and perhaps a special tax on out-of-staters speculating in real estate that would adequately fund a reasonable homestead bill. You don't have to kill this bill, again, to pass a homestead bill.

One suggestion for funding the homestead bill and for building the funds right into that bill would be to tax those of us or those of our fellow citizens who are fortunate

enough to make \$35,000 a year or more as a family in income. We can do that. I don't think you advance the cause of homestead by defeating this bill, and you certainly don't do very much for equality of educational opportunity by defeating this bill.

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

Mr. MURRAY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to take this opportunity to talk a few figures with you. We have heard a number of people bandy figures about, and I think that maybe a non-appropriations committee member ought to brief you on state finance, because it is all our responsibility. Whether we are on the Appropriations Committee or what committee we serve on, we should have a general idea of where the state is now and where it will be after we pass legislation. So I would like to share with you just a few minutes of my work relative to finance and show you where we might disagree with those who have spoken so far.

I would first like to preface my remarks with the fact that education in the second year of this coming biennium is going to cost \$211 million, no matter what we do here today. The people of the State of Maine are going to have to pay for \$211 million worth of education. We are not suggesting increased education in toto. We have already decided at what level education is being offered to our young people. We are just talking about what is the most fair and equitable way to finance that education. The bill before us suggests that the state and the local communities join in a 50-50 partnership in funding this cost.

I would suggest that maybe you rip off all the pieces of paper that you have been jotting notes down on, figures on, and get a clean sheet, because here comes some more figures. You can see my desk, it is hard to even think figures when you scratch them all over a piece of paper that already has a number of interpretations.

We have to come up with \$211 million. The way that the Education Committee suggests and the

way that the Department of Finance and Administration says we can do it is this way. First of all, this legislature passed and has signed into law L. D. 456, which was our federal revenue sharing money. The second year of this coming biennium we have already appropriated \$12,135,026 of that revenue sharing for school subsidy purposes.

In the past, the state passed a \$50 million construction bond issue a few legislatures ago and it was sent to the people. The people ratified and accepted it. We have been spending about \$9 million a year in construction bond money. We on the Education Committee are suggesting that we continue to take \$9 million worth of construction bond money like we have been doing right up to the present.

We are also suggesting that the uniform property tax, which is part of this bill, will raise \$100,352,196. You add those three figures up and you have a remainder of \$89,512,778. This, if you will look, is the price tag that is on the bill after the Representative from Houlton, Mr. Bither, put his amendment on yesterday.

So the question before us is, where do we come up with the \$89 million? First of all, \$1,775,652 is going to come from over-collection of the 14 mill property tax. Those rich communities that we have heard mentioned here today, when they raise their 14 mills, that is going to pay for more than the educational costs of their community. That portion goes to the State Treasury and we here in the legislature appropriate it. That, I repeat again, is \$1,775,652. When you subtract that from the \$89 million, it leaves us a remainder of \$87,737,126. This portion, I would remind you that we, funding through Part I, whether we pass this bill or not, through our Part I budget we have already requested \$70,541,218. This is in Part I that we will have to consider in the special session for the second year's budget.

So the remainder between — the \$70 million, plus we have \$5 million in bonds that is in the Part I budget which retires old construction projects, this Part I budget that

we have already passed suggested that we, instead of using bonds, use General Fund money. Still the budget document asks for bond, which is in the tune of \$5 million. You add that to the \$70 million which is the General Fund request, you come up with \$75 million. You look at the gap between \$87 million and \$75 million, and you see \$12 million and you add it to the \$12 million of federal revenue sharing money, you are talking about \$24 million. That is the \$24 million that the gentleman from Lewiston suggested that is the cost of this bill. That is the \$24 million that the gentleman from Houlton, Mr. Haskell, talked about.

But the point to remember is, the \$89 million we are already funding to the tune of seventy to seventy-five million in our Part I budget. Whether we pass that reform or not we are going to have to come up with this money to keep the present school subsidy law in effect. So don't, when you hear figures like \$89 million or figures of \$211 million, don't become alarmed until you see what portions come from what sources.

Therefore, the question is, how do we finance the \$24 million? If you accept the projections of the Department of Finance and Administration, you will see that they are projecting a \$27 million surplus for this biennium. If you accept those, you see that we have got more than enough money to pay for it. If you do not accept those figures, if you accept the revised version by the Legislative Finance Office, you will see they are projecting in the neighborhood of a \$14 million surplus. So you can see, there is a gap between fourteen and twenty-four million dollars.

It was distributed to you today how we would come up with that \$10 million. The gentleman from Houlton suggested possibly an income tax. I have suggested possibly in our Part II budget which we haven't considered yet, write into the Part II that maybe we ought to have bonded that debt retirement that the Appropriations Committee suggested we use General Fund money, because the budget requests are for bonds and

that is what we have done in the past. If you take \$5 million for each year, that adds up to \$10 million also.

In my honest and humble opinion, as a non-member of the Appropriations Committee but as one who has studied this bill and its costs, I can honestly say that I think this is what we are talking about. We are talking about \$24 million and we are talking about if we accept one projection we are okay; if we accept another projection, then we are going to have to figure out in which method you want to come up with the other \$10 million.

I think that all of you will note that I put an amendment on the bill yesterday. What that amendment did was not commit the next legislature to 55 and 60 percent funding. What it did is, it said that we will remain at 50-50 unless the next legislature decides to increase this greater state participation. So a lot of the arguments that were suggested or put forward because of this bill committing the next legislature to increased funding was taken care of when you accepted my amendment yesterday. We are talking about a law that if we pass it here today it will be the same law that will affect the second year of this biennium and the first two years of the next biennium, unless the next legislature wants to make a change.

I don't want to bore you any longer with figures, but I do think that you ought to reconsider some of the figures that have been given to you and recognize the fact that a lot of that \$89 million that was talked about is in the Part I budget anyway.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: In my file in Mr. Slosberg's office is a bill to give money to every town for educational aid, with the stipulation that property taxes be reduced or they would not get the state money. I stated frankly that to finance this the income tax should be increased.

I did not file it because people do not want increased taxes, even though in my opinion the income tax is by far the fairest.

Now the bill before us today may be fine for education, but in my opinion, it lacks two things. It does not mention the cost and it has no stipulation that the money saved in certain towns will go to reduce property taxes. I frankly doubt that this would ever be the case. The money probably would only be spent elsewhere and most likely it would be spent for extra school programs which are not needed in most cases.

I do not support the bill, even though my city would benefit under it.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I am very interested in this measure. I am not a financier, I am just an ordinary legislator and a conservative Democrat at that. I believe there are many here who share the same feelings I do. After listening to my good friend from Lewiston, Representative Jalbert, he came out with a mass of figures.

I started to try to keep up with him, but I couldn't do it, and I feel, and I believe many of you here feel the way I do, that we should have a copy of those figures. Also the same thing goes with Representative Murray. It is an easy matter to get up here and quote figures. There is an old saying that figures don't lie, but by God you can lie with figures. So it is rather disturbing to me to sit here and try to follow through with a different set of figures and not have them before me. So I would like very much if these figures would be printed and handed to us.

My people, like a lot of you people here in your own communities are desiring of some sort of tax relief, especially in the educational system. They all feel that the educational system has got to a point where the property taxpayer has a hard time to make both ends meet. And if there is

anything we can do to alleviate the property taxpayer, especially those in this state — I agree with Representative Silverman that these people from out of state who are to benefit by such a measure should not. I believe it should be for the people who own property and especially Maine residents. And I would like very much to continue hearing from other members of this body.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: There are many things that I could say about education and this bill, because I have been slightly interested in the educational process in my life. I think we are engaging in bad teaching and pedagogy. It has always been said that a picture is worth a thousand words. And if I ever got up before a class, and I have had large classes too, and to spell out figures like I have heard this morning, I don't think there would be much transfer of money.

I would like to simplify this. We have three bills now before us. We are kind of stale, having been here for six months, and I think it would be a very good idea to put the three bills in the hands of the Appropriations Committee, the Education Committee and the Taxation Committee and in the interim, between now and sometime in January, they could come up with a matured plan. The way these three plans stand now, I think they are a little premature, I think the whole business was urgent at one time when we thought the Supreme Court was going to support the decision of the California Supreme Court and that of Texas.

Now it seems to me that this 107th can make a great record in property tax reform, not only in increasing educational subsidies, but in starting the reform of getting equitable assessment in properties in our many communities. We know that state evaluation is not a certified figure. We know there are many inequities in state evaluation. The whole business, it seems to me, is based on

state evaluation. In other words, we are trying to make and build a superstructure on sand.

Now I think we are only in about the first half or maybe we have got a quarter to go to win the ball game, and I think by more mature deliberation and combing of these very fine projects that we have been presented with, we can come up with something that is fiscally sound, we will know whether our instruments are right or wrong in another six months, so I would leave it that way.

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

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Education Committee and having worked on this for quite a long time, along with the other members of the committee, I am in full support of this bill.

In response to Mr. Ross, with the cost of education set at a 14 mill rate, he says there is no guarantee that the tax burden will be decreased in the municipality. Well, it is up to the people in the municipality to keep their town officials from increasing those taxes. That is local control.

In response to my good friend from Standish, Mr. Simpson, I think it is wrong to say that because we increase the level of sharing the costs, that we are moving to control the spending of the municipalities to the state. Control of education is spelled out in Title 20 of our Revised Statutes and no one is going to take that right away unless a future legislature moves in that direction.

In reference to the cost of education, when we say it will cost \$211 million to fund education in the next year, regardless of whether L.D. 1994 is passed or not, it will still be \$211 million, we are merely posing the question of who pays the bill.

I find it difficult to find very many people who claim that the property tax, which in earlier years was a measurement of a person's wealth, is in any way qualified to maintain the burden that

we have placed on it in the recent years.

For over a year we have heard many people talk about the need for property tax reform and to remove the property tax burden. Well, I think this is our opportunity here today to do so. And I think that this is a responsible bill, and I hope that you all support it, and vote against the motion to indefinitely postpone.

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

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: As you know, I like figures pretty well, but I learned early in this session that not too many of you are interested in them, so I will try to stay away from them because I think you probably have been completely confused already. But I would like to mention two or three things that I do not think have been brought up in relation to this bill. One is the increasing costs. I don't think that there has been any discussion about the escalators that are built into this bill, and if you would think mathematically for just a moment, if you have a median of some 733 or some other figure, if one half of those dollars are below it and they are going to play catch up for one third of the year for three years, ask yourself what is the median at the end of three years. In addition to that, you have added transportation costs built into the bill, you have added debt service built into the bill, and you have added costs for state valuation that is going to be a tremendous cost also.

The second point I would like to make is about municipal government. It seems to me that municipal government traditionally has had some incentive to go out looking for industry and commerce to come into their community. One of the biggest reasons is because of the tax base, so that they can get the tax dollars.

Now I ask you, if you are in this position as a municipal official and you have a state law that is equalizing these tax dollars, what is your incentive going to be to try to get these industries to come

to your town? I think municipal officials will be saying, you take the industry in your town and we will be glad to share the dollars with you.

The third point that has not been mentioned is a question of control by the school boards over their education. I know the answer technically is they will say that they still have control and they have discretion. But I ask you as a practical matter, if they are having less control over the dollars, are they going to have the same sense of urgency over their budget? For instance, take those communities that are playing catch-up that are going to be receiving more dollars than they are accustomed to or planned on. Certainly they are going to spend them, but there is not going to be much incentive for them to do the type of job they have been doing in controlling their costs.

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

Mr. DYAR: Mr. Speaker and Members of the House: I am for quality equal education for all the youth of the State of Maine, but it brings to mind a statement I believe was made by a Phinneus T. Barnum some years ago when he said, "You can fool all of the people some of the time and some of the people all of the time."

Now this is what we have got before us this morning. We have what is called a tax reform package here that we are selling under the cover of tax relief. Now it seems rather ridiculous to me to give the youth in this state a quality education, have them graduate from our high schools and our colleges, go into the local labor market and right off the bat have these young people paying two, three and four times as much as their parents paid in the state income tax. If they are working for a corporation that may or may not be there at that time, have that corporation pay a corporate tax, two, three, four and five times what they are paying presently.

I think there are a lot of things in this bill that sound very good until you get into the funding. If we are going to increase the cor-

porate tax in this state and drive out our industry, and we are going to increase the state income tax to a point where it is going to be far more feasible for our young people to continue migrating out of this state into other states to have better paying jobs, I think it is utterly ridiculous to pass this piece of legislation, especially on the idea that this is tax relief.

It certainly is tax reform. You are taking and reforming the one dollar in one pocket and reforming into the same dollar in another pocket. It is still coming in.

There is nothing in this bill that says that these towns don't have to comply with whatever comes down from the State Department of Education to receive this new revenue sharing money, whatever you want to call it.

Practically every town I represent that is in my school district receives money from this package, considerable money. But this money is going to be spent in the field of education, no matter how you cut it.

As I stated yesterday, the Department of Education, in my district they were very consistent in every town when they sold the school administrative district package. It is going to cost you 5 percent more in the first year. After that, your cost of education is going to reduce.

My little town of some 1142 people as of last night saw our taxes in the last six years more than double. Where the 5 percent increase in the first year and the savings thereafter disappeared to, I don't know. You are going to give my town back \$47,000 in tax relief for an educational package, and yet you want to increase the state income tax that the people in my town are paying, working in the mill, you want to double and triple their state income tax and you want to double and triple the tax on the corporations in my district.

This applies to all of you, I am just specifying in my district, but this is what you are trying to do.

If you want to pass this bill this morning and continue the migration of our people out of the state, keep our people working for the

minimum wage, have them get out of school in the eighth grade, this is good legislation.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: When I first came here in January, I came here with the intention of getting the people of my town and in this state here a property tax relief. And this bill here, I would vote for it if this was directly for property tax relief. But you have been told here that this is not, and I agree. When you can show me the bill that will give property relief for the elderly of this state and not only the elderly but the middle class people who are taxed and taxed and over taxed with property taxes, then I will vote for it.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose L. D. 1994 because I too am afraid that any savings achieved under this bill would not be passed on to the taxpayers who need the relief. I also feel the threat of increased educational control from Augusta is a real one that should be considered by the members of this House.

My town is part of an SAD district that would benefit from this bill, and my stand will probably be an unpopular one. But I have not had a single person from my town contact me in favor of this bill.

I wish to be on record that I favor the concept of a homestead exemption as contained in L. D. 1894, because that, in my mind, represents real relief and that is what the taxpayers of this state want and need.

I used to live in Florida where they do receive an exemption of \$5,000 on their homestead, and this is an extremely effective way of providing relief, and it is one that is recognized by the people as being relief.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I guess the single, most important issue that seems to be coming to the floor here in the debate today is whether or not this is a reform package or whether it is a relief package and what the distinction is. It is both a reform and a relief package.

About 87 percent of the towns in the State of Maine will fund schools from less property tax money than is presently being done. They will have an opportunity to reduce their property taxes. I think everybody wants this.

We have had people that I have seen stand on the floor of this House time and again telling us about the great virtues of local government and how wise they are and how well spent those local dollars are and how frugal they are and how conservative they are and how great it is. But today they stand and they say, "Look, if those money-hungry, wild-eyed, spending people get a chance to lower the tax rate and do all those things they are supposed to be able to do at the local level, they are going to squander it on some new program or they are going to squander it on some educational program." I don't believe that. As a matter of fact, I called some local people the day before yesterday, called town managers in Piscataquis County, and I said, "What do you think will happen if your town gets its percentage of an opportunity to reduce its property tax by, it usually varies 20 to 30 percent in Piscataquis County?" They say, "Believe me, we are going to reduce it."

I believe the will is at the local level to see that the property tax is reduced if they are given the opportunity. This bill gives that opportunity. The facts are there if you want to read them. There have been numerous studies. I have got some of them here that have been done on this very issue in the last two years — the ESCO Report, the Joint Interim Legislative Committee on the Tax Structure of the State of Maine, the study of Maine Education Council. Every single one recommends exactly what you have got before

you here today, the full funding of education from state sources in order to reform local property taxes.

I trust local officials. I think they will reduce those property taxes. There was an old prophet who once said that democracy is essentially an act of trust between the governors and the governed. I believe that ancient saying.

I would like to add just one further point. The gentleman from Augusta, Mr. Sproul, has said that if we pass this bill there will be a disincentive for local officials to go out and seek industry in their area. The point to the contrary is true. In most communities, if you can reduce the property tax, there will be an incentive for industry to settle in these localities. As a matter of fact, in my conversation with the Greenville town manager the day before yesterday, he mentioned that two industries had left Greenville and settled in unorganized territories near Greenville simply because of the high tax rates in Greenville. That is one of his major reasons for supporting this piece of legislation.

I hope that after once giving this thorough consideration, and I think we all have been for the last two or three years, that we will be able to pass this today and make a truly great contribution as a legislature to the development of this state.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: When I first heard of this bill, I was a little bit suspicious. This morning, in hearing the debate, one thing I did find out, this bill has a name. We call it the "Irma LaDouce" type of bill. We know who the mother is, but who are the real fathers?

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

Mr. BITHER: Mr. Speaker and Ladies and Gentlemen of the House: I would like to answer a few questions that are sort of hanging in the air here. Mr. Simpson mentioned the Coleman report,

that by supplying money it does not promise equal education. We do not claim that we are going to educate all the children in the State of Maine equally. This gives an opportunity to equalize education only. This is an equalizing opportunity.

The gentleman from Lewiston, Mr. Jalbert said that this bill is not going to help his town at all, or very little, and I would like to refer to that for just a second. If this bill passes, when this bill passes, the City of Lewiston will pick up on debt service alone—on their new high school, they will pick up \$374,850 on principal and interest payments. They will also pick up, due to a parochial school that is closing this month with 274 students at \$600, they will pick up \$164,000, which means that Lewiston will gain—this is not in this printout at all—they will gain \$539,250 and I would just like to think about that for a minute. I don't believe there are people in Lewiston who are going to throw away that money. I don't think we need to tell Lewiston what they have got to do with that money. I don't believe Mr. Jalbert would want us to tell Lewiston what they are going to do with that money. I think they know perfectly well how to handle their own affairs.

The gentleman from York, Mr. Rolde, is opposed to this. I wish we would all keep in mind always here—you read the title of a bill equalizing the financial opportunity of school units, I wish we could keep money out of it, but we can't. I realize that. We are submerged in facts and figures already. We are dealing with the education of one of the greatest commodities we have in the world, that is of our young people, and we are trying to equalize the opportunity of education which means this: The town of York has been in the past and are still raising for education 8½ mills.

My own community of Houlton is raising 20, which is a pretty fair amount of money. Some of the little towns—just two to mention, Dyer Brook, which is in Mr. Walker's bailiwick, is raising 36 mills for education. Reed Plantation is raising 40 mills for education

against York's 8½. If any of these towns taxes are going up, it is going up for these reasons.

They have not been making the effort. There are a few other reasons why some of the coastal towns are getting hit. In the first place is a low tax effort. Some of our towns are way down to 7 and 8 mills and they have been doing this for years. Some people might say—I am not going to say this, but I have heard it said—they have been getting a free ride so far as education is concerned, but I don't think that is quite fair. But they have had a low tax effort and in other cases a high valuation. Those are the two most important things as to why our towns are getting hit. In some cases, they are spending way below average, I just mention that. In some other cases they are highly industrialized. Also coastal property—all of these things have made it so that some of our towns have been hit, some of them hard.

I got a note from somebody, from the gentleman behind me and it says, does this bill still double taxes in Southport? And the answer is that it most certainly does not.

This bill has a built in feature to it. It is built in in this bill that taxes cannot rise more than 2½ mills in any one year, which means on a \$10,000 home, it means \$25. No tax can rise in any town more than \$25 in one year on a \$10,000 home.

I certainly hope we do not kill this bill today. I think it is the work of a great many people. I know the people back home are waiting for this bill to be passed. I have had more literature, more mail and phone calls on this bill than I have ever had on any bill since I have been in the House.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: As it happens, I haven't had any mail on this bill, but I would like to answer one gentleman. He says it is up to the assessors to raise the taxes. Ladies and gentlemen, that is true, but they have to raise what is appropriated in that town meeting and



what you pass laws on them and force them to pay. So let's not blame the assessors.

We have also just been told that some of these towns don't make the effort. I would like to have them check my district and see if we made the effort and we are still paying and we are not getting the free ride that he is talking about. Yes, we are getting the free ride all right.

Then let's go along again. Let's take the veterans. I thought when I lost my health in the war that I would get a \$3500 exemption when I became 62 years of age. At that time, we had 77 mills in my town. The school district came in and they needed more money. The assessors had to get more money. The people in Augusta said, let's value the whole state 100 percent so everyone will pay the same. We were taxing approximately 25 per cent. I fought it. I said if you double it your county tax is going to double. They said, this is not true. I said, wait until I get off the board. I got off the board. They did double it to 50 percent. Our county tax did more than double that particular year, and the state said this had nothing to do with it, we would have done it anyway, but at that time, on 77 mills I would have been exempt \$269.50. When they reduced this and went to 50 percent rather than 25, I receive \$129.50 exemption on \$3,500. Now the state is hard up for money again and they are selling them 100 percent. And gentlemen, if they go to 100 percent, I as a veteran will get \$66.50, that is all that I will have.

You have heard here that we need a better assessing system; this is not true. This is forcing the municipalities to raise money. They also tell you that we have plenty of money on hand, but if they have it, why in the last 4½ years has my municipality taxes jumped to triple and quadruple.

The school district told us if you will go into the school district here, you will have a better education for your children. The first year it will cost you more, but after that it will be far cheaper. You can't afford to go along alone and the state will pass a law to

force you into it. This was far from the truth. The first year it was higher and every year thereafter it has been higher. So this is not the truth in any way, shape or manner.

In my municipality, 68 cents out of every dollar goes to education. I am for education. I want every child to get the best education they can, but I don't want to see our money go to bureaucracy. And any time that you raise more money, you are forcing your assessors to go out here and assess this property and they must put mills enough onto that property to take into your municipality the amount of money which you have appropriated. Don't blame them, blame yourselves here that make the law and the people in your town meeting that appropriate this money.

I have been an assessor for a number of years, and I am very familiar with the assessing but I can see some young people here have never been an assessor and I hope they do so they can get a good education.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to commend the gentleman from Houlton, Mr. Haskell, for his fairness in discussing the figures that he discussed this morning. I appreciate a gentleman, and I witnessed the testimony of one this morning.

In passing, I might say to the young gentleman whom I respect a great deal and he knows it, the gentleman from Bangor, Mr. Murray, that we are talking along his lines and I am talking gross.

Addressing myself to the gentleman from Houlton, Mr. Bither, I can assure you that according to the \$50 million bond issue bill that I passed a few years ago, that the money of \$375,000 on our building is coming to us anyway. Number two, as far as parochial schools are concerned, I passed a bill in this legislature that the moment a parochial school closes anywhere in Maine and they are absorbed by the public school system, by a law, presently by a law

every one of those students in Lewiston or any community in the state is going to be paid for under the school subsidy program, by law, and that was the law that I passed four years ago.

Now as far as I am concerned, I would certainly go along eventually with the concept of tax relief along the line of a homestead program when inequities and thorough studies are being done.

And rounding up my remarks, Mr. Speaker and members of the House, not only did I leave copies of my remarks and figures with people, but I have talked — and I address myself now to the gentleman from Dover-Foxcroft, Mr. Smith, nothing derogatory as far as the city or town manager is concerned, but here is who I talked to, the mill worker, the shoe shop worker, the candlestick maker, the homeowner, the guy that just has plenty of money, the fellow who has no money, and here is the answer they give me. You go along with programs, it doesn't mean that you are going back there and heap more taxes upon us. Because as far as we are concerned, we have seen money come from you people, we have seen money come from the federal government, and the taxes are still going up. I believe them.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I would speak just briefly to this issue. As I understand it, and anyone who wants to correct me may, the increased costs in school subsidy is going to be \$25 million anyway. And all we are talking about in the package that we plan on implementing is an additional \$13,000, or approximately.

I am not for this 1994, basically because when you apply a mill rate to a runaway property tax value as we have today, even though you specify that no one's taxes on a \$10,000 home will go up more than \$25, I can tell you today that they are going up \$25 if you apply this application. First of all, the basis for valuation which used to be 50 percent on the state

level is now going to a hundred percent, so if you want to make a relative comparison, you are talking about 28 mills, comparing it with the 50 percent that the state has set the rate at in the past.

For instance, if a town does not raise any money at all, but the state comes out and increases the state valuation, and that town at that time was at the 14 mill effort, that because the town did not raise additional funds, it drove them down to 10 percent. I propose to you that to bring it up to the 14 percent we will get less subsidy. And knowing how property values are going up, and with this application of the mill rate to values, I think this is a dangerous effort. Therefore, I am opposed to the bill.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: It has been a long and interesting debate, and I have tried to summarize the objections to 1994 that I observed. We hear the opposition from the people who represent the towns where the impact is minimal or even adverse, and I think you can best summarize that by saying that this bill isn't perfect. It improves the law of only 96 percent of our people, and I think we have heard from the representatives of most of the other 3 percent and you will hear from the rest before the debate is closed.

I think we must not be misled into believing that this 3 percent is in fact 30 or 60 percent. It is a very small number of people who won't benefit under this legislation.

I see more opposition that has bred from the mistrust of the education establishment of Maine, and it appears that this is a repetition of the Sinclair bill and all of the mistrust bred in the presentations. I have been quite well acquainted with this whole effort, and I honestly don't know of any other way you are going to determine allocations to communities for property tax relief other than by measures of the educational effort. It is the only common service provided by municipalities

here in Maine of a substantial nature. Some communities don't have any fire department, some don't have any police department, and on and on and on, and the only measure that we have, a common measure that applies to all municipalities is our education system, whether we like it or not.

This money, most of it just stays right in the community. Most of the funding for this comes from a uniform state-wide property tax and this tax is applied and is kept right in the community and the state has nothing to do with it. I would have liked to have seen the check go back to the municipal officers, and it still may be that there will be an amendment go on where the check from Augusta would go to municipal officers rather than to the school establishment.

Recognizing that probably two-thirds, on the average, of most municipal budgets are in education anyway, it wouldn't make that much difference because the money would probably wind up in the education budget. And to label this as a power grab by education is to me completely misleading. More opposition is bred from supporters of another form of property tax relief, namely, the homestead bill. I don't know how we can avoid discussing this somewhat as it has already been discussed inasmuch as those who want property tax reform and are supporting homestead are in effect taking away support from this as the leading, undoubtedly, form of tax reform that is before this legislature.

Just for openers as to why the homestead provision isn't realistic, we got into this a little bit before. A \$15,000 home with a hundred percent valuation in a community with a 40 mill tax rate is a \$600 tax. Under the homestead you take \$5,000 off the base, you reduce the tax to \$400, a \$200 reduction. The same home in another town with a 10 mill rate, they pay \$150 tax, to reduce the base \$5,000 you reduce the tax \$50, so after tax reform you wind up with identical homes in two different communities, one paying four times as much as the other.

Now to add insult to injury, the person who lives in the home where he is paying a \$400 tax pays income tax eventually to support subsidy to the guy who started out with \$150 tax so as to give him the \$50. There is just no justice in this.

Like the courts, I think the legislature always should be concerned about equity and justice and if we can't furnish it, we had better leave things alone.

I think we have a bill here before us right now that has been prepared by dedicated people with a lot of good help, and it is going to, in my mind, determine the character of this whole legislature. We are establishing our mark here today as to just what sort of a legislature we are.

Just recently the President of the other body answered a question as to what this legislature has done, and inconclusively he said, "Nothing." He has since backtracked somewhat on this, but there was a basis for that immediate reaction, and we have a chance today to do something for Maine people, and I hope you take it. I think this is our chance. It is a good bill and I do hope you support it.

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

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: It is no surprise to any of you that I wish to speak briefly on this bill. I have been referred to in discussion here and also my town. When it comes to what the taxes will happen in my town, Mr. Bither says it will only be a very slight adjustment, but if you look at the blue sheets that were passed out to us, in the first year we would be disadvantaged to the extent of \$68,672, and in '76-'77, \$155,287. Now our tax commitment in town has been running around \$185,000 to \$190,000 this last year, so I don't see how we are going to be disadvantaged this much without having to increase our taxes quite heavily.

We have been accused of not making a proper tax effort for our school children. We are raising on a per student basis about 50 percent more than the state average,

and we are doing the best we can for our students there.

Much of the property in this town is owned by second, third, fourth, fifth generation fishing people. They are lobster fishermen at the right time of the year. They go shrimping in the winter. In between times they try to work as carpenters and painters and most anything else to try to make a living. Then we have the people who have retired to the island on fixed income. They are not in a position to pay tremendously increased taxes. We do have a very few wealthy people who have moved in there recently. One of the things that attracted them to the island was the fact that real estate taxes were not tremendously high. This would not only nail them much higher on taxes, but also on income tax.

Now people say that we do not tax our people enough down there, but we do not have a police department, we do not have sidewalks, we do not have a manned fire department. We have probably got the lousiest roads in the state, but this is the way the people choose to live down there. And because we have lived frugally, people want to come and take away from us. Now if these people want us to educate their children, how about them coming in and putting us in a full-time police department, fire department, year-round water system, a sewerage system, all of these things we have gotten along without and we have set our living to this standard.

So I oppose very strongly this bill. I have been giving it a great deal of thought. I have talked it over with a lot of people who are better educated than I am. I have tried to find out whether it was socialistic or whether it was communistic, and the best answer I get is, it is a little bit of both, but mostly asinine. I hope you defeat it.

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

Mr. LYNCH: Mr. Speaker and Members of the House: I did not plan to say anything. I think it has been very well covered, but I can well understand the gentle-

man's opinion from Southport. If they are able to raise 50 percent more than the state average with a tax effort of 3.9 mills on a hundred percent state valuation, if I were in his community I would certainly oppose it. That is the purpose of 1994. If the state is going to control the education of the children in the State of Maine and dictate how the educational system shall be run, what the curriculum should be, what the transportation demand should be, what the physical and recreational areas should be, then the state should pick up a portion of the cost of education.

This bill, 1994, is not going to equalize educational opportunities. It is going to equalize the cost of education. Nobody can guarantee equal education. Communities do not have equal teaching staffs. Communities do not have the same type of school buildings. There is going to be differences throughout the state, but this is an opportunity to equalize the cost of education. What the communities do with the monies that they are receiving through 1994 still remains the responsibility of the local school administrative staff.

Now there has been some talk about the homestead act. The homestead act is an equalizing effort across the state, 2,300, 3,000 or 5,000, whatever is eventually decided upon, and that is a relief on an individual basis. 1994 adopts the same principle. It is an attempt to equalize not on an individual basis but on a community basis, and that I think is the essential difference between the homestead act and 1994.

We have had a lot of debate. I have said very little myself. I think from now on it will be repetitive and I would hope we could get the vote very quickly.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: The debate has been long and many people have already spoken on this bill, so I have to say of necessity, it will be brief.

In a great majority of the communities there will be a significant

gain in real relief to the property tax with passage of the measure.

The bill that we are discussing will assure a two-fold relief of unfair conditions which exist throughout the State of Maine. These areas are: One, equalization of educational opportunity and two, property tax relief to Maine citizens. No other bill which will be heard on this topic will address itself to both problems. The debate thus far has dealt with individual problems and not those two problems which are most evident—one, the fairness of taxation and two, the fairness of equal educational opportunity for all of Maine students. And those are the two central issues in this bill that I would urge you to support.

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

The SPEAKER: The Chair recognizes the gentleman from Winslow. Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I won't take too much of your time. There are two points I would like to bring out. Basically I support the philosophy of this document. Although I have some reservations on it, I intend to vote for it and support it. As you know, I too sponsored a piece of legislation such as this, and as you know, it was withdrawn because it was covered by other legislation. This is it.

My bill covered some points which are not covered in 1994, and one specifically addresses itself to the very question that seems to trouble quite a few in this House, and that specifically is the question of home rule. They feel that they won't have home rule under 1994. Incidentally, the very fear that they have apparently is drawn out by the other side that there is going to be too much home rule, because they are afraid that they

are going to have runaway educational costs on the local level because they won't have any control over it. So somewhere along the line they are going to have to do some thinking for themselves.

The second point I would like to bring out is a point touched on by my good friend from Augusta, Representative Sproul, relative to inducement of industry to locate in a particular area. We in Maine are quite remote from the market and the rest of the country and it creates quite a problem in overhead for any business to conduct business in the State of Maine because of transportation costs and distance from market.

To me, the property tax is a severe burden or heavy overhead that business has to contend with in the State of Maine before they decide to locate here.

I took the trouble of speaking to several managers of industries, and I asked them if they would agree with this philosophy that if you remove the overhead of property taxation, would they be willing to pick up the tab in another form? They agreed with me that it is the right philosophy. Once you are earning the money you have no problem in paying for it, and they buy this concept of doing away with property taxation as an inducement for industry to come to Maine. And I submit to you that if we follow this concept through and eventually assume full funding of education from other than property taxation, the State of Maine will be able to take its pick among the industries to locate in the state, because once we do this, we will become the second state in the union to offer industry to locate in the state without taxing them before they can earn a dollar, the other state being Hawaii, not Florida, as some people think.

I would hope that you would take this opportunity, and even though this bill is not perfect, go along with it because it is a step in the right direction. I suppose it is no different than any other piece of legislation that we start on. They are never perfect, that is why each session we have 2,000 pieces of legislation either to amend current laws or create new

ones. I would hope you would go along with this concept and vote for it.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I promise you I will be very brief, but I do feel as though this particular item should be distilled to its essentials, and I can assure you in my fifty-five years I have had some experience with products of distillation.

This bill, 1994, does many of the things that I hoped to do when I came here to Augusta. I hoped for equalization of the educational opportunity across the state. I hoped for equalization of the property tax effort across the state. I was for tax reform if it did these things; 1994 does these things.

I know that it is going to cost money in the future, and I am prepared and I have told my people that I am prepared to recommend tax increases in the income tax area to support it, and that is where the reform comes in. We are shifting the burden from the local property taxpayer to the income taxpayer. Everyone seems to agree that income taxes are a better method of taxation.

I want to get rid of the community that gets away with taxing a \$20,000 home for \$150 and try to help the community where you tax a \$20,000 home for \$640. This is the one bill that does it.

This bill is the only bill of the bunch that puts a ceiling on the expansion of education. The others put the ceiling on the expansion of monies expended by the towns. I am not sure the towns want this. I think the towns want home rule in the area where they can provide themselves gold plated fire hydrants if they choose to. Therefore, because 1994 does what I hoped to attain when I came to Augusta in January, I am strongly for it and I hope you will support it.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that L. D. 1994 and all accompanying papers be indefinitely

postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEAS — Baker, Berry, G. W.; Berry, P. P.; Berube, Birt, Boudreau, Bragdon, Brawn, Brown, Cameron, Carrier, Chick, Cote, Cottrell, Crommett, Deshaies, Donaghy, Dudley, Dunn, Dyar, Farley, Farrington, Gauthier, Greenlaw, Hancock, Henley, Herrick, Hoffes, Huber, Hunter, Immonen, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Lewis, E.; MacLeod, Maxwell, McCormick, McHenry, McMahon, McNally, Morin, L.; Mulhern, Norris, Pratt, Ricker, Rolde, Rollins, Ross, Santoro, Shaw, Silverman, Simpson, L. E.; Sproul, Tanguay, Trask, Trumbull, Webber.

NAYS — Ault, Binnette, Bither, Bunker, Bustin, Carey, Carter, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Curran, Curtis, T. S. Jr.; Davis, Dow, Drigotas, Dunleavy, Emery, D. F.; Evans, Farnham, Faucher, Ferris, Finemore, Flynn, Fraser, Gagagan, Garsoe, Genest, Good, Goodwin, H.; Goodwin, K.; Hamblen, Haskell, Hobbins, Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, J.; Littlefield, Lynch, Maddox, Mahany, Martin, McKernan, McTeague, Merrill, Mills, Morin, V.; Morton, Murchison, Murray, Najarian, O'Brien, Palmer, Parks, Perkins, Peterson, Shute, Smith, D. M.; Smith, S.; Snowe, Soulas, Stillings, Strout, Susi, Talbot, Theriault, Tierney, Tyndale, Walker, Wheeler, White, Whitzell, Willard, Wood, M. E.

ABSENT — Albert, Briggs, Cressey, Dam, Fecteau, Pontbriand, Sheltra.

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

The SPEAKER: Sixty-two having voted in the affirmative and eighty-one in the negative, with seven being absent, the motion to indefinitely postpone does not prevail.

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

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

Mr. MARTIN: Mr. Speaker, I would move that we reconsider our action on L. D. 1994 and ask you to vote against me.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves the House reconsider its action whereby L. D. 1994 was passed to be enacted. All in favor of reconsideration will say yes; those opposed will say no.

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

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

On motion of Mr. Birt of East Millinocket,  
Recessed until 2:45 P.M.

**After Recess  
2:45 P.M.**

The House was called to order by the Speaker.

Supplement No. 3 was taken up out of order by unanimous consent.

**Passed to Be Enacted**

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

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.

By unanimous consent, ordered sent forthwith.

**Orders of the Day**

The Chair laid before the House the first item of Unfinished Business:

Bill "An Act to Authorize Bond Issue in the Amount of \$7,800,000

to Build Highways" (S. P. 187) (L. D. 494) (C. "A" S-216).

Tabled — June 19, by Mr. Simpson of Standish.

Pending — Further Consideration

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

Mr. McTEAGUE: Mr. Speaker, I would pose an inquiry to the Chair as to the action of the Senate on this bond issue.

The SPEAKER: The Senate did enact this. I would state that if we recede and concur, then have to go through the technicality of being engrossed, and at some point there has to be a two-thirds vote, this being a bond issue.

Thereupon, the House voted to recede and concur.

Mr. Emery of Rockland requested a roll call vote on passage to be enacted.

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: This being a bond issue, under the provisions of Section 14 of Article IX of the Constitution, it requires a two-thirds vote of the members present and voting. All those in favor of passage to be enacted will vote yes; those opposed will vote no.

**ROLL CALL**

YEA—Ault, Baker, Berry, G. W.; Binnette, Birt, Bither, Boudreau, Bragdon, Brown, Bustin, Cameron, Carter, Conley, Crommett, Curran, Curtis, T. S. Jr.; Davis, Donaghy, Dow, Drigotas, Dunleavy, Dunn, Dyar, Evans, Farnham, Farrington, Finemore, Flynn, Fraser, Garsoe, Genest, Good, Goodwin, H.; Greenlaw, Haskell, Henley, Huber, Hunter, Immonen, Jackson, Jalbert, Kauffman, Kelley, R. P.; Keyte, Knight, LaCharite, La-Pointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Mad-

dox, Mahany, Martin, Maxwell, McHenry, McKernan, McMahan, McNally, Merrill, Morin, V.; Morton, Mulhern, Murray, Najarian, Norris, O'Brien, Perkins, Pratt, Rollins, Ross, Silverman, Simpson, L. E.; Smith, S.; Snowe, Soulas, Sproul, Stillings, Strout, Trask, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.; the Speaker.

**NAY** — Brawn, Chick, Chonko, Clark, Connolly, Cooney, Cote, Emery, D. F.; Faucher, Gahagan, Goodwin, K.; Hamblen, Hancock, Hoffses, Morin, L.; Parks, Peterson, Rolde, Santoro, Shaw, Shute, Talbot, Theriault.

**ABSENT** — Berry, P. P.; Berube, Briggs, Bunker, Carey, Carrier, Churchill, Cottrell, Cressey, Dam, Deshaies, Dudley, Farley, Fecteau, Ferris, Gauthier, Herick, Hobbins, Jacques, Kelleher, Kelley, Kilroy, Lynch, MacLeod, McCormick, McTeague, Mills, Palmer, Pontbriand, Ricker, Shelta, Smith, D. M.; Susi, Tanguay, Tierney, Trumbull, Tyndale.

Yes, 90; No, 23; Absent, 38.

The **SPEAKER**: Ninety having voted in the affirmative and twenty-three in the negative, with thirty-eight being absent, the motion does prevail.

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

The Chair laid before the House the second item of Unfinished Business:

Bill "An Act to Create the Maine Guarantee Authority and to Amend the Maine Industrial Building Authority and Maine Recreational Authority Statutes" (S. P. 667) (L. D. 2033) (H. "A" H-585 to S. "A" S-242).

Tabled — June 20 by Mr. Henley of Norway.

Pending — Passage to be engrossed.

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

Mr. **ROSS**: Mr. Speaker, I move this bill be passed to be engrossed as amended.

Mr. Curtis of Orono offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-596) was read by the Clerk.

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

Mr. **CURTIS**: Mr. Speaker and Members of the House: To explain just briefly, the purpose of this amendment is to reduce the per diem that would be paid to members of the Authority from what was criticized previously as being too high at \$100 for the chairman and \$75 for other members all the way down to \$75 for the chairman and \$50 for the members, and it changes slightly the provisions for expenses that are provided.

A lot of people put an awful lot of thought into this, and I am sure that I speak for many to say this is a reasonable approach.

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

Mr. **ROSS**: Mr. Speaker and Members of the House: I still think that these prices are a little bit high, and I have no doubt they will have quite a lot of meetings at \$75 a day, I would if I were they, but I still move it be passed to be engrossed as amended.

Thereupon, the Bill was passed to be engrossed as amended by Senate Amendment "A" as amended by House Amendment "A" thereto and House Amendment "B" in non-concurrence and sent up for concurrence.

The Chair laid before the House the third item of Unfinished Business:

Bill "An Act to Provide Property Tax Reduction, Rent Relief and Equalization of Municipal Revenues" (H. P. 1620) (L. D. 2038)

Tabled—June 20 by Mr. Martin of Eagle Lake.

Pending — Passage to be engrossed.

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

The Chair laid before the House the fourth item of Unfinished Business:



Resolution, Proposing Amendments to the Constitution to Provide for Annual Sessions of the Legislature and to Limit the Matters Which May be Considered in the Second Regular Session; to Provide for Single Member Districts in the House of Representatives; to Provide for Reduction of the Number of Representatives and Reapportionment of the House of Representatives and the Senate in 1983; to Establish an Apportionment Commission to Plan for all Reapportionments of the House of Representatives and Senate; to Abolish the Executive Council and Reassign Certain Constitutional Powers to a Legislative Council; and to Provide that Oaths and Subscriptions of Office of the Governor, Representatives and Senators Shall be Taken Before the Chief Justice of the Supreme Judicial Court. (S. P. 673) (L. D. 2040).

Tabled—June 20, by Mr. Birt of East Millinocket.

Pending — Passage to be engrossed.

Mr. Birt of East Millinocket offered House Amendment "E" and moved its adoption.

House Amendment "E" (H-600) was read by the Clerk,

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: In attempting to explain the several minor changes that have been made in this piece of legislation as it has been working its way through here, they have come about and as a result of it there have been five amendments presented to you and this is a summation of all five of them.

Fairly well down the amendment there was a change to take the swearing in of the legislature from the Chief Justice and leave it be done by the Governor as it presently is. I believe the swearing in of the Governor is by the Chief Justice of the Maine Supreme Judicial Court.

The first section refers to the change in the title in which they have taken Representatives and Senators out and leave it as is.

The second change came as a technical error that was done in drafting, and the words "in January" were left out, resulting in a situation if the bill were to pass that the legislature would immediately the day after election be dissolved. Those two words "in January" were left out. It intended to be the first Wednesday in January, they left the first Wednesday after the election.

The third and fourth changes are changes in the way that the apportionment will be handled. If the legislature — or if a commission plan is not accepted by the legislature, and it does have to go to the court, the court will have to give due consideration to the plan of the commission. It brings this commission plan, which has been worked out prior to the convening of the legislature to the intention of the justices so that they will have to give due consideration to that.

The fifth change is a change in the introduction of bills. It allows the minority party, whichever party it might be, to have some assurance that bills that are introduced at the second session could be introduced by them in that it only requires the affirmative votes of four members for introduction.

And the last change was a change that was found was skipped over of a constitutional change that was made a few years ago, but it had not been brought into the Constitution, and when the Constitution was reviewed to find out all areas that had "and council" in, Governor and Council" the words "and council" were taken out. This by accident was not—it didn't come to their attention. One of the people on State Government happened to come across this, so they had an amendment drawn up to correct this condition.

All five of these changes are put into this amendment. On the last page, on page 3, you will find that the language that I referred to that was necessary in the title has been corrected here so that the oath of office will be given to the Governor by the Chief Justice, but the rest of the language remains identical as it was.

I would hope for the adoption of this amendment.

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

Mr. MARTIN: Mr. Speaker and Members of the House: Is this filing amendment H-600?

The SPEAKER: The Chair would answer in the affirmative.

Mr. SIMPSON: I support adoption of the amendment.

Thereupon, House Amendment "E" was adopted.

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

House Amendment "D" (H-597) 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: As you are obviously aware, House Amendment "E" that we adopted to L. D. 2040 makes some drastic changes in our system of government in terms of the Constitution of the State of Maine.

One of the items which many people, as far as members of my caucus, have been extremely concerned about is the issue of single versus multiple districts. Obviously it creates a problem for not other I suppose than political reasons. As you well know two thirds of the members of the Democratic caucus tend to come from the larger areas. Keep in mind also that the Democratic party presently holds about two thirds of all members from multiple districts.

Basically, the amendment here removes from the Constitution all provisions dealing with the multiple districts. It does remove from the Constitution the requirement that if multiple districts are to be done, they must be done by two-thirds vote. That is the present requirement under the Constitution of the State of Maine.

If you would take a look at House Amendment "D" which is under filing H-597, the last sentence is I would think the most important provision of that amendment, or I perhaps ought to say the paragraph before that as well. And for those of you who don't have it, let me very briefly read

it. "Whenever a municipality entitled to one or more representatives shall have the census of population insufficient to justify an additional representative, that excess of population may be combined with contiguous territory from more than one municipality to form a single representative district.

Now this is most important and this is also part of the existing document in L. D. 2040 as amended. That provides that if you are going to be dividing up the cities, that when you do that you shall have no more than one district going outside the municipal boundaries. It would prevent, in effect, the eventuality of the possibility of taking certain sections and sort of pie cutting it in such a way as to try to gerrymander it as much as possible.

The most important provision from our viewpoint is the last sentence which reads, "Any municipality entitled to two or more representatives may be organized into single member districts whereby each legally qualified elector therein is entitled to vote for only one representative or into any combination of single and multiple member representative districts."

What this does is to remove the requirements that the legislature by two-thirds vote must handle the reapportionment method through the legislative body. As you know, we have created a system in this particular document that sets up a commission consisting of 11 people, five would be members of one political party, five of the other, and one supposedly would be neutral to be elected by the ten. In order for the commission to act, in order for it to present a plan, it needs the affirmative vote of seven of the eleven members, not two-thirds, but seven of eleven. What this does, there, is to allow an opportunity for those seven people to decide whether or not a city is going to be divided into single or divided into multiple or divided into types of either within the same city. It allows flexibility that can be used by this commission.

I am sure that the argument can be made that this in effect will

destroy the single-member concept. That is what I thought originally. After viewing the situation and the problem I feel that the single-member issue and the multiple issue is one that is most important to everyone in the sense of political terms, and that what we have to try to do is try to arrive, if we can, at a system that is going to be as much as possible fair to all people involved. I guess what I am saying is that members of the Democratic caucus feel that this would be a fair way of approaching the problem. It does not, as the original bill does, mandate single member districts automatically. But for those of you who feel more strongly about single member districts, I can assure you, or I think I can, whichever it might be, that as the time goes and as the way the courts have been operating, I see nothing to change them from continuing that type of reasoning that they have exercised in the past.

The best example to demonstrate that, I suppose, is what happened a couple of weeks ago at the City of Presque Isle involving the school board directors where the federal court has ruled that the city and the communities of SAD 1 must divide themselves and must reapportion themselves according to one man one vote. I understand that it is going to mean a school board if they do it along those lines of close to 70 or 80 people.

Now there is no issue in my mind that the courts are going to continue that type of decision making, and that is one of the reasons why I am supporting the amendment and introduction of it here today. I would ask that you give it serious consideration and that you would consider voting for it as we vote this afternoon on what will affect the State of Maine for a long time to come.

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

Mr. SIMPSON: Mr. Speaker, I would move the indefinite postponement of House Amendment "D".

Thereupon, Mr. Martin of Eagle Lake requested a roll call on the motion.

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 Housue 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 Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: As I think probably the number one opponent to single member districts, I am amazed that the gentleman from Standish, Mr. Simpson, is not willing to do what I am willing to do, and that is compromise and go with the good gentleman from Eagle Lake, Mr. Martin.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, to indefinitely postpone House Amendment "D" to L. D. 2040. 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, Briggs, Brown, Cameron, Chick, Curtis, T. S. Jr.; Davis, Donaghy, Dunn, Dyar, Emery, D. F.; Evans, Farnham, Farrington, Ferris, Finemore, Flynn, Gahagan, Garsoe, Good, Hamblen, Haskell, Henley, Herrick, Hoffses, Huber, Hunter, Immonen, Jackson, Kauffman, Kelley, Kelley, R. P.; Knight, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McCormick, McKernan, McMahon, McNally, Merrill, Morton, Murchison, Norris, Palmer, Parks, Perkins, Pratt, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Trask, Walker, White, Willard, Wood, M. E.; The Speaker.

NAY — Binnette, Boudreau, Bustin, Carey, Carter, Chonko, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Crommett, Curran, Dow, Drigotas, Dunleavy, Faucher, Fraser, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Han-

cock, Jalbert, Kelleher, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Martin, Maxwell, McHenry, McTeague, Morin, L.; Morin, V.; Mulhern, Murray, Najarian, O'Brien, Peterson, Rolde, Santoro, Smith, D. M.; Smith, S.; Talbot, Theriault, Webber, Wheeler, Whitzell.

ABSENT — Albert, Berry, P. P.; Bunker, Carrier, Churchill, Cressey, Dam, Deshaies, Dudley, Farley, Fecteau, Hobbins, Jacques, Keyte, Lynch, Mahany, Mills, Pontbriand, Ricker, Sheltra, Tanguay, Tierney, Trumbull, Tyndale.

Yes, 75; No, 52; Absent, 24.

The SPEAKER: Seventy-five having voted in the affirmative and fifty-two having voted in the negative, with twenty-four being absent, the motion does prevail.

The pending question is L.D. 2040 being passed to be engrossed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 94 having voted in the affirmative and 30 having voted in the negative, the motion did prevail.

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

Mr. BRIT: Mr. Speaker, I would move that the rules be suspended for the purpose of sending this Bill forthwith to the Senate.

The SPEAKER: The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt, that the rules be suspended for the purpose of sending this Bill forthwith to the Senate. This requires a two-thirds vote. All in favor of that motion will vote yes; those opposed will vote no.

106 having voted in the affirmative and 15 having voted in the negative, the motion did prevail.

Thereupon, the Bill was sent forthwith to the Senate.

The Chair laid before the House the fifth matter of unfinished business:

Bill "An Act to Improve the Lobster Fisheries" (S. P. 638) (L. D. 1973)

Tabled — June 20, by Mr. LaCharite of Brunswick.

Pending — Passage to be enacted.

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

Mr. MADDOX: Mr. Speaker, Ladies and Gentlemen of the House: We have now arrived at that position we often achieve — we always achieve at the end of a session when more or less confusion accompanies certain bills. We embarked upon this business of looking into the Sea and Shore Fisheries administration of the lobstering industry with considerable hope that we were going to come up with a solution.

This was done with the knowledge and the complete agreement of the Department of Sea and Shore Fisheries. We have a new commissioner in that department. He is a man who hasn't yet had time to get his feet on the ground. He has many beautiful theories and some he has advanced through bills that have been introduced in this legislature at the present time. Some of them were workable, some of them were not. We have discarded those, but we have now arrived at the point where he repudiates his own desires. He doesn't know what he wants.

The limitation of traps is something that was agreed upon by everybody, and now the Department of Sea and Shore Fisheries, having possibly within their reach a bill that would limit the number of traps being fished, acknowledge they don't know how to administer it, how to enforce it if it passed. I consider the conditions regarding this particular bill at the present time as far as it refers to the Department of Sea and Shore Fisheries to be an exercise in futility, because they are in such a state of confusion as to what they want, they wouldn't be able to administer the bill.

I would suggest, after I make the following motion, that they consider — the Department of Sea and Shore Fisheries study with the Legislative Committee on Marine Resources and come up with some legislation that they would agree to and that they will admit that they can administer. So I now

propose the indefinite postponement of this bill and all accompanying papers.

The SPEAKER: The gentleman from Vinahaven, Mr. Maddox, moves the indefinite postponement of L. D. 1973 and all accompanying papers.

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

Mr. HOFFSES: Mr. Speaker, Ladies and Gentlemen of the House: This proposed action comes to me as a great surprise. As a member of the Governor's study committee on the lobster industry — and in my humble opinion, that committee having done a very good job — and after long deliberation and discourse in this body and the other body, it was in my opinion felt that we had something for a bill which would, in the long-run, help the lobster industry.

The rank and file of the lobster fishermen — I mean by that the honest to goodness lobstermen — I believe wants some form of regulation and control to preserve the lobster industry, and I think that if this legislature goes out of here without enacting some form of legislation after having had two very extensive surveys made, that we — and I mean by we every member of the legislature from Fort Kent to Kittery — will be the laughing stock of the State of Maine, at least among those of us who do enjoy a lobster once in a while.

I am amazed and appalled at the proposal to abandon this action at this time. The bill which we engrossed and sent to the Senate I did not wholeheartedly agree with. I felt that we should, after going to the meetings and talking with the lobstermen — and I do have a dialogue, if you want to use the word, with the lobstermen. I have represented a good many hundred of them, and they still, at least as far as I know, consider me as a friend of theirs.

Now, I believe that they, the honest to goodness lobstermen, want something, and the bill which we engrossed and sent to the other body and which is back here now at this time — although it is not all that I myself would desire, and it is not a perfect bill — and

of all the bills this legislature thus far has enacted, I don't believe there is one that is perfect — I believe we should enact some form of legislation, and if it is not as thorough and as complete and as satisfactory — and the fledgling commissioner who says that he is not able to administer a trap limitation, I would suggest that perhaps he might go over to Canada; they might be able to teach him a point or two on trap limitation and how you mark your traps and how you control lobstering over there in Canada. I am sure they would be more than generous to help out the commissioner.

Mr. Speaker, I would respectfully request that when this vote be taken, that it be taken by the yeas and nays, and I hope you will reject the motion to indefinitely postpone, and that we in this legislature can pass some form of legislation, that we will not go out of here looking like something less than responsible legislators.

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 Belfast, Mr. Webber.

Mr. WEBBER: Mr. Speaker, Ladies and Gentlemen of the House: I wholeheartedly concur with the gentleman from Camden, Mr. Hoffses. I was on the Marine Resources Committee and also on the Governor's study committee, and the gentleman from Camden will know some of the meetings we went to, they were pretty rough. He and I both know the lobstermen. He and I both came out of it with the same feeling, that they wanted something.

It is my thinking that if we have a commissioner over there who cannot administer this thing, we should be looking for someone else to administer the thing, and I

agree with him that we should not go out of here before we pass some sort of legislation. When more licenses are issued every year, more traps are being used in fishing every year and less lobsters caught year after year, something should be done.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I agree with the last two people who spoke. I realize how vital this is to the lobster industry. Although I live in Bath and not too many lobstermen live in Bath, I do represent areas around there, because I feel that we all represent areas near our own cities; and I know lobstermen, and I know that they want something.

Now, I know that no one in this House is more interested in the lobster situation than the gentleman from Vinalhaven, Mr. Maddox, but I believe now, because amendments are coming forth with and he has had consultations with the commissioner and the commissioner, as he said, doesn't know exactly which way to go, I believe that he is frustrated.

Now, I sponsored the 600 trap limit, and that is only part of the bills that are before us now. I think that we would be willing to back up Mr. Maddox and any real, logical, sensible amendment he would come up with.

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

Mr. KAUFFMAN: Mr. Speaker, Members of the House: The bill which you have before you, 1973, has five amendments to it, and I don't believe there is over a dozen members present who have read these amendments.

The lobstermen themselves do not know what they want. I received calls from the lobstermen, and they don't want anybody else to fish but the commercial lobsterman. I received calls from a lobsterman who fishes a hundred traps, and he wants his fair share of the lobsters. Therefore, until such time as the lobstermen, the commissioner and all others concerned and the Natural Resources

Committee can get together, I shall support the gentleman from Vinalhaven's indefinite postponement motion.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I, too, come from lobster country. I, too, served on the study committee. We went from one end of the coast to the other. I spent the better part of my lifetime on the coast, and I know the problems.

This bill has a lot of good intentions, but, unfortunately, it does not go far enough; and I would like to say a word in defense of the commissioner. We will be giving him a very imperfect tool to work with, because the details have not been worked out in the amendments in this bill so that he could logically enforce a trap limitation; and when you get to 600 traps per fisherman when you realize that there are in excess of 7,000 so-called fishermen licensed today — it looks like it might go to 8,000 — you multiply those figures together and you come up with a tremendous number of traps.

Now, at the present time we are fishing, or this last year, they estimated between a million five hundred thousand and two million traps. Also, I think the experts in the field and the good fishermen will tell you that 2,500 lobstermen with 200 traps apiece can catch every lobster there is to be caught on the coast of Maine here.

I think that there is more research needed to be done. We have got to come up with something sensible and reasonable. There has been legislation passed in this session of the legislature that will enable a trap limitation law to be written so that it can be enforced. We need a more complete law to do it; and in defense of the commissioner, I don't blame him for being unhappy with this package, and I, too, support my good friend, Mr. Maddox from Vinalhaven. Let's kill this one off and hopefully in the Special Session come in with sensible and reasonable legislation.

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker, Members of the House: I, too, was a member of the interim committee that searched for information and tried to come up with something that would be acceptable, but we seem to have run into an impasse here in the House. We weren't unified to the fullest extent, and as a result, we have now reached the point where the man who is really leading the battle has moved for indefinite postponement of this amendment. I don't feel that the time and the effort and possibly what little money we spent in going along the coast and holding these meetings was entirely wasted. I think we brought to the attention of the House and the other body the fact that we are concerned, but possibly, we haven't got the right tool to deal with it at this time. I go along with the motion of Representative Maddox.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I too support the pending motion, and I too share the concern of the gentleman from Camden, Mr. Hoffses, the gentleman from Bath, Mr. Ross, and the gentleman from Belfast, Mr. Webber, and that much study has gone into the question of how we manage and conserve the lobster industry.

I am concerned, however, that we do the right thing, and as some of the recent speakers have indicated, we are not at all concerned or not at all sure that pending legislation or any legislation that may come before this body before we adjourn is the right thing to do.

There have been several references made to the fact that the commissioner is not sure whether or not he can enforce a trap limit, this is true. I will also indicate that the chief wardens are even more skeptical than he is.

I think that a very meaningful start has been made on this question and I think that during the

course of the summer and fall, members of the Maine Resources Committee and other coastal legislators with a genuine interest in this subject can get together, and it is my earnest desire and hope that we come up with a meaningful bill which will come before the special session of this legislature.

I think this legislature has taken some meaningful action which we are not all perhaps aware of. We did enact a law which changed the paunch in the lobster, which perhaps biologically speaking will make for a much better product and reduce the mortality rate. We have passed a so-called implied consent law for the wardens to inspect the licensees, and we have passed a bill that would allow the State of Maine to regulate any action by a licensee who holds a fishing license.

So while I am very disappointed that we will not probably have any lobster legislation this session, I do not feel the time has come, and I ask you to support the pending motion of the gentleman from Vinalhaven, Mr. Maddox.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: This has been a very frustrating subject, and yesterday afternoon, as an example, we seemed to be in agreement on our legislation. This morning we find out we are in disagreement.

A Governor's Task Force has studied this extensively. They have been up and down the coast, as well as legislators such as the gentleman down here on my left. Mr. Greenlaw has also conducted hearings up and down the coast. Your Marine Resources Committee has worked extensively on this. A dozen or two people particularly involved with the lobster industry and being on the committee have worked long hours and have tried to compromise and work this thing out. I would say that all sides and all parties have given, and given, and given in an effort to put some package together and to work out something satisfactory that could at least go on the books.

As I say, yesterday afternoon it seemed we were pretty much in agreement, and this morning the whole thing has blown apart. I would appreciate it if a little more effort couldn't be made and somebody would table this for one legislative day and see if we couldn't have one effort to do something to get something on the books in connection with an industry that desperately needs some attention.

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

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

Thereupon, Mr. Kauffman of Kittery requested a vote.

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

A vote of the House was taken.

Thereupon, Mr. Brown of Augusta 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 Bath, Mr. Ross, that this matter be tabled for one legislative day pending passage to be enacted. All in favor of tabling will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Binnette, Birt, Bragdon, Brown, Chick, Chonko, Cottrell, Curran, Dam, Donaghy, Drigotas, Emery, D. F.; Farnham, Ferris, Flynn, Garsoe, Goodwin, H.; Haskell, Hoffses, Huber, Immonen, Jalbert, Kelleher, Kelley, LaPointe, Littlefield, Maxwell, McCormick, McHenry, McKernan, McMahan, Morin, L.; Morin, V.; Morton, Mulkern, Najarian, Norris,

Peterson, Pratt, Rollins, Ross, Santoro, Shaw, Shute, Silverman, Soulas, Stillings, Susi, Talbot, Webber, Wheeler, White, Whitzell, Willard

NAY — Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Bither, Boudreau, Brawn, Briggs, Bustin, Cameron, Carey, Carter, Churchill, Clark, Conley, Connolly, Cooney, Cote, Crommett, Curtis, T. S., Jr.; Davis, Dow, Dudley, Dunleavy, Dunn, Farrington, Faucher, Finemore, Fraser, Gahagan, Gauthier, Genest, Good, Goodwin, K.; Greenlaw, Hamblen, Hancock, Herrick, Hunter, Jackson, Kauffman, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LeBlanc, Lewis, E.; Lewis, J.; MacLeod, Maddox, Mahany, Martin, McNally, McTeague, Merrill, Murchison, Murray, O'Brien, Palmer, Parks, Perkins, Rolde, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Sproul, Strout, Theriault, Trask, Walker, Wood, M. E.

ABSENT — Albert, Bunker, Carrier, Cressey, Deshaies, Dyar, Evans, Farley, Fecteau, Henley, Hobbins, Jacques, Lawry, Lynch, Mills, Pontbriand, Ricker, Sheltra, Tanguay, Tierney, Trumbull, Tyn-dale

Yes, 54; No, 74; Absent, 22.

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

The pending question is on the motion of the gentleman from Vinalhaven, Mr. Maddox, that L. D. 1973 be indefinitely postponed in non-concurrence. A roll call has been ordered. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Brown, Bustin, Cameron, Carey, Chick, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cottrell, Crommett, Curran, Curtis, T. S. Jr.; Dam, Davis, Donaghy, Drigotas, Dudley, Dunleavy, Dunn, Farrington, Faucher, Finemore, Fraser, Gauthier, Good, Goodwin, K.; Greenlaw, Hamblen, Hancock, Haskell, Henley, Herrick, Huber, Hunter, Im-



monen, Jackson, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McKernan, McMahon, McTeague, Merrill, Morin, V.; Mulkern, Murchison, Murray, Najarian, O'Brien, Palmer, Parks, Perkins, Peterson, Pratt, Rolde, Santoro, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Talbot, Theriault, Trask, Walker, White, Whitzell, Wood, M. E.

NAY — Carter, Conley, Dow, Emery, D. F.; Farnham, Ferris, Flynn, Gahagan, Garsoe, Goodwin, H.; Hoffses, McHenry, McNally, Morin, L.; Morton, Norris, Rollins, Ross, Shaw, Webber, Wheeler, Willard.

ABSENT—Albert, Bunker, Carrier, Cressey, Deshaies, Dyar, Evans, Farley, Fecteau, Genest, Hobbins, Jacques, Lawry, Lynch, Mills, Pontbriand, Ricker, Sheltra, Tanguay, Tierney, Trumbull, Tyndale.

Yes, 106; No, 22; Absent, 22.

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

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

Mr. JACKSON. Mr. Speaker, having voted on the prevailing side, I hope we will reconsider and you will vote against me.

The SPEAKER: The gentleman from Yarmouth, Mr. Jackson, moves that the House reconsider its action whereby this bill was indefinitely postponed.

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

Mr. EMERY: Mr. Speaker and Members of the House: The only reason that I am going to rise and speak very briefly on this issue is because I have a very strong feeling that unless something is done for the Maine fishing industry in the near future we are going to be in serious difficulty. I know it is late in the ses-

sion, it is a hot afternoon, but I feel that one of the ways to hurry the demise of the Maine fishing industry is to ignore some of its serious problems by killing bills such as this that have been proposed and worked on, and I know it is not a perfect piece of legislation.

I have had opportunities to work with the Department of Sea and Shore Fisheries on other pieces of legislation, including an infamous clam bill this session, and I found them to be generally very helpful, and I find that they have a great sense of urgency as to the many problems that face the fishing industry, whether it is lobsters or clams or anything else.

I fear, I really fear that unless the legislature and unless the fishermen can learn to work together and take even small steps at first to solve some of the problems that we have, the fishing industry is doomed. So I am going to vote for reconsideration, and I hope that my little plea will affect some of you at least to pass this legislation and let's see what happens. If it is not perfect, if we have serious problems with it, then maybe we ought to come back in the special session and make some changes.

I voted against Mr. Greenlaw's bill the other day because I felt that this bill was a little bit more satisfactory and that a compromise had been worked out, but I can see that I was wrong. And I don't like the feeling that by compromising on a piece of legislation I was sold down the river, and that is what I feel happened. I feel that something happened somewhere between the corridors in an attempt to kill both of these bills.

I would hope that you would reconsider your action and pass this piece of legislation in a hope that something meaningful can be done in the next few months.

So I am going to ask for a roll call on reconsideration, and I hope that you will go along with me.

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

Mr. SHUTE: Mr. Speaker, could I have the reconsideration motion tabled one day?

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Stockton Springs, Mr. Shute, that this matter be tabled pending reconsideration and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 36 having voted in the affirmative and 70 having voted in the negative, the motion did not prevail.

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

Mr. MADDOX: Mr. Speaker and Members of the House: I hope you do not vote to reconsider. I have been acquainted with, lived with, and still do, the lobster industry. Nobody is more concerned with the future of the lobster industry than I am. I hold a certificate, an honorary membership in the Maine Lobstermen Association given to me in appreciation of work that I have done for that organization. But I think here we are faced with a problem not of our own making, and I think we can do much better than we can do in anything in this legislature in the time remaining if in the next few months the commissioner of the Sea and Shores Fisheries in conjunction with whomever of the Marine Resources Committee who want to come in would come up with a program that he admits that he can work, and in the meantime the fishermen are not going to suffer. Nobody knows any more than I do that the lobster fisheries need help and that the product is declining and it needs definite help. But if we are not going to be able to implement the legislation we pass, it is an exercise in futility.

Now, let this commissioner come up with a program that he admits is workable for his department, because his department has got to work it, and let us at the special session, maybe, or as soon as we can, implement those recommendations by passing it.

But at the present time you are not going to accomplish anything.

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 Yarmouth, Mr. Jackson, that the House reconsider its action whereby it indefinitely postponed this Bill and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Brawn, Brown, Carter, Conley, Connolly, Dow, Emery, D. F.; Farnham, Flynn, Fraser, Gahagan, Garsoe, Goodwin, H.; Haskell, Hoffes, Kelleher, Kilroy, LaPointe, McNally, Morton, Najarian, Norris, Perkins, Peterson, Shaw, Shute, Webber, Wheeler, Willard.

NAY — Ault, Baker, Berry, G. W.; Berry, P. P.; Binnette, Bither, Boudreau, Bragdon, Briggs, Bustin, Cameron, Carey, Chick, Chonko, Churchill, Clark, Cooney, Cote, Cottrell, Crommett, Curtis, T. S., Jr.; Davis, Donaghy, Drigotas, Dudley, Dunleavy, Dunn, Farrington, Faucher, Finemore, Gauthier, Genest, Good, Goodwin, K.; Greenlaw, Hamblen, Hancock, Henley, Herrick, Huber, Hunter, Immonen, Jackson, Jalbert, Kauffman, Kelley; Kelley, R. P.; Knight, LaCharite, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McMahan, McTeague, Merrill, Morin, L.; Morin, V.; Mulhern, Murchison, Murray, O'Brien, Palmer, Parks, Pratt, Rolde, Rollins, Ross, Santoro, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Theriault, Trask, Walker, White, Whitzell, Wood, M. E.

ABSENT — Albert, Berube, Birt, Bunker, Carrier, Cresse, Curran,

Dam, Deshaies, Dyar, Evans, Farley, Fecteau, Ferris, Hobbins, Jacques, Keyte, Lawry, Lynch, McKernan, Mills, Pontbriand, Ricker, Sheltra, Talbot, Tanguay, Tierney, Trumbull, Tyndale.

Yes, 29; No, 82; Absent, 29.

The SPEAKER: Twenty-nine having voted in the affirmative and ninety-two in the negative, with twenty-nine being absent, the motion to reconsider does not prevail.

Sent to the Senate.

The Chair laid before the House the sixth item of Unfinished Business:

Bill "An Act Regulating Agricultural Labor Practices" (H. P. 1606) (L. D. 2027)

Tabled — June 20, by Mr. Brown of Augusta.

Pending — Passage to be enacted.

On motion of Mr. McTeague of Brunswick, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentleman offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-594) was read by the Clerk.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: The purpose of this amendment is to delete a portion of the bill which prohibits the right of the employees in the situation involved to cease employment and not be forced to work when they don't want to. I think the adoption of the amendment is necessary, in my personal opinion, in order to sustain the legality of the bill, but more importantly to sustain our tradition of no forced labor in the State of Maine.

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

Mr. SMITH: Mr. Speaker. Ladies and Gentlemen of the House: I guess I apologize for the bill getting as far as it has without any debate. In order to debate the amendment, I really have got to tell you a little about the bill, and

why it is necessary to defeat the amendment.

This bill was in response to a problem that hasn't occurred yet in the State of Maine, but it very possibly could. Because of the unique characteristics inherent in the perishability of agricultural products, agricultural labor has been exempt in the past from many national and state laws regarding labor legislation. Consequently, there is no law now in the nation or in the state which would regulate labor in case it should organize on farms. In other states where this condition has existed, labor has organized, sometimes under strong external pressures, and it has been damaging oftentimes to both the growers and the laborers themselves.

This bill attempts to create the structure that prevents such losses. I do not intend to convey the feeling that unionization of agricultural labor in Maine is imminent. I don't know whether such a movement might happen next month, next year or even in the next decade, but I know it has happened in some states, California and Arizona in particular, and the results have not been happy. California has yet to pass any legislation which regulates agricultural labor. I passed around to your desks yesterday an article clipped from Newsweek magazine of May 21, and I know you all read everything that comes across your desk, but just let me comment on a couple statements in that article.

This article describes the seriousness and complications currently taking place in California in the battle between the Teamsters Union and United Farm Workers over the control of farm workers in that state.

Let me just read a passage. George Meany has called the most vicious strike breaking, union busting effort that I have seen in my lifetime on the part of his teamsters. Meany further accused teamsters of signing "sweetheart" contracts with growers that make farm workers actual slaves to the labor contractor. A federation-teamsters showdown is the latest development in a bitter battle involving the Truckers Union, the

UFW, California Lettuce and Grape Growers, and trapped in the middle, they have the steel-worker.

Five states to date, learning from the experience of California and Arizona, have adopted legislation similar to what we are considering today. This legislation provides the machinery for workers' elections; it defines unfair labor practices; it creates a procedure for settling disputes.

Now, an important part of this legislation is the regulation of the strike. Agriculture is unique because of the perishability of its product. If an automobile manufacturer is — the workers are on strike for four weeks, there is no real harm. The material they use in the assembly of the automobile is still intact at the end of the four weeks. Farming provides another problem. Because of the limited growing season, timing is essential in farming. If a potato harvest, for instance, is delayed four weeks, the farmer would probably lose most, if not all, of his crop; and in most cases on our farms today, the value of the farmer's crop will exceed his net worth. In other words, if he loses that crop, he loses everything he owns. Therefore, we have written into this legislation the concept that during these very critical periods of planting and harvesting, disputes would be solved by binding arbitration.

Now, many people have put a lot of hours into this piece of legislation. We originally took it out of an ad that is being adopted in Idaho. We have changed it to fit the Maine law and the Maine situation. Very generally, the bill in its present form was written by both labor and management people. We have compromised and we have agreed on most aspects, and we are down to the one provision now that the gentleman from Brunswick is referring to.

The election procedures and unfair labor practices in this bill were developed to closely follow those of the National Labor Relations Act. In order not to create another department or division in the state, we have used the Pub-

lic Employees Labor Relations Board as the operating mechanism for solving disputes, and we have written their procedure into this act.

I feel it is as fair a law as we can come up with. It serves the need to prevent a problem that might occur, a problem now that you might not think would be serious but a problem that could be very serious as we have seen by the other states.

I do have — one more compromise was made and I would offer it in a later amendment, but at this time I would urge you to vote against the amendment offered by the gentleman from Brunswick, and I would now move that that amendment be indefinitely postponed.

The SPEAKER: The Chair requests the Sergeant-at-Arms to escort to the rostrum the gentleman from Bangor, Mr. Kelleher, for the purpose of presiding as Speaker pro tem.

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

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: In order to save time on this hot afternoon, I would withdraw my amendment.

I recognize the fine attempt of the gentleman from Exeter, Mr. Smith, in regard to this bill. I think really in addition to the amendments which involve a lot of detail, there are only a couple of things wrong here. Number one, it is 1973; in the year 2000, we may need this bill. Mr. Smith has stated very candidly and with a great deal of honesty that it isn't a problem here, we don't know if it is ever going to be, and yet he suggests we rush into passing a law, which admittedly at this time has a rather small amount of money involved in it, but you all know how these things go.

I suggest that not only will we save a few dollars, and that isn't the most important thing, and a little time, which isn't most important either, but that if we wait

until we have nearness to the actual situation rather than trying to speculate into the future based on California, where I understand they grow mainly lettuce and grapes, and not potatoes and such, chickens and this and that, that we will be a lot better equipped to deal realistically with the situation; and God knows we have got enough to argue about here and take our time up here today and next week — and I hope that is the end of it — without going on about something that is in California now and somebody knows might be in Maine. I don't represent the teamsters' union, I have no contact with them, but I understand that those gentlemen have a little bit of difficulty organizing truck drivers in the State of Maine, and I don't believe there is any need for this bill.

I think the House owes a vote of thanks to the gentleman from Exeter, Mr. Smith, for the very hard and detailed work in the way he has tried to cooperate with both sides, but we have so very much to contend with that is so immediate, I am afraid this is a bit distant. Perhaps a study committee 10 years from now can give us something that we can deal with when we have the actual need 20 years from now, but it is not here. To keep this thing alive, I suspect there will be an amendment in this body and an amendment in that body and goodness knows how long we will be here.

So, Mr. Speaker, at this time I would move the indefinite postponement of the bill and all accompanying papers.

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

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I agree that the gentleman from Brunswick has nothing to worry about if we don't have this bill. However, if something happens to us who have our life savings invested in a potato crop and something hits us when we have about two weeks left before the frost time, something in this area, and

we don't have the bill, I point out to him that to those people this is a very important issue, and I make a very serious division with him in regard to indefinitely postponing the bill. If we need it, we are going to need, and we are going to need it damn bad. I hope you don't indefinitely postpone the bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker and Members of the House: I oppose the bill. The bill is very confusing. It consists of ten pages, and I am of the opinion that very few members of the House have had an opportunity to read it because it was printed, I believe, the 13th of June. It was immediately within a day or so, brought before us. It has come out of committee late. There has already been three amendments offered and one, as you know, a motion to take it off. I have telephoned last night and yesterday afternoon several farmers and some laborers in my area. None knew anything about this bill. I called both small growers and larger growers.

Finally, in my opinion, this bill is much too premature. I do not think it is needed at this time. The relations between our laborers and our growers and employers of this group of laborers have always been good; they still are good. This bill, if it was passed now, would not become law until after we had our harvest completed this fall.

I think the growers and the laborers in Aroostook County would be much better satisfied if we kill this bill at this time and get them some information on such a proposition as this coming before the legislature in our Special Session or some years later. I support the motion to indefinitely postpone this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: In my opinion, this bill should be indefinitely postponed. I believe, although nobody will believe it here in the House, that I could advance arguments from both the

labor and the management side as to why it should be.

From the laborer point of view, the gentleman from Exeter, Mr. Smith, advances the argument that we have no problem now, so we need to pass this bill in case we ever do get one. If you have no problem now, you can look at that simply from the management point of view and say that is true. If you have no problem now from management point of view, you are really inviting one; because part of this bill calls for all the procedures by which the United Farm Workers, the teamsters could come right in here, drop off truckloads of people with cards and say sign up, right in the fields, right in the orchards. It would be very easy, there is nothing to stop them, because it is legitimized right here in this act.

Secondly, from the management point of view, this bill is an effort, and a well-intentioned effort, to prohibit strikes during planting and harvest, comes around and says in those times, disputes will be settled by binding arbitration. This is an open invitation in every farm, in every agricultural industry to have binding arbitration, every single harvest. What does labor have to lose? Nothing, some legal fees and that is all.

One of the stranger things that has happened in this particular piece of legislation is that it takes the public employees' labor relations board, which is set up to handle disputes between teachers and firemen and policemen and garbage collectors; you add two people to this board and you have the agricultural labor board.

In the 50's there was a jazzband called the Firehouse Five Plus Two. I guess what this is the public employee labor relations board plus two.

I think the bill is ill-conceived, it is poorly drawn, and it should be indefinitely postponed.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Brunswick, Mr. McTeague, that L. D. 2027 and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 57 having voted in the affirmative and 29 having voted in the negative, the motion did prevail.

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

Mr. McTEAGUE: Mr. Speaker, having voted on the prevailing side, I move reconsideration and ask that you vote against me.

The SPEAKER pro tem: The gentleman from Brunswick, Mr. McTeague, having voted on the prevailing side, moves that the House reconsider its action whereby it indefinitely postponed L. D. 2027. All those in favor of that motion will say yes; those opposed will say no.

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

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

Mr. WHITZELL: Mr. Speaker, is the House in possession of L. D. 688?

The SPEAKER pro tem: The Chair would answer in the affirmative, the House is in possession L. D. 688, An Act Relating to the Sale of Crawfish or Imitation Lobster.

Mr. WHITZELL: Mr. Speaker and Members of the House: Having voted on the prevailing side, I believe that the members of the House yesterday passed a measure that was very unfair to Maine citizens.

The issue, as I saw it yesterday, was to protect the image --

The SPEAKER pro tem: Would the gentleman defer for a moment. If I understand the gentleman correctly, he moves that we reconsider our action whereby this House adhered, it was indefinitely postponed?

Mr. WHITZELL: I am getting to that.

The SPEAKER pro tem: Does the gentleman ask for reconsideration?

Mr. WHITZELL: Yes, I will get to that.

The SPEAKER pro tem: The Chair recognizes the gentleman from South Addison, Mr. Davis.

Mr. DAVIS: Mr. Speaker, I would request a division, please.

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

Mr. WHITZELL: Mr. Speaker, is that debatable?

The SPEAKER pro tem: Yes, it is debatable.

Mr. WHITZELL: Mr. Speaker, Members of the House: Having voted on the prevailing side, I believe that the members of the House yesterday passed a measure that was very unfair to Maine citizens.

The issue, as I saw it yesterday, was to protect the image of our great state and the quality of its products in the area of trade and in the area of promotion. Maine is not an industrial state, and much of its economic well-being relies on its favorable image as a vacationland.

I believe that the passage of L. D. 688 yesterday was a disservice to Maine citizens who pay an ever increasing share of their take-home pay for the bare essentials, such as food.

I admit that in my family we have turned more and more to products of the sea to help reduce our food costs. We have eaten mussels, squids and other items which do not include the overpriced, undersupplied Maine lobster. Lobster meat sells — and this is today's figure from the Augusta Food Market — sells at \$8.00 per pound shucked and from \$1.69 a pound for a small lobster of one to one and a half pounds up to \$2.29 for lobsters of two pounds weight and over. This item, Maine lobster, has no place in our weekly grocery bill.

If we, as representatives of the citizens of Maine, can do anything for the majority of our constituents, then we must reconsider our actions of yesterday. I therefore make that motion.

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

Mr. SHAW: Mr. Speaker and Members of the House: A point of parliamentary inquiry. My record on yesterday, we failed to reconsider this action yesterday, and I can't see why we can do it twice?

The SPEAKER pro tem: The Chair will inform the House there is no record of reconsideration from yesterday. The pending motion to reconsider is in order.

The Chair recognizes the gentleman from Presque Isle, Mr. Dunleavy.

Mr. DUNLEAVY: Mr. Speaker and Ladies and Gentlemen of the House: A few days ago, I was asked by the sponsor of this bill to look it over and support it if I could. Since I had very little philosophical kinship with this fine gentleman, I felt at first that it was unlikely that the bill would appeal to me. After reading it, however, and studying it, I decided that I would not only support this bill but that I would stand up in this House and attempt to convince the majority of you to see things the way I see it.

I would like to read that statute to you if I may. The statute, Title 12, Section 4452 reads, "It is unlawful for any person to sell, offer for sale or possess for sale within the state, crawfish, so-called, in any form. It is unlawful to serve in public eating places, to label or advertise as lobster or imitation lobster any species of fish in either a canned, frozen or fresh state, whether removed from the shell or not except the species of lobster commonly known as *Homarus Americanus*." There is a penalty attached to it of a fine of not less than \$50 nor more than \$1,000 or by imprisonment for not more than 90 days or by both.

Up in Aroostook County, we don't have many lobster fishermen or lobster trappers, but we do have a lot of lobster eaters, at least we used to until the price of this native delicacy became so prohibitive that most people in my area could not afford to buy it and to eat it. My people do have a taste for seafood, however, and enjoy eating less expensive cousins of our lobster, such as crabmeat, clams and occasionally Maine shrimp, all of which can be legally sold and eaten in this state.

I am told that crawfish can be legally sold and eaten in every state in the Union except Maine.

So long as this law is on our books, people in my area who cannot afford lobster are denied the right to buy and eat a nutritious and edible substitute seafood.

I think it is time for us to reason together in an attempt to afford our lobstermen the fullest protection possible consistent with safeguarding and protecting the interests of the great majority of our citizens. All we will be doing by reconsidering our action is allowing a Conference Committee to attempt to iron out a compromise measure which will answer the legitimate needs of our lobstermen and protect at the same time the interests of the great majority of our people who are not lobstermen.

The crawfish law is over 30 years old and was passed at a time when lobsters were selling at very low prices. Members of that industry were in need of protection. Now it is the lobster eater who is in need of protection. The Conference Committee, I am sure, can come up with a bill which will prohibit misrepresentation, substitution and false advertising of crawfish without prohibiting the sale and consumption of this nutritious food to and by the people of Maine who are laboring under the most inflationary food prices in our history. I am convinced that this present law is unconstitutional, but I do not appeal to you to reconsider on that basis. I ask you to reconsider so that all our people are treated fairly, those who eat lobster as well as those who trap them.

Let's show the people in these last days of the session that politics is indeed the art of the possible and refrain from shooting a mouse with a cannon. The present law is over-kill. It goes further than necessary and further than we in justice and fairness should permit it to go. Let's amend it. We can afford protection to our lobstermen without banning the sale and consumption of other food, and I would strongly oppose any law prohibiting the sale of other edible food, including one which would prohibit the sale of Idaho potatoes, an industry in direct conflict with my area.

I sincerely hope that you will vote in the interests of the great majority of your constituents when this vote is taken. I intend to, and that is the reason that I am now requesting that this vote be taken by the yeas and the nays.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I come from lobster country. I grant you that lobsters are high, but I used to enjoy eating potatoes. You can tell that by looking at me, but at the price they are today, they are off the menu. When it comes to eating lobster, I am proud of the reputation of Maine lobster and you do pay a price for it and this is supply and demand. If you people in the State of Maine are going to be happy to have a cheaper so-called lobster salad and lobster stew, remember that ground up rubber boots will do it pretty well.

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

Mr. GREENLAW: Mr. Speaker and Ladies and Gentlemen of the House: It is indeed interesting, some of these issues that certain individuals unite on and others that people do not. I call your attention to our decision the other day by almost a 4 to 1 margin to indefinitely postpone this bill. I think this was ably debated then and I don't think there is any need for reconsideration now. I would like to make just one point that continues to disturb me about the price of lobster in the State of Maine and elsewhere.

People think that the lobstermen are getting an exorbitant price for their lobsters and this is very much untrue. You talk about a ten or a twelve or a thirteen dollar lobster meal in a restaurant and I hope that you all understand that the lobstermen are getting right now either \$1.30 or \$1.40 per pound, and this isn't very much compared with what the lobster is costing in the restaurant.

The lobster industry is still in need of this protection that this law provides and obviously there is a question about it and I think



it should be settled in the courts and not in this legislature, and I urge you to vote against reconsideration on this issue.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: I am out of the category of one of the items I am going to mention, but can you imagine insulting a nice fresh lobster with some drawn butter and Maine potatoes and a cold brew and mess it up with a crawfish. The idea is just ridiculous. It repulses me, and I am very proud of you up there, Mr. Speaker.

The SPEAKER pro tem: The from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker and Ladies and Gentlemen of the House: I, too, come from lobster country and I certainly hate to see our trademark as the nice red lobster representing the State of Maine destroyed with this crawfish.

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

Mr. WHITZELL: Mr. Speaker and Ladies and Gentlemen of the House: I would like to make just one brief comment. I read a decision from the Attorney General's office a moment ago that was sent down regarding this question. First of all, the crawfish is not native to the coast of Maine, therefore, you lobstermen do not need to be afraid that they will get into your traps because they are not going to be there. They come from Africa and other warm water countries.

The crawfish to me is as Argentine meat is to the butcher. It doesn't matter whether that beef came from Argentina or anywhere else, it doesn't affect our image in Maine at all, nor will a crawfish become the state symbol if we all of a sudden should do away with this perfectly monopolistic position that the lobster fishermen have been able to gain over the public in Maine. I am not talking about restaurant meals that are charged \$13, but I am talking as a consumer walking into the

fish market and not being able to afford that so-called delicacy, the lobster. Perhaps if the lobstermen were really interested in bettering their position, the legislation that was currently defeated, and I supported the gentleman who defeated it, the lobster representative, and I would say that what they should have possibly done is worked probably a little harder to do something to really better the lot of all lobstermen and all people in the State of Maine. There are many more consumers than there are trappers of lobster, and I am not here to protect the trappers of lobster but to represent the consumers of lobster, and that is the rest of us who have a fine taste for the delicacy as Mr. Jalbert so eloquently put it.

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

Mr. HOFFSES: Mr. Speaker, Ladies and Gentlemen of the House: I have been listening with a great deal of interest to the knowledge and the oratory of the two gentlemen, namely from Gardiner and from Presque Isle. I am sure that they are extremely knowledgeable in the harvesting of lobster and also perhaps a little more so in the price of lobsters. I will be very brief, and I will say to the gentleman from Gardiner, Mr. Whitzell, that if he thinks that the price of lobster is priced off his table, let him take confidence in his vote today because it won't even be priced anywhere near his house in a short time.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: I just can't sit still any longer because the price of lobster that I have been hearing about, going to a restaurant and paying \$13 for a dinner, that is kind of bothering me. If anyone in this House wants to eat a lobster, I guarantee you the price will be about half that cost and there is never any imitation. The best lobster in the world is in Maine. We have a big sign in Bangor over the Pilot's Grill, and

I am sure the meal won't cost you \$13.

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

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

Mr. Whitzell of Gardiner requested permission to speak a third time, which was denied.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Gardiner, Mr. Whitzell, that the House reconsider its action on L. D. 688 whereby it voted to adhere. All in favor of reconsideration will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Berry, P. P.; Birt, Bragdon, Brown, Carter, Connolly, Cottrell, Dow, Dudley, Dunleavy, Ferris, Flynn, Garsoe, Gauthier, Genest, Hamblen, Haskell, Henley, Kauffman, Kilroy, Maxwell, McHenry, McKernan, Morin, L.; Morin, V.; Murchison, Najarian, Perkins, Peterson, Rollins, Ross, Santoro, Simpson, L. E.; Snowe, Stillings, Talbot, Whitzell.

NAY—Ault, Baker, Berry, G. W.; Bither, Boudreau, Brawn, Bustin, Cameron, Carey, Chick, Chonko, Churchill, Clark, Cooney, Cote, Curtis, T. S., Jr., Davis, Donaghy, Drigotas, Dunn, Dyar, Emery, D. F.; Farnham, Farrington, Finemore, Gahagan, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Herrick, Hobbins, Hoffes, Huber, Hunter, Immonen, Jackson, Jalbert, Kelley, Kelley, R. P.; Knight, LaChamite, LaPointe, Lewis, E.; Lewis, J.; MacLeod, Maddox, Mahany, Martin, McCormick, McMahon, McNally, McTeague, Merrill, Morton, Mulkern, Murray, Norris, O'Brien, Palmer, Parks, Pratt, Rolde, Shaw, Shute, Silverman, Smith, D. M.; Smith, S.; Soulas, Sproul, Strout, Theriault, Tierney, Trask, Walker, Webber, Wheeler, Willard, Wood, M. E.

ABSENT—Albert, Berube, Binnette, Briggs, Bunker, Carrier, Conley, Cressey, Crommett, Curran, Dam, Deshaies, Evans, Farley, Faucher, Fecteau, Fraser, Jacques, Kelleher, Keyte, Lawry, LeBlanc, Littlefield, Lynch, Mills, Pontbriand, Ricker, Sheltra, Susi, Tanguay, Trumbull, Tyndale, White.

Yea, 37; No, 80; Absent, 33.

The SPEAKER pro tem: Thirty-seven having voted in the affirmative and eighty having voted in the negative, with thirty-three being absent, the motion does not prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker, is the House in possession of L. D. 2008?

The SPEAKER pro tem: The Chair would answer in the affirmative. Bill "An Act Reconstituting and More Effectively Coordinating the Maine Commission on Drug Abuse and Division of Alcoholism and Providing Alternative Sentencing for Violators of Drug Abuse Laws" Senate Paper 635, L. D. 2008, is in the possession of the House.

Mr. LEWIS: Mr. Speaker, I now move we reconsider our action whereby this bill failed to be enacted.

The SPEAKER pro tem: The gentleman from Bristol, Mr. Lewis, moves the House reconsider its action whereby this Bill failed of passage to be enacted.

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

Mr. CURTIS: Mr. Speaker, I hope the House will indeed vote for reconsideration of this matter which was defeated by a very small margin earlier today, and I think part of the reason was that the people had kind of forgotten what the true measure and importance of this bill was.

I would just briefly say that the matter before us is a significant one, we think. In the State Government Committee we put a lot of work into it to combine these two organizations into one more responsible group. We think

that we will be able to eliminate overlapping costs.

There are now three citizen advisory groups with a total membership of 56 people involved in the area of alcoholism and drug abuse. Our proposal would create simply one advisory group with 17 members. So you can see just the simple savings there would be substantial. We would be able to better determine priorities, and I think what we ought to remember is that the best statistics we have for the state are that there are some 30,000 people who are affected by problems of alcohol and only about 3,000 who are affected by problems of drugs. We ought to be able to maintain this reasonable understanding of a balance, so I hope you will vote to reconsider.

The SPEAKER pro tem: The Chair recognizes the gentleman from Westfield, Mr. Good.

Mr. GOOD: Mr. Speaker, Ladies and Gentlemen of the House: I won't bore you with a lot of meaningless words. I just want to state a couple brief facts. It always happens in the last days of the session, some people try to ram through their favorite bill and this is such a bill.

This is a redraft of L. D. 665, a five-page bill. L. D. 2008 is a twenty - six page monstrosity. It is a committee rewrite, it has had no public hearing and it has practically no resemblance to L. D. 665. This bill, I am told, will upset all the rehabilitation programs concerning alcoholism that are in effect today and that are just nicely off the ground. This bill is almost impossible to administer, it is almost impossible to understand, and it is surely not the type of bill to be passed through this House without a thorough investigation.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if I might pose a couple questions to some members of the State Government Committee in terms of the hearings of the two bills. As I understand it, this is a

redraft of L. D. 665 and L. D. 1743, and I wonder if they could give us some idea of what the hearings were like, who the proponents were and why they ended up combining those two bills into one document which we now have in front of us today.

The SPEAKER pro tem: The gentleman from Eagle Lake, Mr. Martin, poses some questions through the Chair to any member of the State Government Committee who would care to answer.

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I just would say one short thing, being on the State Government. As I remember, on this alcoholic committee there were about 35 people. What we did try to do, we tried to cut it down to the size of 17 for both committees. In other words, we tried to make it a more operative approach in this bill. That is some of the work. If someone else from State Government would like to speak, they can describe the good parts of the bill.

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

Mr. COONEY: Mr. Speaker and Members of the House: In answer to the question of Mr. Martin from Eagle Lake, the State Government Committee received a number of bills dealing with alcoholism and drug abuse in this session. If we were to have passed them all, the appropriations that were requested would have definitely required a tax increase. And who can vote against drug abuse programs or alcoholism related programs? So the committee put our research people to work on this, and I think they went at it with a great deal of enthusiasm because it is certainly a field where all of us know work is needed. So they tried to see what progress had been made in the other states and what progress could be made in this state, and they came up with this solution of combining functions to more effectively coordinate programs. This is what seems to be done in other states where real successes are accomplished

in the field of drug abuse and alcoholism.

I understand that there is some opposition coming from a particular person or office in one of our state departments and that they have had some of their clients or the people they are helping contact some legislators and indicate that this would be a horrible thing, that they would no longer be served very well. But I think it is just the opposite case. There are some real efficiencies, if you care to read this bill, in the combination of these two things. We can probably contain the drug abuse program's growth which very possibly has a tendency to get out of hand, and I having sponsored the drug commission bill last time, I think from one whose enthusiasm for drug abuse programs is without question but who also feels that it should be within proper limits.

So the research people and the committee worked very hard to put these two things together in a way that would more effectively coordinate these programs. We eliminated having to deal with a number of different bills in these fields that probably now would be sitting on the appropriations table. This bill has no appropriation. It works within existing funds. It is probably one of the most progressive things that we can do in this session dealing with drugs and alcohol abuse, and I certainly hope we reconsider it. I think there was some misinformation or some lobbying done on this that misguided the House, and I hope we will give it final passage today.

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

Mr. FARNHAM: Mr. Speaker and Members of the House: As a member of the State Government Committee, I rather resent the implication that this was held until the last moment to try and ram it down someone's throat. The truth of the matter is, this is a combination of two bills, one by Senator Tanous and one by Senator Brennan. It took a lot of research to put these two together. The sponsors of each of the other

bills coordinated and worked with us, and then we ran into the problem of L. D. 76, which was An Act Creating Uniform Alcoholism and Intoxication Treatment Act.

We really couldn't put out our bill until we saw what happened to 76, because if we had put it out as we originally intended, there would have been conflicts with L. D. 76. By waiting until 76 had gone through the mill, we were able to correct our bill so that there would be no conflict in the two bills.

This deserves serious consideration. It is a step forward and I hope you will vote to reconsider.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I debated this this morning and I appreciate, as I said this morning, that the State Government Committee did put a lot of work and a lot of research into this. As I said this morning, our Division of Alcoholic Services in the State of Maine right now is doing as fine a job as any division or like division anywhere in the country. It is doing as nice a job as any division anywhere in the country with this very very tremendous social and economic problem.

The Commission on Drug Abuse is young and they seem to be going from anything I can determine on the Appropriations Committee, in many directions. As I say, they have major interests right now, as was so stated by the commissioner, in judicial review of the laws.

Now I assure you that this is in no way, if we combine these two departments, this is in no way going to help the alcoholics across the state, and that is who I am speaking for. So rather than beat this to death, I would hope you would vote against reconsideration and let these two divisions continue on until the new money and the new law for the alcoholic rehabilitation is channelled in the proper way and then after some more extensive study of this very very complicated problem, perhaps at some other later date we

can get together. But I hope and pray that we can keep these two divisions separated for the next few years anyway.

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

Mrs. BAKER: Mr. Speaker and Members of the House: I am rather interested in L. D. 76, and I fear that if we put these two divisions together at this time that L. D. 76 will not get the attention that it deserves and the appropriations for L. D. 76 will be somewhat diluted. So I oppose the reconsideration.

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

Mr. ROLDE: Mr. Speaker and Members of the House: I would simply like to ask what the committee report was on this bill.

Thereupon, the Report was read by the Clerk.

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

Mr. CURTIS: Mr. Speaker and Members of the House: The committee report was unanimous. I really think that if people would take the time to look at the bill and what it does, the feeling on this floor would be unanimous also.

The bill and the Part II budget — if I can try to settle the fears of the gentleman from Brewer, Mr. Norris — clearly establishes alcoholism as the primary problem, which it is, and establishes the primary amount of priority to it. What we are seeing here, frankly, and I guess I had better be a little blunt, are some two divisions within state government that are fighting for their present status quo. The bill will indeed eliminate the titles of two people. It will eliminate two jobs that are unclassified now in the Drug Abuse Commission. It will consolidate, I fully expect, although this would be an administration decision, of course, that the new personnel would be primarily the existing ones. But we are seeing two small divisions fighting for their status quo, and I hope that this body will see fit to endorse an awful lot of work that has gone into preparing this piece of legislation.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Bristol, Mr. Lewis, that the House reconsider its action on L. D. 2008, whereby the Bill failed of passage to be enacted. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

Mr. NORRIS: Mr. Speaker and Members of the House: I hesitate to get up again, but this thing is very important to me, and as I said before, I appreciate all of the work that the State Government Committee put into it.

I think the good gentleman, the chairman of the State Government Committee, my good friend from Orono, Mr. Curtis, put his finger right on the problem when he said, let's get down to facts. You see, if the Drug Commission can't get in with the alcohol people, they are done. And this is exactly where we stand. And frankly, we have got a very serious problem with alcoholics across the state, across the nation. So if you want to dilute the efforts that are being done there by recovering alcoholics and so forth, then vote for this reconsideration, but if you want to give us a chance to look at this problem and then reconstruct the Drug Abuse Commission in the special session, which will probably have to be done, because even though they are both drug abuse, they are two diverse, diametrically diverse problems. You can't treat drug addicts with alcoholics. Believe me, I know, I have been there. You can't do it, it is impossible.

I can show you up to the Ark where they bring them in, where they bring drug abusers in and they just do not relate to the alcoholic problem, and the alcoholic people do not relate to the drug problem. They are two entirely different things and they have to be treated by their own peers. That is where the success comes from. You start mixing and you are going to spoil whatever

good either one of the divisions may be doing right now, so I implore you to vote against the reconsideration motion.

Mr. Curtis of Orono was granted permission to speak a third time.

Mr. CURTIS: Mr. Speaker and Members of the House: There would be different personnel treating people who had problems with alcohol from the people who have problems with drugs. And if someone would just read the bill, they would find out we have protected the status of the people who are helped. What we have tried to do, looking at it from a government organizational point of view, is improve the efficiency and cut down on the costs.

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

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

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Bristol, Mr. Lewis, that the House reconsider its action on Bill, "An Act Reconstituting and Coordinating the Maine Commission on Drug Abuse and Division of Alcoholism and Providing Alternative Sentencing for Violators of Drug Laws," Senate Paper 635, L. D. 2008, whereby the Bill failed of passage to be enacted. All in favor of reconsideration will vote yes; those opposed will vote no.

#### ROLL CALL

YEAS: Ault, Berry, G.W.; Birt, Boudreau, Briggs, Bustin, Chick, Chonko, Clark, Connolly, Cooney, Cottrell, Crommett, Curtis, T. S., Jr.; Donaghy, Dow, Drigotas, Dunleavy, Dyar, Emery, D.F.; Farnham, Flynn, Gahagan, Goodwin, H.; Goodwin, K.; Hamblen, Hancock, Henley, Herrick, Huber, Jackson, Knight, LaCharite, LaPointe, Lewis, E.; Lewis, J.; Littlefield, Martin, McHenry, McKernan, McTeague, Morin, L.; Morin, V.; Morton, Mulker n,

Murchison, Murray, Najarian, Palmer, Perkins, Peterson, Pratt, Rolde, Rollins, Silverman, Simpson, L.E.; Smith, D.M.; Smith, S.; Snowe, Stillings, Theriault, Tierney, Webber, Willard, Wood, M.E.

NAYS: Baker, Berry, P.P.; Binnette, Bither, Brawn, Brown, Cameron, Carey, Carter, Churchill, Cote, Dudley, Dunn, Farrington, Ferris, Finemore, Garsoe, Gauthier, Genest, Good, Haskell, Hobbins, Hoffses, Hunter, Immonen, Jalbert, Kauffman, Kelley, Kelley, R.P.; Kilroy, LeBlanc, MacLeod, Mahany, Maxwell, McCormick, McMahon, McNally, Merrill, Norris, O'Brien, Ross, Shaw, Shute, Soulas, Sproul, Strout, Susi, Talbot, Trask, Walker, Wheeler, White, Whitzell.

ABSENT: Albert, Berube, Bragdon, Bunker, Carrier, Conley, Cressey, Curran, Dam, Davis, Deshaies, Evans, Farley, Faucher, Fecteau, Fraser, Greenlaw, Jacques, Kelleher, Keyte, Lawry, Lynch, Maddox, Mills, Parks, Pontbriand, Ricker, Santoro, Sheltra, Tanguay, Trumbull, Tyndale.

Yes, 65; No, 53; Absent, 32.

The SPEAKER pro tem: Sixty-five having voted in the affirmative and fifty-three in the negative, with thirty-two being absent, the motion does prevail.

The pending question is passage to be enacted.

Thereupon, Mr. Dunn of Poland requested a roll call vote.

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

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

The SPEAKER pro tem: The pending question is passage to be enacted of L. D. 2008. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Berry, G. W.; Birt, Boudreau, Briggs, Bustin, Chick, Chonko, Clark, Conley, Connolly, Cooney, Cottrell, Crommett, Curtis, T. S., Jr.; Dow, Drigotas, Dun-

leavy, Dyar, Emery, D. F.; Farnham, Farrington, Flynn, Gahagan, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Henley, Herrick, Hobbins, Huber, Jackson, Kauffman, Knight, LaCharite, LaPointe, Lewis, E.; Lewis, J.; Martin, McHenry, McKernan, McTeague, Morin, L.; Morin, V.; Morton, Mulhern, Murchison, Murray, Najarian, Palmer, Perkins, Peterson, Pratt, Rolde, Rollins, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Stillings, Susi, Theriault, Tierney, Trask, Webber, White, Whitzell, Willard, Wood, M. E.

NAY — Baker, Berry, P. P.; Binnette, Bither, Brawn, Brown, Cameron, Carey, Carter, Churchill, Cote, Donaghy, Dudley, Dunn, Ferris, Finemore, Garsoe, Good, Haskell, Hoffses, Hunter, Immonen, Jalbert, Kelley, Kelley, R. P.; Kilroy, LeBlanc, Littlefield, MacLeod, Mahany, Maxwell, McCormick, McMahon, McNally, Merrill, Norris, O'Brien, Ross, Shaw, Shute, Soulas, Sproul, Strout, Talbot, Walker, Wheeler.

ABSENT — Albert, B e r u b e , Bragdon, Bunker, Carrier, Cressey, Dam, Davis, Deshaies, Evans, Farley, Faucher, Fecteau, Fraser, Gauthier, Jacques, Kelleher, Keyte, Lawry, Lynch, Maddox, Mills, Parks, Pontbriand, R i c k e r , Santoro, Sheltra, Tanguay, Trumbull, Tyndale.

Yes, 73; No, 46; Absent, 32.

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

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

Mr. CURTIS: Mr. Speaker, having voted on the prevailing side

The SPEAKER pro tem: The gentleman from Orono, Mr. Curtis, having voted on the prevailing side, moves for reconsideration.

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

Mr. SIMPSON: Mr. Speaker, a point of parliamentary inquiry, sir,

I believe this is the second reconsideration on it now.

The SPEAKER pro tem: The gentleman is correct. The bill passes and will be signed for enactment.

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

Mr. JALBERT: Mr. Speaker, the bill was indefinitely postponed. After it was indefinitely postponed, it was then reconsidered; and now it is up for enactment, and you are in order.

The SPEAKER pro tem: The Chair rules that the motion to reconsider is in order.

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

Mr. MARTIN: Mr. Speaker, on roll call number 352 this morning, the House voted 66 to 71 which failed and the pending motion was enactment. The motion to reconsider is not in order.

The SPEAKER pro tem: The Chair begs to differ with the gentleman, and the Chair will entertain a motion for reconsideration. All those in favor of reconsideration will say yes; those opposed will say no.

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

At this point, Speaker returned to the rostrum.

SPEAKER HEWES: The Chair thanks the gentleman and commends him for a very excellent performance.

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

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

WHEREAS, ponds containing more than 10 acres are known as great ponds and they are public ponds which with the soil under them are held by the State in trust for the public; and

WHEREAS, the water levels on great ponds are generally maintained by dams at constant levels with the public right of user in

such ponds extending shoreward to the low water mark; and

WHEREAS, riparian owners object to public use of inhabitable flats and areas of land which are periodically exposed fronting their properties on such ponds when water levels are artificially or naturally lowered; and

WHEREAS, questionable conveyances of title to such parcels lying between the shore or low water mark and the water's edge are being made and relied upon; and

WHEREAS, it is desirable to study such conflicting interests and to resolve the matter of title and use in the best interest of all parties concerned; now, therefore, be it

ORDERED, that the Legislative Research Committee is authorized and directed to study the subject matter of "An Act Relating to Trespass on Certain Land Surrounding Lakes and Other Bodies of Water," H. P. 459, L. D. 614, as introduced at the 105th Legislature and such other information as relates to this problem to determine the exact extent of the controversy and whether or not legislation is necessary or desirable; and be it further

ORDERED, that the Office of the Attorney General be directed to provide the committee with such technical advice and assistance as the committee feels necessary or appropriate to carry out the purposes of this Order; and be it further

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

ORDERED, upon passage of this Order, in concurrence, that said office, specified herein be notified accordingly of the pending study. (H. P. 1634)

Thereupon, the Order was read and passed and sent to the Senate.

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

Bill "An Act Relating to Joint Standing Committees of the

Legislature." (S. P. 560) (L. D. 1731) (H. "A" H-584).

Tabled — June 20, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

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

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

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).

Tabled—June 20, by Mr. Cottrell of Portland.

Pending — Adoption of House Amendment "A" (H-588).

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

Supplement No. 2 was taken up out of order by unanimous consent.

#### Papers from the Senate

(1) The following Joint Order: (S. P. 679)

ORDERED, the House concurring, that the State Librarian be directed to forward bound copies of the Legislative Record to members of the Senate and House and to the Secretary and Assistant Secretary of the Senate, and the Clerk and Assistant Clerk of the House, at their home addresses.

Comes from the Senate read and passed.

In the House, the Order was read.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: The move I am going to make is the indefinite postponement of this order and substitute it with a subsequent order. This will have to be done in a couple of cases.

The reason why is the last two years ago, we set up the law librarian as a separate law and reference librarian, and it is a separate department of the legisla-



ture; and previous to this, most of these books were handled through the state librarian, and at that time, the law library was a department of that agency of the state library. But now that we have the state law librarian as a separate individual entity, it would appear that these things should be handled through that agency. So I would thus move the indefinite postponement of that order.

Thereupon, the House voted to indefinitely postpone H. P. 679 in non-concurrence and was sent up for concurrence.

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

ORDERED, the Senate concurring, that the State Law Librarian be directed to forward bound copies of the Legislative Record to Members of the Senate and House and to the Secretary and Assistant Secretary of the Senate and the Clerk and Assistant Clerk of the House, at their home addresses. (H. P. 1632)

Thereupon, the Order was read and passed and sent to the Senate.

The following Joint Order: (S. P. 680)

ORDERED, the House concurring, that there be prepared after adjournment of the present session, under the direction of the Clerk of the House, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve, and that there be printed six hundred copies of the same. The Clerk shall mail a copy of the Register to each member and officer of the Legislature and the State Library shall receive such number of copies as may be required.

Comes from the Senate read and passed.

In the House, the Order was read.

On motion of Mr. Birt of East Millinocket, S.P. 680 was indefinitely postponed in non-concurrence and sent up for concurrence.

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

ORDERED, the Senate concurring, that there be prepared after adjournment of the present session, under the direction of the Clerk of the House, a Register of all the Bills and Resolves considered by both branches of the Legislature showing the history and final disposition of each Bill and Resolve and that there be printed 600 copies of the same. The Clerk of the House of Representatives shall mail a copy of the Register to each member and officer of the Legislature and the State Law Library shall receive such number of copies as may be required. (H. P. 1633)

Thereupon, the Order was read and passed and sent to the Senate.

The following Joint Order: (S. P. 681)

ORDERED, the House concurring, that the State Budget Officer be and hereby is directed to furnish to the Legislative Finance Officer copies of all departmental budget requests and all information and data relating thereto submitted to him by all State departments, commissions and agencies as soon as same come into his possession.

Comes from the Senate read and passed.

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

The following Joint Order: (S. P. 682)

ORDERED, the House concurring, that the uniforms procured for the Senate and House Officers become their property at the end of their terms of office.

Comes from the Senate read and passed.

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

The following Joint Order: (S. P. 683)

ORDERED, the House concurring, that the Speaker of the House, the President of the Senate and the Majority and Minority Leaders and Assistant Leaders of the House and Senate, be and hereby are authorized during the current biennium to attend the con-

ferences of the National Conference of State Legislative Leaders, and that their necessary expenses, and the dues of the State of Maine for membership, be paid from the Legislative Appropriation.

Comes from the Senate read and passed.

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

The following Joint Order: (S. P. 684)

ORDERED, the House concurring, that the Legislative Finance Officer, the Director of Legislative Research, and the Law and Legislative Reference Librarian, or their assistants if any are unable to attend, be and hereby are authorized, during the current biennium, to attend the conferences of the National Legislative Conference, and that they be reimbursed for their necessary expenses.

Comes from the Senate read and passed.

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

The following Joint Order: (S. P. 686)

ORDERED, the House concurring, that the President of the Senate and not exceeding four members of the Senate designated by him, and the Speaker of the House and not exceeding four members of the House designated by him, be and hereby are authorized during the current biennium to attend the conference of the National Legislative Conference and National Conference of Commissioners on Uniform State Laws; and be it further

ORDERED, that the necessary expenses of the President, and the Speaker and the members appointed respectively by them be paid from the Legislative Appropriation; and be it further

ORDERED, that the Secretary of the Senate and the Clerk of the House are authorized during the current biennium to attend the National Legislative Conference and meetings of any Committee thereof on which they may serve; and be it further

ORDERED, that the Secretary of the Senate and the Clerk of the

House be reimbursed for their necessary expenses.

Comes from the Senate read and passed.

In the House, the Order was read.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: There are a couple of technicalities in this particular order that we would like to straighten out. What I would propose to do would be to move the indefinite postponement of the present order and substitute it with another one.

The second order would add one member of our full-time staff who would be appointed by both the Speaker and the President of the Senate, and then after that, we would like to table it for one day pending another amendment which is being prepared.

I would move the indefinite postponement of this order.

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves indefinite postponement of Senate Paper 686.

Thereupon, the House voted to indefinitely postpone Senate Paper 686 in non-concurrence. Sent up for concurrence.

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

ORDERED, the Senate concurring, that the President of the Senate and not exceeding 4 members of the Senate designated by him and the Speaker of the House and not exceeding 4 members of the House designated by him and one full-time staff person to be selected by both the President of the Senate and the Speaker of the House, be and hereby are authorized during the current biennium to attend the conference of the National Legislative Conference and National Conference of Commissioners on Uniform State Laws; and be it further

ORDERED, that the necessary expenses of the President of the Senate and the Speaker of the

House of Representatives and the members appointed respectively by them be paid from the Legislative Account; and be it further

ORDERED, that the Secretary of the Senate and the Clerk of the House of Representatives are authorized during the current biennium to attend the National Legislative Conference and meetings of any committee thereof on which they may serve; and be it further

ORDERED, that the Secretary of the Senate and the Clerk of the House of Representatives be reimbursed for their necessary expenses. (H. P. 1640)

On motion of Mr. Birt of East Millinocket, tabled pending passage and tomorrow assigned.

Committee Report from Judiciary (I. B. 1)

The Committee on Judiciary on Bill, "An Act Creating the Power Authority of Maine" (I. B. 1), considered the petitions and asks leave to report that 275 petitions were filed with the Secretary of State on February 17, 1973 at 11:08 P.M., containing 44,885 signatures; that 249 petitions are in the form required by Article IV, Part Third, Section 18 and Section 20 of the Constitution and that said petitions contain the valid signatures of 34,837 electors.

The Committee further reports that it has conducted an investigation and held hearings relative to the validity and sufficiency of said petitions and, although evidence and information was thereby presented which cast some doubt as to the authenticity of certain signatures and as to the validity of the procedures used in the preparation, circulation and verification of certain petitions, the Committee found that such evidence and information was insufficient to support the invalidation of any specific signatures or petitions, except those 26 petitions which were initially eliminated as not being in the form required by the Constitution. The Committee did find, however, from the evidence and information which it received that the present procedures and requirements provided in the

Constitution and the Statutes relative to the initiation of legislation by the electors are vague, cumbersome, inadequate and impossible to adequately and properly enforce.

The Committee, therefore, further reports that the petitions contain a sufficient number of signatures which are valid and that said Bill is properly initiated before the Legislature under the provisions of Article IV, Part Third, Section 18 of the Constitution, and the Committee recommends that the Legislature take whatever action it deems appropriate to institution of a complete reform of the present procedures and requirements relative to the initiation of legislation by the electors.

Comes from the Senate read and accepted.

In the House, the Order was read.

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

Mr. PERKINS: Mr. Speaker and Members of the House: If you have had an opportunity to read the report of the Judiciary Committee in respect to an act creating the power authority of Maine, this is in regard to validation of the petitions that we had before us. I think you will notice or at least partially come through this report the frustration that was evident before the Judiciary Committee and with many of the members of the committee in respect to the job it had to do to check these signatures, invalidate or validate the petitions.

I, for one — and I think I do speak for some — found it a most difficult task, perhaps one of the most difficult ones that I experienced while here this session. This was primarily the result of having to do a duty as a member of the committee to check these signatures and to present to you the petitions either with a recommendation that they be validated or invalidated as it appears under the laws of the State of Maine and the constitution. Unfortunately, from the very beginning, it was a political football, as you all know. There wasn't a session of the Judiciary Committee initially that we didn't come

away and before we got out of the hearing room, the press was fully aware of what had taken place; and naturally, what had been taking place was nothing more than the hammering back and forth as to the political implications of our investigation. I, for one, was very disgusted.

As the time progressed, I realized, along with others, that we were going to have to really get busy if we were going to be able to get this done during this session. Unfortunately, because of the heavy workload of the committee, as well as other problems, we were unable to fully investigate these petitions as much as I, for one, would have liked. There was, as the report indicates, an investigation of sorts; and by that, I mean we had the request to the Attorney General's Department to conduct an outside investigation; and as you know from the reports in the paper, the Governor of the State of Maine chose to stop that investigation and impound the records.

We requested the Governor for those records on the assumption that regardless of whether the tactics used by the Attorney General's Department was proper or improper — and that question was never really answered — we felt the material was pertinent to the committee and could be useful to the committee. The Governor respectfully declined. We were informed there would be some legal question as to whether or not, if we subpoenaed the records, whether we had that power in respect to the executive branch. It was never done.

We then had one of the individuals who took the oath on a petition before the committee, and on those particular petitions, there was a serious question in regard to the fact that those petitions were verified or the oath was taken the last day on signatures of individuals from the central part of the state to the southern part of the state. We questioned whether it would be possible. By admission, that individual pointed out to us that some — and he wasn't sure to what extent, how many — he could not be certain the individuals

were actually before him for purpose of verification and taking the oath. He did admit that he did not put them under oath, in any event, and I suspect, as with most petitions of this nature, that it was never done.

We have an opinion that would indicate as well, as other areas of the law, that would indicate that the failure to take an oath by itself would be sufficient to invalidate the document by which the oath was taken, and in this respect, I would say technically speaking, we, of the committee, could have invalidated most of those petitions if we had had the opportunity to go far enough.

However, it would be based strictly on the question of a technicality; by that, the raising of the right hand and swearing. I feel, along with many other members of the committee, that that legal technicality by itself to invalidate these petitions would be a blackeye to us of the committee as well as a failure on our part to respect the wishes of a good many people of the State of Maine, who I am sure in good faith, put their signature on these petitions.

The fact that the circulators, verified petitions, or the individuals who took the oath ultimately did not do as they should have done within the law as it is given should not, in my opinion, necessarily invalidate what in good faith the people of the State of Maine might wish or those who had signed those petitions; and I think that I, for one, would say that thousands of people did request that their names appear there; they put them there, and they wished the people of Maine to vote or at least have an opportunity to vote on this question.

So I could stand along with others, perhaps, and say that we would not present to you these petitions validated — or rather invalidated, and I could probably stand pat within the realms of the law of the State of Maine and the constitution. Again, I feel that would be rather flimsy on my part in respect to the human needs and human wishes as expressed again by the signatures on the petitions.

I do feel that in a sense we perhaps failed you, failed you in the sense that we did not go deeper into the area of the investigation. There are other questions that I personally had that never were answered. However, again, I don't know as it would have produced a great deal more than what you have before you and honestly, I would say to you that I am not particularly concerned that the individuals were not present at the time that the signatures were obtained.

I think that the one thing it did point up as much as anything is the fact the initiative process in the State of Maine, and perhaps in other states, I don't know, but speaking in the State of Maine, it is a terrible one. It is something that was established in law in 1873, expanded upon somewhat, and has developed from there. It is unfortunate, extremely unfortunate that it is so cumbersome that the individuals, our constituents find it so difficult in respect to maintaining or complying with the law that they probably are prevented or would be prevented from speaking to us as legislators and the people through us by virtue of the present initiative process.

Therefore, I would only hope that we as members of the legislature would in the future attempt in some way to ease their problem, to better that situation to the extent that we make the laws such that we as individuals with ordinary intelligence may be able to understand it and to comply with it and respect the law and not have to as in the instance such as this, ultimately say break the law in order to get what we want by virtue again of technicalities.

I therefore would request, knowing as you now do the position of myself at least and the committee in respect for what it has done, I would now request that you would accept the report of the committee.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: As a member of that committee, Judiciary, I think it is my

duty also to tell you a few things that happened. Number one, when it was brought out in discussion that we should get something that the Governor was holding back on us, I asked a question from the chairman if it was our duty as the Judiciary Committee to investigate all the petitions, isn't that what we had been called for as committee members, to investigate if these signatures were valid or not, and if all the petitions were in our committee at the time that we did look into these petitions? And I was informed by the chairman that the Governor was not holding back any petitions, that all the petitions that we had to check and verify were right there for us to look over.

I would like to agree with Mr. Perkins that probably there were some errors in the petitions, but it was also brought up that on several occasions previous by members of the committee — I wasn't on the committee two years ago — but some of the committee members that were there mentioned that when you had petitions there were two different petitions, I think for the income tax and I don't recall at the present time what the other one was, but that the same errors could have been made at that time, so I don't think that there was any more errors made in the power petitions than there were previously, and the committee agreed that this was so.

I thought as a member of that committee I should report this to you.

Thereupon, the Report was accepted in concurrence.

#### **Second Reader Tabled and Assigned**

Bill "An Act to Amend the Benefit Financing Provisions of the Employment Security Law" (S. P. 674) (L. D. 2041).

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

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

#### **Passed to Be Engrossed**

Bill "An Act Making Supplemental Appropriations from the

General Fund for the Fiscal Year Ending June 30, 1974." (S. P. 677) (L. D. 2042)

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

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The Chair laid before the House the following matter:

An Act to Redistribute Certain Statutory Powers Now Vested in the Executive Council, to Abolish the Legislative Research Committee, to Create a Statutory Legislative Council, to Provide for

Permanent Joint Standing Committees of the Legislature, and to Provide for an Annual Rather than a Biennial State Budget. (S. P. 661) (L. D. 2021). (Emergency)

Which was tabled earlier in the day and later today assigned.

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

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On motion of Mr. Birt of East Millinocket,

Adjourned until nine o'clock tomorrow morning.