

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 6, 1973 to July 3, 1973

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE**Monday, June 25, 1973**

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

Prayer by the Rev. Mr. John Karsten of Wiscasset.

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

The journal of the previous session was read and approved.

Orders Out of Order

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

ORDERED, that Andrew Hodgkin of Lewiston be appointed Honorary Page for today.

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

Mrs. Berry of Madison presented the following Order and moved its passage:

ORDERED, that Susan and Corrine Dunlap of Skowhegan be appointed Honorary Pages for today.

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

On motion of Mr. Simpson of Standish,

Recessed until the sounding of the gong.

After Recess

The House was called to order by the Speaker.

Order Out of Order

Mrs. McCormick of Union presented the following Order and moved its passage:

ORDERED, that Lisa Brackett of Tinley Park, Illinois and Patricia, Kathleen and Karen McCormick of Union be appointed Honorary Pages for today.

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

**Joint Resolution
Out of Order**

Mr. Kelleher of Bangor presented the following Joint Resolution and moved its adoption:

WHEREAS, on June 24, 1973 this State lost a distinguished friend

and servant in the death of the Honorable John T. Quinn of Bangor; and

WHEREAS, his splendid record of service as a member of the 97th, 98th, 103rd and 105th Legislatures, as a veteran of two World Wars, as Bangor City Councilman, Brewer City Solicitor, Disclosure Commissioner, Municipal Court Judge, County Attorney and Judge of Probate for Penobscot County, as Director of Selective Service Records and prominent member of the Bench and Bar, has earned for him the gratitude, admiration and respect of all who knew or had the good fortune to work with him; and

WHEREAS, his great faith, patience and courage, despite affliction, has been a continual source of strength and inspiration to all; now, therefore, be it

RESOLVED: By the One Hundred and Sixth Legislature of the State of Maine, that its members join colleagues and friends of former Legislatures, the Judiciary and the people of this State in an expression of common sorrow and sadness at the loss of a great friend, an honored judge and a fine man; and be it further

RESOLVED: That a duly authenticated copy of this Resolution, signed by the President of the Senate and Speaker of the House, be prepared and presented to his devoted wife as a lasting token of our esteem for his memory and our deep sympathy for her. (H. P. 1635)

The Joint Resolution was read and adopted.

On motion of Mr. Kelleher of Bangor, by unanimous consent, ordered sent forthwith to the Senate.

Orders Out of Order

Mr. Dunleavy of Presque Isle presented the following Order and moved its passage:

ORDERED, that Stephen Najarian and Mark Hannigan of Portland be appointed Honorary Pages for today.

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

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

ORDERED, that Michele and Lisa Manson of Auburn be appointed Honorary Pages for today.

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

(Off Record Remarks)

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 Insure Permanent Funding of the Maine Law Enforcement and Criminal Justice Academy" (H. P. 1575) (L. D. 2004) reporting that the House recede and concur with the Senate in indefinite postponement of the Bill.

Signed

Messrs. CAREY of Waterville
CARRIER of Westbrook
BIRT of East Millinocket
—Committee on part of the House.
Messrs. BERRY of Cumberland
CLIFFORD

of Androscoggin
JOLY of Kennebec
—Committee on part of the Senate.
The Report was read.

On motion of Mr. Carey of Waterville, the Report was accepted. The House voted to recede and concur with the Senate.

Non-Concurrent Matter

Joint Order: (S. P. 676) Relative to "An Act Providing for a State Lottery" (H. P. 1507) (L. D. 1938) be recalled from Legislative files to Senate, which failed passage in the House on June 21.

Came from the Senate with that body insisting on its action whereby the Order was read and passed.

In the House:

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

Mr. GENEST: Mr. Speaker: I move we recede and concur.

The SPEAKER: The gentleman from Waterville, Mr. Genest, moves the House recede and concur.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will vote against the recede and concur motion. We have debated this before and I won't take much time. Obviously this is prompted by the anticipation that we will be needing revenue here in Maine, and I certainly have no doubt that we will sometime need additional revenue. But fortunately, we have in our books taxes that will produce this revenue without producing a situation which will take grocery money from families which the passage of a lottery, in my opinion certainly would.

To me, a lottery is Mickey Mouse financing, and it would eventually work to the detriment of this state. I hope that we vote against the recede and concur so that we could adhere.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I have kept away from this issue. As I said when we first heard it, my good friend the race horse man from Pittsfield is against it, I think we all know why. I would think that we would call this bill back and as I understand, there will be a referendum attached to it, and we will send it out to the people and let them decide themselves. I can see nothing wrong at all with letting the people decide themselves whether they want to raise money through this method of taxation. So if we pull it back, and if no one else does it, I personally will get an amendment ready to put it to referendum and carry it back to the people and let them decide themselves whether or not they want to go into this.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I have to resist inference that I am motivated by any interest in harness racing in this matter. I served as House Chairman of the Taxation Committee, I took those responsibilities very seriously, and I recognize that what we do here

in this legislature affects the lives of people throughout Maine. And I think that all of us, before we take actions which influence the outcome of this legislature, hopefully, screen our motivations very carefully. I would like to state to you my motivations in this matter pass my personal test.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: After the passage last week of the education bill under the guise of property tax relief, we need another source of revenue more than ever. The opponents evidently feel this is immoral and they also feel that we can legislate the way a person spends his money.

I am the first to admit that the chances of winning are very slight, so are they in the hundreds of raffles held in Maine all the time. However, nobody ever questions these. People who want to bet on the horses or play bingo for money are allowed to do so regardless of their income. Still, that is one of the reasons that some oppose this bill, the fact that we would be encouraging the poor people to waste their money.

People who can't really afford to play play cards or other games of chance. Not only the wealthy play the stock market or fool around with potato futures and others, but these gambles are considered in fact a part of our nation's business. Still we want to prohibit a lottery and force those who want to buy their tickets out of the state. For many people it is just part of their human make-up to want to take chances. We can't stop this and never will be able to stop the bill, and I favor the bill to ease the tax burden on the others who do not want to take the chance.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: Just as a point of information. If you people ever traveled through the small areas on the eastern end of Maine you will know that those people over there pool their money

together to somebody that is going to New Hampshire to buy the tickets over there. They also buy a good deal of their liquor over there under the same pooling system.

I think we will be saving money in the state if we have such a thing as a lottery here.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Genest, that the House recede and concur with the Senate. To recall a bill from the legislative files requires a two-thirds vote, so this will require a two-thirds vote of all the members present and voting. All in favor of receding will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

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

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

Mr. MAXWELL: Mr. Speaker and Members of the House: Just a ruling that I would like to have. I understood it was two-thirds of those present and voting, is that right?

The SPEAKER: The Chair would answer in the affirmative.

Mr. MAXWELL: I hope then we continue to vote the way we did last time.

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

Mr. WILLARD: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope we don't vote as we did the last time.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Genest, that the House recede and concur with the Senate. Under

Joint Rule 21, this requires a two-thirds vote of those present and voting to recall a bill from the legislative files. All in favor of receding and concurring will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Berry, P. P.; Berube, Binnette, Bither, Boudreau, Brown, Bunker, Bustin, Carey, Carter, Chonko, Churchill, Conley, Connolly, Cooney, Cote, Cottrell, Cressey, Crommett, Curran, Dam, Davis, Deshaies, Dow, Drigotas, Dudley, Dunleavy, Dyar, Evans, Farley, Farrington, Faucher, Fecteau, Ferris, Flynn, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbs, Huber, Jacques, Jalbert, Kauffman, Kelleher, Keyte, Kilroy, Knight, LaCharite, LaPointe, LeBlanc, Lewis, E.; Lynch, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Murray, Najarian, Norris, O'Brien, Perkins, Peterson, Pontbriand, Pratt, Ricker, Rolde, Rollins, Ross, Santoro, Sheltra, Smith, D. M.; Smith, S.; Snowe, Soulas, Stillings, Strout, Talbot, Tanguay, Theriault, Tierney, Trumbull, Walker, Webber, Wheeler, Whitzell, Wood, M. E.

NAY — Baker, Berry, G. W.; Birt, Bragdon, Brawn, Briggs, Cameron, Chick, Clark, Curtis, T. S., Jr.; Donaghy, Dunn, Emery, D. F.; Farnham, Finemore, Gahagan, Good, Hamblen, Haskell, Henley, Hoffses, Hunter, Jackson, Kelley, Lawry, Lewis, J.; Littlefield, MacLeod, Maddox, Morton, Murchison, Palmer, Shaw, Shute, Silverman, Simpson, L. E.; Sproul, Susi, Trask, Tyndale, White, Willard, The Speaker.

ABSENT — Carrier, Gauthier, Herrick, Immonen, Kelley, R. P.; Mulkern.

Yes, 101; No, 44; Absent, 6.

The SPEAKER: One hundred one having voted in the affirmative and forty-four having voted in the negative, with six being absent, the motion does prevail.

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

Mr. NORRIS: Mr. Speaker, I move that we reconsider and hope you all vote against me.

The SPEAKER: The gentleman from Brewer, Mr. Norris, having voted on the prevailing side, moves that the House reconsider its action whereby it voted to recede and concur with the Senate. All in favor of the motion will say yes; those opposed will say no.

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

Non-concurrent Matter

Bill "An Act Creating Regional Library Systems" (S. P. 281) (L. D. 828) which the House enacted on April 10.

Comes from the Senate with the bill passed to be engrossed as amended by Committee Amendment "A" (S-53) as amended by Senate Amendment "B" (S-257) thereto in non-concurrence.

On motion of Mr. Tyndale of Kennebunkport, the House voted to recede and concur.

On motion of Mr. Emery of Rockland, it was

ORDERED, that Kim E. Leupold of Augusta be appointed Honorary Page for today.

Bills, Petitions, and Resolves Requiring Reference

An Act to Provide a Subsidy to Communities with Private School Enrollments" (S. P. 685) (L. D. 2047).

Presented by Mr. Clifford of Androscoggin. (Approved by a Majority of the Committee on Reference on Bills pursuant to Joint Rule No. 10).

Comes from the Senate referred to the Committee on Education and ordered printed.

Pending — Motion by Mr. Kelleher of Bangor for a roll call on motion by Mr. Simpson of Standish that the bill be indefinitely postponed.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that L. D. 2047 be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Berry, P. P.; Birt, Bither, Bragdon, Brawn, Briggs, Bunker, Cameron, Chick, Churchill, Cressey, Curran, Curtis, T. S., Jr.; Dam, Davis, Donaghy, Dudley, Dunn, Dyar, Emery, D. F.; Evans, Farnham, Farrington, Faucher, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Good, Goodwin, K.; Hamblen, Hancock, Haskell, Henley, Hoffses, Huber, Hunter, Immonen, Jackson, Kauffman, Kelley, Knight, Lawry, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McCormick, McHenry, McKernan, McNally, Merrill, Mills, Morton, Murchison, Norris, Palmer, Parks, Perkins, Peterson, Pratt, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Sproul, Stillings, Strout, Susi, Trask, Trumbull, Tyndale, Walker, White, Willard, Wood, M. E.; The Speaker.

NAY — Albert, Berube, Binnette, Boudreau, Brown, Bustin, Carey, Carter, Chonko, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Crommett, Deshaies, Dow, Drigotas, Dunleavy, Farley, Fecteau, Genest, Goodwin, H.; Greenlaw, Hobbins, Jacques, Jalbert, Kelleher, Keyte, Kilroy, LaPointe, LeBlanc, Lynch, Mahany, Martin, Maxwell, McMahon, McTeague, Morin, L.; Morin, V.; Mulkern, Najarian, Pontbriand, Ricker, Rolde, Santoro, Sheltra, Smith, D. M.; Smith, S.; Soulas, Talbot, Tanguay, Theriault, Tierney, Webber, Wheeler, Whitzell.

ABSENT — Carrier, Gauthier, Herrick, Kelley, R. P.; LaCharite, O'Brien.

Yes, 86; No, 59; Absent, 6.

The SPEAKER: Eighty-six having voted in the affirmative and fifty-nine having voted in the nega-

tive, with six being absent, the motion does prevail.

Orders

Mr. Carey of Waterville presented the following Joint Order and moved its passage:

WHEREAS, An Act to insure permanent funding of the Maine Law Enforcement and Criminal Justice Academy has been indefinitely postponed in both Houses of the Legislature; and

WHEREAS, federal funding for the operation of the academy is scheduled to run out January 1, 1975; and

WHEREAS, the academy has proven itself to be of great benefit to all areas of law enforcement in the State; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee is authorized and directed to study the subject matter of the bill: "AN ACT to Insure Permanent Funding of the Maine Law Enforcement and Criminal Justice Academy," H. P. 1575, L. D. 2004, as introduced at the regular session of the 106th Legislature in order to determine different possibilities of funding the operation of the said academy; and be it further

ORDERED, that the office of the Attorney General and such other agencies or departments as may be determined by the Legislative Research Committee, be authorized and respectfully directed to provide the Committee with such information, technical advice and assistance as the Committee deems necessary or desirable to carry out the purposes of this Order; and be it further

ORDERED, that the Legislative Research Committee report its findings with any proposed legislation or proposed amendments to the next special or regular session of the Legislature; and be it further

ORDERED, that upon passage of this Order, in concurrence, that copies of this Order be transmitted forthwith to said agency specified herein as notice of the pending study. (H. P. 1636)

The order was read and passed and sent to the Senate.

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

WHEREAS, Title II of the Federal Revenue Sharing Program authorizes the collection of Maine individual income taxes; and

WHEREAS, Federal collections would not only save the State \$100,000 annually, but prevent duplication of effort, free State courts and 350,000 individuals from filing; and

WHEREAS, its affirmative action is necessary by a least 5% of federal taxpayers in order to put the program into effect; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee is authorized and directed to study the subject matter of the Resolution proposing an Amendment to the Constitution to Permit the Federal Government, By Agreement, to Collect Maine Individual Income Tax, House Paper 1369, Legislative Document 1826, as introduced at the regular session of the 106th Legislature to determine whether or not the best interests of the State would be served by enactment of such legislation; and be it further

ORDERED, that the State Tax Assessor be respectfully 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 at the next special or regular session of the Legislature; and be it further

ORDERED, that upon passage, a copy of this Order be transmitted forthwith to said Bureau of Taxation as notice of the pending study. (H. P. 1637)

The Order was read and passed and sent to the Senate.

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

WHEREAS, the services of central data processing are available to all departments and agencies of government; and

WHEREAS, the Director of Central Computer Services should be empowered to make appropriate charges for such services; and

WHEREAS, personnel position count for Central Computer Services should be among other matters to be controlled and regulated; now therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee study the existing operation of Central Computer Services for possible changes and improvements with specific emphasis on the feasibility of providing a special revenue account for Central Computer Services, to limit its personnel position count and of providing the Legislature appropriate control over the structure and creation of accounts; and be it further

ORDERED, that the Department of Finance and Administration and such other agencies or departments as may be determined by the Legislative Research Committee, be authorized and respectfully directed to provide the Committee with such information, technical advice and assistance as the Committee deems necessary or desirable to carry out the purposes of this Order; and be it further

ORDERED, that the Legislative Research Committee report its findings with any proposed legislation or proposed amendments to the next special or regular session of the Legislature; and be it further

ORDERED, that upon passage of this Order, in concurrence, that copies of this Order be transmitted forthwith to said department specified herein as notice of the pending study. (H. P. 1638)

The Order was read.

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

Mr. BUSTIN: Mr. Speaker and Members of the House: I would ask perhaps the Chairman of the State Government Committee to give me some help on this, but I believe this particular subject matter has been the subject of a joint order which we have already passed which calls for a complete study of all the computer pro-

grams in the state. I pose that question to the gentleman from Orono.

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

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

Mr. CURTIS: Mr. Speaker and Members of the House: The answer to the question is certainly in the affirmative, and the order that I presented some time ago still sits on the table in the other body awaiting action in possible reference to the Legislative Research Committee or some other committee as might be finally decided. The language of the two orders is somewhat different, but I would say that the intent was certainly the same.

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

Mr. BUSTIN: Mr. Speaker, in light of that, I would move that this order be indefinitely postponed.

The SPEAKER: The gentleman from Augusta, Mr. Bustin, moves the indefinite postponement of House Paper 1638.

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

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: There were some acts to be considered that were prepared by the legislative staff, and there was a resolution prepared by them and other things that are not included in the two legislative orders that were included in Representative Curtis' order that was sent in previously; and I discussed this with some of the people here, the Legislative Research Office and the legislative staff assistants, and this is the result of their work.

It is the hope that this order would be joined with Representative Curtis' order, and I did discuss this with him and that it would make a complete study of the entire business and complete the recommendations of the legislative staff assistants.

The SPEAKER: The pending question is on the motion of the

gentleman from Augusta, Mr. Bustin, that House Paper 1638 be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Thereupon, the Order was passed and sent to the Senate.

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

Mr. FINEMORE: Mr. Speaker, I would like to ask for reconsideration on House Paper 1637.

We had a bill like this in tax committee this year, and we also studied this a little last summer in the tax structure Committee. I believe we would just be wasting money and time of the Research Committee to send this to them. I don't think you realize what this is. This is an order to request that all state income tax be collected through the federal bureau rather than the state. We are all set up to collect it now. We are collecting at a very minimum amount of cost. We are doing a good job, and I think this would be just as I have said, a waste of money to go on. And I hope you will reconsider your action so that we can kill this.

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

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: This order was put in at a request of one of the legislative leaders after he heard from people indicating that they wondered what had happened to that bill that was considered by the Taxation Committee; and when that bill was being considered by the Taxation Committee, the members of this House, several of them and others, indicated to me that they thought that this proposition had some merit and that it needed study; and that is exactly what this order is for, and several of the people on the Taxation Committee had indicated this.

This is not for all the state income tax, it is for only the personal state income tax. This would

not be doing away with the bureau completely, because that is not authorized under the federal law. This is for the personal returns. There would be some 350,000 people relieved of that duty. There would not be the necessity to keep duplicate records to satisfy state law and federal law. It would save time in the state courts, because the federal government would carry through on any of the violations that they found. It would save time of this legislature. There were nine or ten bills this year considered by that committee and the legislature, and most of these would be eliminated if this procedure was followed.

There have been 22 states over the country that have contacted the people in Washington concerning this, and there are two states that already have legislation in process that do not have a constitutional question. I think this order only asks for a study and that it would be brought to the legislature for future consideration.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I think that Mr. Sproul from Augusta just gave us one reason why we should kill this. The only thing that it will cover is the personal income tax. We have got the machinery set up for the personal and the corporation tax. So this is just going to take out the personal income tax which amounts to some 28 million. Then we are going to have another 10 million to collect or 9 million and a half to collect of corporation tax, so I can't see why break it up. Why make a study to break it up. If we could get rid of them both, maybe it would be all right; but if we are just going to get rid of one of them and have to maintain an office for just the same thing and maintain practically the same staff, I can't go along with it. I hope you will reconsider.

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

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

House: It is not in terms of the amount of money that we are talking on this split, it is in terms of the number of returns that must be filed. The personal returns account for 350,000 forms. That represents some \$16,000 to \$18,000 in postage one way. It represents \$20,000 to \$21,000 in printing, and it is estimated that at least six or eight employees, to say nothing of the space and the files that would be saved, and this would account for over \$100,000 per year savings. That doesn't seem to be of too much interest to people around here.

Regardless of that, the nuisance of 350,000 taxpayers of this state and the keeping of those records for a period of years to satisfy questions I think would be highly appreciated by the taxpayers of Maine.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I don't know how you feel about this order, but my feeling is that I don't want the federal government reaching twice into my pocketbook, and I don't think any taxpayer in the State of Maine does either.

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that the House reconsider its action whereby it passed House Paper 1637. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative and 59 having voted in the negative, the motion did not prevail.

Mrs. Berube of Lewiston was granted unanimous consent to address the House.

Mrs. BERUBE: Mr. Speaker and Members of the House: A little belatedly, I would like to mention that June 24, which was yesterday, was St. John the Baptist Day, which is the traditional national holiday for French Canada and has been celebrated in the past by the Franco-Americans.

For nearly 100 years, there have been parades here honoring the

American of French-Canadian descent. The French-Canadian migrated to this country at the end of the 19th and early 20th centuries bringing only his hands, his loyalty, and his willingness to toil for his family and his new country; thereby, contributing to the advancement of his adopted state.

They stayed, and the success of their endeavors is reflected in the achievements which they and their descendants have accomplished in the fields of business, various professions, politics, as is exemplified in this legislature, and they have served their communities with pride and hopefully, perhaps even in the not so distant future, attaining the highest elective office in the state.

The Franco-American, above all else, recognizes that he is first and foremost, an American and is appreciative of the privilege of being a citizen of the greatest of the 50 states, all the while remembering and sharing his great cultural heritage.

So I ask this House to join me in extending our good wishes to this group of 200,000 citizens of our state.

To my colleagues of French-Canadian descent: je dis continu de represente nos constituants de langue francaise avec toute fierte et la dignite que de demande. Merci.

(Off Record Remarks)

Passed to be Engrossed

Bill "An Act Relating to Contributions and Expenditures to Influence Direct Initiative or Referendum Legislation" (H. P. 1630) (L. D. 2045).

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

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

House Amendment "A" (H-603) 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: This bill is a result of a joint order that I introduced last week in an

attempt to get to the problem that we have faced in the past or are facing now and I am sure will face in the future, basically, with the expenditures that are expended for the defeat or promotion of a direct initiative or referendum question. I felt strongly and I feel strongly now that when you have any group that is attempting to defeat or promote legislation, that there ought to be some way that they ought to have to report to the people of Maine.

When the order came to the floor, it carried with it one thing which I think is a mistake that was not intended. First of all, it says—and it attempts to define what a candidate is; and under the way that the candidate is described, it would mean that a candidate would not have to file a committee until such time as he has actively announced his candidacy.

Now, this is a rather important point, because if we allow this to go on the books, we are creating a situation where someone could run for public office for six months and accept and disburse funds, and nothing would be done under the law; that is, of course, under state law. It would only become effective when he was to file a committee. Now, I am removing that section that I am sure was a mistake and was not intended to be placed into this document.

The only other thing that I am doing is basically to add three lines which would attempt to define what type of form the Secretary of State would use in attempting to make those contributions reportable or when he is reporting. The way that the bill is drafted, it would simply say that the forms that would be used would be those devised by the Secretary of State's office.

We have already passed legislation in terms of gubernatorial candidates that when they file and run for public office next time, they will have to use a form that is very similar to that used by the federal candidates. Now, the amendment that I have offered does not say that we have to use that federal form. It says that we ought to try to devise a form that would compare with that type of

thing. Now, this is a direct quote almost from what the order did when we introduced it here earlier back in the early part of June, and so I would hope that you would adopt the amendment and then the bill and this would become part of our state laws.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: As the gentleman from Eagle Lake, Mr. Martin said, this bill was initiated by joint order. It is very simple and had a unanimous report. It was late because we had to see how the Judiciary Committee was going to rule on the initiated public power questions. The bill just states that both sides must report their contributions and expenditures made in connection with referendums.

Now, the amendment changes section one and says the Secretary of State shall establish forms similar to the forms that the federal candidates have to file, and I was opposed to having the governor file that form, too. Although the gentleman from Eagle Lake, Mr. Martin, said he had done this work, I know he knows it is not simple. This is the form. The forms would be expensive to duplicate, but they are six pages long. They contain 29 items plus 15 listings for each of the items. Now, we don't feel this is either necessary or applicable since this is not a person we are talking about, it is a committee or a group of people.

Now, the second part that the gentleman from Eagle Lake, Mr. Martin, wants to delete, he said he is sure that we didn't intend to do this. Well, I will let him know that we did intend to do this, because it came to our attention while considering contributions and expenditures in the first part — and I believe it is important and germane to place the other with it — that there is now a loophole in the law relative to candidates because nothing defines when a candidate is, in fact, a bonafide candidate or just talking and getting some press and publicity.

We have spelled it out to specifically say that one is only an actual candidate when he has filed his proper petitions. If we don't do this, since we have become so specific with our reporting procedures, when do his expenditures start? When does he start keeping records? When must he report his contributions? Must he do all these things even though he doesn't eventually actually file? We did not believe that he should, and all of these could and would be questioned if we did not set up an exact time that a candidate is a candidate. The whole law would lessen the burden for individuals and committees concerned rather than increase it, and I move indefinite postponement of House Amendment "A".

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

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am extremely concerned that the acceptance of the wording of the way that that bill is drafted dealing with candidates would create a loophole that would be so disastrous to our law, that for all practical purposes, there would be no need to have a definition of a committee.

Keep in mind that the way that we have gubernatorial candidates running around this year, as they prepare for the finish line at the primaries, that none of those, the way this is drafted, would have to file any receipts or expenditures of any money at all until they formally file the creation of a political committee that they are now a candidate for public office. Now, that has got to be the loophole of the year. It is worse than the federal loophole that we had.

We have now, at the last count, 10 people who are running for governor. None of those would have to file a committee report of any expenditure or receipt of funds until they have filed with the Secretary of State a disclosure that they are now officially candidates? In the meantime, they

have acquired all kinds of funds, expended them for the use of computers, for the use of campaign caucus reports, et cetera. What are we going to create with this thing? By the way, my order is not directed at determining what candidates are. My order was attempted only to get to the problem of initiatives and referendum questions.

I cannot believe that this state would create this type of a loophole, because if that is the case, then we are better off without this. I would certainly hope that you would vote against the motion of indefinite postponement.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I am sure that probably as I listen to the gentleman from Eagle Lake's remarks, that I just seem to think that probably this order was aimed at the public power petitions; but since we made a decision some months ago to put this thing to referendum sooner or later, I am sure that probably the monies that are going to be put into both sides from the bond companies on one side and the public power companies on the other side, that those monies are probably already established and are there. Whether this bill goes through or not, I am sure it probably won't have that much effect.

The only thing I can say is that I guess if he uses the rationale he just used, that all of us right now must be potential candidates for governor, everybody in this room, because no matter what you would be doing, if you are out making a speech someplace or even if you are talking to somebody in the street, somebody is going to speculate. Now, I believe that somewhere down the line a guy has to formally announce, and even though there is a lot of speculation as to who is going to be gubernatorial candidates next time around, I believe that once that man submits his papers to the Secretary of State's office, he has put himself on the dotted line, and that is when it all should begin.

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

Mr. ROSS: Mr. Speaker, Members of the House: In answer to the question of the gentleman from Eagle Lake, Mr. Martin, this definition of candidates does not create a loophole, it closes a loophole, because it says you do not need to report until you actually file your forms properly. Well, I think that is the way it should be. I don't believe he is filing anything now whether he is making a contribution or receiving a contribution or making an expense that he is going to be a candidate, although he probably will be for this House next year; and so there must be some specific time set up that you have to file these forms. Naturally, you have to go back and report the monies that have been given you before then, but you don't need to file the forms until you are an official candidate, and you are not an official candidate until you have filed your petitions properly. I cannot see his rationale at all any more than I guess he can see mine.

You know, he would have loved the bill as it was first drawn up, because it said they had to go back until last June and report, and we didn't feel that was fair to the proponents of public power, and so we eliminated that. We have made it as of the date when they both are going to be filing their forms.

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

Mr. MARTIN: Mr. Speaker, Members of the House: I believe so strongly that the people ought to have a right to know, regardless whether it is for public power or private power, that I am more than willing to accept January 1 of 1972 if that is when the time started to expend funds.

In terms of reference of candidate, the present law says that when a candidate attempts to influence other people in attempting to make his name known, that he must file a report now under existing law.

I would like to relate to you a little bit of background about this

particular order, because I think it is important, and some of you might be most interested in it. I introduced the order and drafted a bill pursuant to that order. I then gave it to a member of the leadership of the other body for presentation to the Election Laws Committee. The day prior to the bill being submitted and going around to the various members of the committee since the committee had already recessed, I found that there was a new bill that was flying around. I was able to get my hands on it, and the way it includes, by the way, this provision that we now have in 2045, the first portion of it as well as 4a, definition of candidates. This new bill now had a third section. I would just like to read it to you in terms of determining loopholes.

It would have created, under Title 21, Section 1575, a law which we passed in 1969, a new section and would have been amended the following way: "Advertising shall mean the production for the purpose of broadcasting or televising radio tapes, film strips or a combination of both." This was, in effect, a loophole that was being added into our reporting restriction law that we had created in 1969 which would have said the production costs in preparation of television or radio will not be part of total limitations in terms of what can be spent for advertising in Maine elections.

I then made some attempt to find out where this came from, and I thought you would all be interested in knowing that it came from a lobbyist who was, at the time, interested in promoting a candidate for public office whose name happens to be Robert Monks. Now basically, what this creates, both 4a, which is part of this bill, which is part of the law and the section which never got in because I screamed bloody murder, was the fact that what we were creating were two potential loopholes to get us away from a law that we created in 1969.

The people have a right to know about what people are going to be spending, and I feel sure the members of this House will oppose the motion of the gentleman from

Bath, Mr. Ross, because we are creating the biggest loophole with this that you will ever see. I certainly hope that you do not indefinitely postpone the amendment.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I stand to rise in support of Mr. Ross of Bath in his motion, and I would like to call to your attention that there are few federal documents that I have ever seen that I thought very much of. Usually, it is one which returns the money to you after you have been paying your income tax or to discharge from the service or for something like that, but the rest of them you can forget.

Now, I would like to call your attention to this one here which Mr. Ross has already pointed out. Not only is it complicated but it gives you a manual that tells you how to fill it out. That goes for five pages. Then you have got more instructions on the back side of a double-paged sheet here which tells you some more about how to fill it out. Then you have got five schedules to go along with it, schedule A which also gives you more instructions; schedule B which also has more; schedule C, D and E.

I am very interested in the public having a right to know, and I think they should. I don't think this amendment is the proper way to do it.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker and Ladies and Gentlemen of the House: I am a member of the Election Laws Committee. I thought I had followed this through quite well, but apparently I have not, and I am deeply confused here this afternoon. I am not going to ask or suggest that it should be tabled, because I feel that we should take care of as many things as possible right now.

It seems that from time to time I — and I say this most sincerely, highly respectful of the minority leader — I do not agree on affairs of election laws. I fail to under-

stand this business of the candidates when — he mentioned, I believe, there was at least — I think he used the word and I hope he used the word — at least 10 candidates for governor in the House and in the other body right now. I feel that there are at least that many, and around the state, probably the sum of 10 is not sufficient.

Now, some of these people are going to fall by the wayside, they are going to be making speeches at grange halls, at Lions suppers and one thing and another and doing some organizing and find that they do not have the support necessary either among the people for their cause and their issue and themselves personally, or they do not get the support financially. They are going to fall by the wayside, and I see no reason why they should be required to make reports concerning the money that they have spent getting to their grange hall to make their speech. So I cannot agree with him there.

I wish that — I understand that my leader — and again I say this most sincerely — is a very very busy man at this stage of the game, but I had wished that he had seen fit to contact more of the Democrats on the Election Laws Committee so that we could have had some advance information as to what our leadership was thinking on this.

However, the form is going from the situation of the candidate to the form to be filled out. I believe that the gentleman from Bath, Mr. Ross, held up the form. I have one here. It is a tremendously difficult thing. Unless you are a substantial candidate with substantial backing, it will be very difficult to fill out.

The manual of regulations and accounting instructions are some five detailed pages in and of itself, and I do not feel it is necessary in this case. Therefore, very reluctantly, I am going to go along with the motion to indefinitely postpone.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the gentleman from Casco that after the original bill that I had given to the committee — and I thought that was what they were going to be acting upon — I did not contact anyone, because I thought that was what would be coming out of it. Unfortunately, that was not the case.

In terms of the loopholes for candidates, the existing state law says, and I would read it, "The chapter applies to candidates for all state and county offices to campaigns for their nomination or election and to campaigns for the promotion or defeat of a party, principle, initiative or referendum question. Reference to the promotion or defeat of a candidate includes promotion or defeat of a party, principle, initiative or referendum question."

Secondly, it says, each political committee must appoint a treasurer before accepting or spending any money. It says, "A candidate or political committee shall advise the Secretary of State of the name and address of its treasurer within seven days after his appointment, the candidate or committee by which he is appointed in his term of office."

So, in effect, what we are doing by redefining the word candidate is creating a loophole that he will not have to file anything until after he decides he is really a candidate and that he may never wish to file, and so there is no problem. Now, I am talking in particular of major candidates who could very well decide that there is no problem, and why should they bother filing.

I am concerned in this day and age of where people have a right to know about funds being expended; that it ought to be our concern to give them that option. I don't think it is our intent to create a loophole.

Now, in reference to the issue of whether or not the federal form is a complicated form, I have been filling one out for roughly a year now, and at times, it seems like a weekly affair. Once you have done it once, it is a very simple process, because you get used to

it; and it is very mechanical, and there is no problem. What it does do, however, is it does force people to be very detailed and very specific about what they spend money for, and they can't spend it unless they actually spend it; they can't put it somewhere without saying that they are going to do it.

Mr. Speaker, when the vote is taken, I request it be taken by the yeas and nays.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, requests a roll call.

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

Mr. ROSS: Mr. Speaker and Members of the House: I only would add that if the gentleman from Eagle Lake has been filling out one form for one year, it can't be too easy.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: There is a saying that goes to the effect that those who cannot learn from history are condemned to repeat the errors of the past.

I would ask the members of the House to compare their recollection of some of the background of the unfortunate events in Washington the last six months or year with something which stands before us now. These events in Washington on which we have a hearing going on again today on television do not involve one political party, and they do not involve solely federal officials. They are a matter that affects all Americans and particularly those Americans who seek to represent others as politicians, like ourselves. And the basic point that many speak about is credibility.

You will recall that about two years ago, the federal Congress beefed up significantly its campaign reporting the disclosure of requirements, but you will also recall that there was a deadline before that act went into effect. You recall a gentleman, I think his name is Howard Hunt, who at one time was the chairman of a particular political committee —

this has been testified to before a committee of the United States Senate — went around and gave lectures as to how you could get your contributions in before the deadline; in other words, how to avoid the law, how to act like a politician that most of our people or many of our people suspect all of us are.

In a sense, there is a difficult problem with definition that Mr. Ross suggests. It is, perhaps, hard to say in one day or the next who is a candidate among the eight or ten or a dozen for governor of this state, but we all know that significant sums of money are spent and commitments are made and meaningful things are done before the actual declaration of candidacy by filing the papers with the Secretary of State.

We also know that it is the easiest thing under the sun to control the date up to the statutory deadline that these papers are filed. So if we set a cut-off date on the easy, the arbitrary date nomination papers are filed with the Secretary of State, what we are really saying to the well-aided candidates or to the one with access to people with great sums of money who can contribute early and in good chunks, get it now, spend the money before the deadline and fool the people again.

Well, you know the people are fooled occasionally in individual cases, and they might be fooled by some reports filed under this bill; but in some ways in the long-run, the people are very sophisticated and very right, because they may not know where the i's are dotted or where the t's are crossed or what amendment is passed or what failed, but they know there is a lot of hokum to the system.

It seems to me that if you have to measure some difficulty of having to have a John Martin or someone, a Rodney Ross, someone experienced of that kind, fill out some forms — which I trust to the gentleman from Casco, Mr. Hancock, may be burdensome — and you have to contrast that against the opportunity to spend large sums of money and not report it to the people, my vote, at least, will come down on the side of report-

ing. Are we on a mini basis here in the State of Maine repeating one of the errors that created the scandal in our nation's capital. I hope not.

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

Mr. ROSS: Mr. Speaker and Members of the House: I most certainly am in favor of the peoples' right to know what every individual spends in pursuit of his political office or in furthering a referendum. I just say that they don't need to file this until they become a candidate as specified by this bill. They most certainly would file the receipts up to that time and the expenditures up to that time, but they wouldn't need to file unless they were a specific candidate.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: May I pose a question through the Chair to the gentleman from Bath, Mr. Ross?

Mr. Ross, I wonder if possibly you can point out to us the specific provision in the bill before us which would require a person who becomes a candidate under the terms of the bill by filing his petition with the Secretary of State to go back on his expenditures and his campaign receipts before the day he becomes a candidate?

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

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

Mr. ROSS: Mr. Speaker and Members of the House: There is nothing in this specific bill, because this just says when you are a candidate; but if you get back to the law, the law specifies that you must report all of your receipts and expenditures. I know just as a lowly candidate for the House of Representatives, if I know that I am going to have a tough contest with the gentlewoman from Bath, I very often order certain material in January, and I don't actually file my papers we will say until

March. I most certainly report that money that I spent in January.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I am very certain the gentleman does that, and I understand his race the last two times has not been too rough. Seriously, to the gentleman from Bath, Mr. Ross, the problem with the bill, as I construe it, is that although you are very honorable to do that, you are not compelled to; and the fellow who wants to go out and buy the 500,000 bumper stickers in January can apparently get by with it; or even worse than buying the bumper stickers, if he wants to take the contributions and not report the source in January, he could get by with it. That is why I think we need the amendment.

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

Mr. COTE: Mr. Speaker and Members of the House: In the rules of the House, Article 12 of page 96, "No member shall speak more than twice to the same question without first asking leave of the House." And in order to save time, I think they should ask leave of the House, Mr. Speaker.

Mr. Jalbert of Lewiston 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.

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

All in favor of the main question being put now will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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, to indefinitely postpone House Amendment "A" to L. D. 2045. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS: Ault, Berry, G.W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Cameron, Carey, Chick, Churchill, Cote, Cressey, Curtis, T.S., Jr.; Davis, Donaghy, Dudley, Dunn, Dyar, Emery, D.F.; Evans, Farnham, Farrington, Ferris, Finemore, Flynn, Garsoe, Good, Hamblen, Hancock, Haskell, Henley, Hoffses, Huber, Hunter, Immonen, Jackson, Kauffman, Kelleher, Kelley, 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, Trumbull, Tyndale, Walker, White, Willard, Wood, M.E.

NAYS: Albert, Berry, P.P.; Berube, Binnette, Boudreau, Bustin, Carrier, Carter, Chonko, Clark, Conley, Connolly, Cooney, Cottrell, Crommett, Curran, Dam, Deshaies, Dow, Drigotas, Dunleavy, Farley, Faucher, Fecteau, Fraser, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Jacques, Jalbert, Keyte, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lynch, Mahany, Martin, Maxwell, McHenry, McTeague, Mills, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, O'Brien, Peterson, Pontbriand, Ricker, Rolde, Santoro, Sheltra, Smith, D.M.; Smith, S.;

Talbot, Tanguay, Theriault, Tierney, Webber, Wheeler, Whitzell.

ABSENT: Briggs, Gahagan, Gauthier, Herrick, Kelley, R.P.

Yes, 79; No, 66; Absent, 5.

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

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

Passed to be Enacted Constitutional Amendment Tabled and Assigned

Resolution, Proposing an Amendment 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 shall be Taken before the Chief Justice of the Supreme Judicial Court. (S. P. 673) (L. D. 2040)

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

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

Emergency Measure

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 Engrossed Bills as truly and strictly engrossed.

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

Mr. MacLEOD: Mr. Speaker and Members of the House: I don't

wish to slow this bill down; however, at this time, I do think as a matter of information that there should be something explained, and I would like just a few minutes of your time to talk to the ladies and gentlemen of the House to try to explain.

There have been questions asked of me, and as you know, on the Natural Resources Committee this year, we heard several bills which would have included a hefty appropriation and additional personnel in the Soil and Water Commission. This is a small commission of yours here in Augusta, which in recent years, due to land development, has become increasingly busier. Unfortunately, somehow there is a lack of cohesion or understanding somewhere in order that we could sit down with them or somebody could and come up with a budget in the supplemental part to give them additional help and funds.

Now, I know that some of you, my fellow legislators, have been contacted by their districts at home. You each have in your counties a Soil and Water District which is mapping out the water table and the soil erosion and taking testings and mapping these things in your counties.

I know the hour is late. I am not waving a flag here at the moment to try to beef up this budget or to get into it. However, I do want you to know that the department had requested from me at a late hour an amendment which would have added some additional monies and additional personnel to this department, based on the fact that they feel that they are now being used extensively throughout the county and being called on especially in — now that we have the LURC regulations, Land Use Regulation Commission, the DEP, and the Site Selection so that they are becoming more and more increasingly busy through the demands on their staff and feel that the size of their operation right now is not adequate enough to carry on what is being asked of them. I am not in any way trying to play down the Appropriations Committee or get at them at all. I understand that there have

been federal funds that have been cut back from these programs.

I have also been advised that we should possibly wait five or six months, find out what is going to happen from the federal level, and I would hope that we get interested in this and possibly do something for them in the Special Session, if it is possible.

If there is anything that I have left out that somebody on the Appropriations and Finance Committee could help me out with in the way of explanation in order for the representatives to take back to their soil and water districts, I would welcome their remarks.

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

Mr. HASKELL: Mr. Speaker and Members of the House: Very briefly, the problem that the gentleman from Bar Harbor has outlined is a common problem that we faced repeatedly in a great many departments; in other words, federal funding that has been cut off, and naturally, the departments have the decisions picked up. I think that the strategy that Representative MacLeod has indicated probably is the proper course here. Let's see what develops in the next few months and address ourselves to this in the Special Session.

This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of same and 21 against, and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

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

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. 136 voted in favor of same and none against, and accordingly the Bill was

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

An Act to Correct Errors and Inconsistencies in the Fish and Game Laws. (S. P. 645) (L. D. 1980)

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

Orders of the Day

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

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 22, by Mr. Simpson of Standish.

Pending — Adoption of House Amendment "A" (H-588).

Thereupon, Mr. Simpson of Standish withdrew House Amendment "A".

The same gentleman offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-604) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlelady from Old Orchard Beach, Mrs. Morin.

Mrs. MORIN: Mr. Speaker and Ladies and Gentlemen of the House: May I ask if this amendment will have the corporations pay the whole amount of money or does it split it to somebody else also.

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

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: The attempt of the amendment is to equalize or better share the method of paying the inventory tax and still not put a burden on any one person. I think it has been the belief of the business community for some time that the inventory tax ought to be removed in the best interest of business

and therefore, if it does, it has to be picked up some place. As I stated the other day, the intent is to pick it up on the net profits of the different individual businesses and so forth around the state.

I know that the objections will come from people who, such as myself probably, that are real estate brokers who have very little inventory tax, come from professional people and some people say it will force us into corporations where we will take out our salaries. I believe that this will not be the case. I believe that this is a very fair amendment. It does offer the solution to the problem and it should be adopted.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: As an individual member, I wish to state my position on this amendment. First I would like to mention that unlike some of the real estate and professional people in the House, our practice is operated under a corporate form, so we would suffer absolutely no tax under this amendment. I am concerned because it is changed. It is not a tax reduction idea, it is a change in who is going to pay the taxes.

I know there are many things wrong with the inventory tax. I know the inventory tax is borne in part by small merchants, but it is also borne by large merchants like Sears, Roebuck, Porteous, Mitchell and Braun and so on, and I would find it difficult to vote for a tax that would reduce the inventory tax on Sears and Roebuck and other large companies and place that tax on the small businessman.

The one who makes \$15,000 or \$20,000, or \$25,000 or \$30,000 a year, whether he is a physician, real estate broker or a lawyer, in my judgment, will spend the \$200 or \$300 or \$400 it cost to incorporate and he will incorporate and under the meaning of this amendment, he will then pay no tax at all. But the fellow who runs the corner barber shop or if it is a lady, the beauty shop, or the man who fixes

small electric appliances or fixes your lawn mower, the small ordinary service business and the small ordinary merchant in our state will pay a double tax.

For example, if a man makes \$8,000 a year as a barber, working as an employee of another barber he will pay zero under this amendment, but if the man has a little gumption and he wants to take a chance and he goes out and becomes a barber on his own and he starts his own shop and he makes \$8,000, he will pay a tax. That is, to me, discrimination against the person who chooses to be self-employed and isn't of sufficient means and doesn't perhaps have sufficient legal or accounting advice to dodge the tax which can very easily be dodged by forming a corporation. But, again, that costs about \$300 and a small barber, vender of newspapers or something is not apt to do it.

I think this is a rather cruel attempt on the part of certain interests that include big business, although there is some small business involved in it, to switch an unfairness from one side to another. I am not an advocate of the inventory tax, but I am wholeheartedly opposed to taking that inventory tax off the Sears and Roebuck Company and putting part of it on your neighborhood barber.

I hope that this House will reflect what I would judge to be the sentiment of the vast majority of Maine people. Fortunately, and I hope the independent businessman or the small barber or the news vender at the corner store — there are more of him than there are Sears and Roebuck and the giants of that kind, and I hope that we will vote as members of this House to sustain the small businessman.

Again I want to make the point which Representative Simpson alluded to and thoroughly alluded to. It probably won't bother some of the medium size fish, perhaps not one of them, because they have corporations already and the big fish will go along just fine, but it is another case of the real big ones eating some of the very small ones and I don't think that is the way this country or this state was built.

Mr. Speaker, for that reason, I move the indefinite postponement of the amendment and I ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker and Ladies and Gentlemen of the House: I wish to be very fair here today. I have disagreed with the minority leader and I will now disagree with the majority leader.

I have been concerned for many years and it has been a point of concern to many many people for 25 years that I know of, this matter of the inventory tax. I will agree with anyone who claims that it is unfair, that it is poorly used and anyone who disagrees with the inventory tax, I can only go along with them.

I am delighted that the gentleman from Standish, Mr. Simpson withdrew House Amendment "A" because I thought that was terrible and I am beginning to believe that this House Amendment "B" is even worse.

Starting on Friday and out here today before we got going with the session, I have talked with three different lawyers about this and when I say that I have talked to three lawyers out here in the corridor, you realize of course that they are legislative agents. I didn't single them out because I felt that they are one way or the other on it. It was merely that I felt that they would be interested in this type of legislation and would have some knowledge of it. The point that I was asking them, they did not agree on. It was 2 to 3 in my favor, shall we say — two out of three lawyers agreed with me on one particular thing.

This business profit tax is much more all inclusive than it would appear to be in the reading that is given here in the amendment. One example — and by the way, just so no one makes that old mistake that is getting to be a little bit irritating to me, I am not a real estate broker, so I am not involved in this personally in any way. However, all of us, each and every citizen of Maine, whether they are in business or not, are involved with helping to pay for this inventory tax

and it leaves one area that I was trying to find out about. And that is this, if you sell your own house, your own house that you have lived in for a period of a few months, ten years, thirty years, it has been your house for thirty years and you make a profit on that house in excess of \$1,000 after having lived in it for thirty years, it is applicable under this amendment for taxation. One lawyer did not think that this was the truth; two others believed that it was, of course it would ultimately come down to a court decision, I presume, rather this is the case or not.

But I have to agree with the gentleman from Brunswick, Mr. McTeague, that what we are doing is alleviating a tax on large business and placing it on the shoulders of the ordinary citizen of the State of Maine, and that is not the way to cure the problem and I will agree we do have a problem. I hope the motion to indefinitely postpone does prevail.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: This tax would go into effect in 1975 and I realize that there are some little areas where it could probably be cleaned up and assisted in some way.

I think what we are looking at, as the gentleman from Brunswick, Mr. McTeague, was talking about, the little man. You know, we are looking at the little man in this thing just as we are looking at the big man and when he starts talking about the little barber who wants to go out and moonlight on the side and so forth, if you look at this thing, first of all, we are looking at net profit, and that is what comes out on the bottom line of your income tax. And if that comes out, in the event of anybody who makes \$1,000 and under would be exempted and then it is graduated up.

If we look at a businessman, if he pays on an inventory tax, he definitely has to pay on that whether he has a profit or not. He could have had a loss for the year and he still has to pay. The businessmen feel as though they would

rather pay if they have a profit. If they have a big profit this year, then they would pay and pay more; if they have a loss, they would just as soon not have to pay like they have to pay now right on the inventory tax.

I happen to believe that the tax is equitable. As I look at the type of tax, you are talking about inventory. We do not tax a man for what he has in knowledge in his head or the way he can profit as a doctor or a lawyer or a realtor or what have you. Why should we tax a man on what he is carrying in inventory in his store that he has to sell? In other words, he is carrying it there on consignment to begin with in most instances, either that or he has a loan against the bank that he is paying interest on and only to put that item in the store. If he doesn't have it there, you don't see it. So why should we force onto him a certain day of the year a tax just because it is there to be sold.

If every businessman in the state was smart, he wouldn't have a thing in the store up until that period and then come April 1st, let the consumers in the state just not buy anything for awhile. That is the way it could be done, but it is not.

So I say that it is inequitable that they can take the small businessman or the large one, I don't care who he is, and tax him on something that he has for resale which is not his until it is actually sold and this is a method of doing it.

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

Mr. ROLDE: Mr. Speaker and Ladies and Gentlemen of the House: I simply have a question I would like to pose to the gentleman from Standish or anyone else who could answer it. Would this business profits tax apply to self-employed people like lobstermen or fishermen?

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: The way I read it, I would stay yes, all businessmen.

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

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: I would like to correct what I think was an impression left by the gentleman from Brunswick, Mr. McTeague, when he said that was not on corporations. I think if you will read page two of the amendment, section 21 and section 22A in both instances you would find the law is amended and corporations are now raised from 4 percent to 7 percent. So the corporations are also picking up their 3 percent as well as businesses that are not incorporated. I believe that is the question that I heard from over here. Corporations definitely do pay the tax.

The inventory tax is assessed very unevenly all over the state. It is one of the most regressive taxes we have on the books. The gentleman from Standish has stated the case beautifully. I certainly hope you will not go along with the move to indefinitely postpone this. It is time, after 100 years, that the State of Maine got away from taxing inventories and got into the business of taxing things in the proper way. I hope you will go along with the bill.

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

Mr. MAXWELL: Mr. Speaker and Ladies and Gentlemen of the House: This bill had a lot of time spent on it in the Taxation Committee of which I am a member. This bill also includes two small bills that I had withdrawn because I felt that this one did the job. It is the fairest thing that we have had come before us this year, and I would hope that we would pass it.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: If the members would have an opportunity to look at the amendment, as suggested by the gentleman from Farmington, they would see that he is absolutely correct. There is an increase

in the corporation income tax. In about the middle of page two of the bill, where the corporation income tax is now 4 per cent, it would become 7 per cent. Of course, you have to have a CPA or a tax lawyer to understand this and I am not either, but I was just down to some good CPA's in Brunswick today to fill out our tax return and they tell us about such things like this and here is the way it goes.

If you are a subchapter S corporation, which for example our office is and which most of your professional men who are incorporated are, you pay no income tax as a corporation either to the State of Maine or to the federal government. A subchapter S corporation is a hybrid. It is a corporation for purposes other than tax, for the purpose of owning shares, transferring shares and so on. It is a corporation for the purpose of paying either the federal or the Maine income tax and there is a specific provision in our Maine income tax on this; it is not a corporation.

I want to emphasize again in a personal vein that this thing wouldn't touch me and maybe 5,000 like me around this state, but it will touch and it will hurt maybe 50,000 of the small people around the state.

The second point I want to make is that this corrects a discriminatory tax and by discriminatory tax, I mean a tax that taxes a man heavier who earns any amount of money—five, six, eight, ten, twenty thousand dollars working for himself than it does the man who earns the exact number of dollars working as an employee of someone else.

We have heard many bills in this and previous legislative sessions characterized as lawyer's bills. Lawyer's bills means bills, presumably that create work and make money for lawyers. To form a simple subchapter S corporation, it costs roughly \$350, \$400 for legal fees and out of pocket disbursements. Any person who is going to suffer a tax on \$350 or \$400 in one or two or three years will see his friendly accountant or his friendly tax lawyer and be-

fore you know it, he will be a subchapter S corporation and he will pay nothing. But again, that won't happen to the barber down at the corner because he only makes \$6,000 a year and figures out his own income tax and can't afford to go to a lawyer. This is class legislation, discriminatory legislation, and although the point made by the gentleman on the increase in the corporation income tax is true, that only applies to corporations that now pay an income tax. And most self-employed or professionals or those in a small partnership are subchapter S's and they won't pay a nickel under this bill.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to direct a question concerning this amendment to either gentleman in the corner.

Would this amendment mean that an individual who runs his own business such as a barber, since we have been using that profession, would he pay once on the state income tax and his federal income tax and have to turn around and pay again a profit tax? I am not quite clear on this.

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

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: The answer is yes. On his net profit he would pay both the federal and the state income tax, and then he would turn around and pay one, two or three percent again under this bill.

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

Mr. DOW: Mr. Speaker and Members of the House: I would pose a question through the Chair to anyone who might answer it. It is my understanding now that the regular corporations, not the subchapter S, the first \$25,000 you

don't have to pay any tax on, would this still be the same in this bill?

The SPEAKER: The Gentleman from West Gardiner, Mr. Dow, poses a question through the Chair to anyone who may answer if he or she wishes.

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

Mr. MORTON: Mr. Speaker and Members of the House: The answer is no, they would have to pay, from zero up.

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

Mr. DYAR: Mr. Speaker and Members of the House: In reference to the question just asked, I would believe there is a federal income tax form for small business corporations where you would be able to have a net profit of \$25,000 and not pay a penny tax under this provision.

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

Mr. GOODWIN: Mr. Speaker and Members of the House: A couple days ago we debated this question once before and I spoke for this bill. During my campaign on this issue, I have been very interested in this issue as a representative from a border area, as I stated, that many industries, I feel, have gone into New Hampshire which doesn't have an inventory tax. Because of this they have looked at areas in border towns, and I am a great tremendous support of this measure. However, I cannot support this measure with this amendment. I don't like to think this, but I feel perhaps this amendment was put on here to try and kill this bill.

I would hope that you do vote to indefinitely postpone this amendment but not the bill.

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

Mr. DUNN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to remind you, this also calls for separate Bureau of Taxation, and also it creates a new State Board of Assessment review; it could be quite expensive.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: To answer one of Mr. McTeague's problems, and I see that he has left his seat, but I would be more than happy to have an amendment prepared to include corporations under subchapter S under this bill so that we would be sure that they pay their fair share. I have no objection to that, and I will see to it personally or at least get to one of my friends in the other body so that they would be included if he feels left out.

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

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: Those of us who are blessed with sophisticated accountants who take care of that problem very simply, we simply increase our salaries so we don't have any profit, you get zero in your tax. Medium size fish do okay, big fish do wonderful, the poor little guy.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: Just to wrap this up, I would like to remind you that this is an exemption bill on inventory taxes. It is a tax reform measure, even though it is a minor one. It is a step in the right direction. There are some areas in it that need cleaning up. We have got time to clean them up. But let's enact this bill.

You are getting an exemption on industrial inventories — I am reading from the bill now — industrial inventories, including raw materials and goods in process. You are getting an exemption on stock in trade, including inventory held for resale by a distributor, agricultural produce and forest products, livestock, including farm animals, meat cattle and fowl, household furniture and so forth, radium used in the practice of medicine, property in the possession of a common carrier while in interstate commerce, vessels built, in

the process of construction, or undergoing repairs, pleasure vessels and boats in the state on the first day of April whose owners are out of state, personal property in another state or country and legally taxed there, and vehicles exempt from excise tax according to Section 1438, snowmobiles, all farm machinery used exclusively in the production of hay and field crops to the aggregate actual market value not exceeding \$5,000, water pollution control facilities. These are the things that are exempt. This is an exemption of these items and not just inventories of business alone.

I trust you will remember that when you cast your vote.

Mr. Simpson of Standish was granted permission to speak a third time.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I won't put an amendment on this particular bill, but I can see that at the special session or maybe another legislature I can see a real good way to take care of the big fish. I think the way we will do it is maybe try to pass a bill through here where they will have to declare their salaries in the beginning of the year and not at the end.

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

Mr. LaCHARITE: Mr. Speaker and Members of the House: I would like to pose a question through the chair to possibly the sponsor of the bill.

Is the bill as reported out of committee and as we have it, is there enough money through the increase from four to six percent and on the surtax of four percent with net income over \$25,000 enough to fund this bill?

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

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

Mr. MARTIN: Mr. Speaker and Members of the House: It is true, I am the sponsor of this document. It is my understanding that if we

were to use a corporate tax loan there would be sufficient revenue.

There is a 2 percent increase in the corporate tax and a surtax on top of that for income or corporations over \$25,000. That bill, if it were drafted that way, would take care of that problem, but a number of people in particularly large corporations, are concerned that this would take an awful lot of the profit, and one in particular has done a great deal of lobbying in opposition to the approach. So I am not sure what the consequences or effect would be if we were to attempt to pass my bill as originally drawn.

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

Mr. LaCHARITE: Mr. Speaker and Ladies and Gentlemen of the House: If the money is in the bill, and the way it is drafted would provide enough funds to meet this bill, I think that is the fair way to do it. Let the person who earns the larger amount of money pay for it and not the little man as Mr. McTeague has suggested.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I just thought I would remind the gentleman from Brunswick, Mr. LaCharite, that as a member of the Education Committee he better be careful. You have got to save a little money for 1994.

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

Mr. SPROUL: Mr. Speaker and Members of the House: May I pose a question through the Chair to anyone as to how these funds will be redistributed to the municipalities after they have gone through the 80, 60, and 40, and so forth. Is it going to be through state revenue sharing or some other plan?

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

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I think all the gentleman would have to do would be read the bill, but anyway, it goes in this way. The first is going to be set up on a five year plan; the first year the towns will receive directly back 80 percent of their taxes the year before, and 60, and 40 and 20 until it is phased out. At the time of phasing out, the balance will go into the revenue sharing, every year the full amount, and it will be sent to the cities and towns under revenue sharing.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to ask a question of the gentleman from Bridgewater, Mr. Finemore. What happens if we get off the revenue sharing program.

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

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

Mr. FINEMORE: Mr. Speaker, and Members of the House: To Mr Jalbert of Lewiston, we will have to cross that bridge when we get to it.

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

Mr. CAREY: Mr. Speaker and Members of the House: I would like to ask a question of the gentleman from Bridgewater, Mr. Finemore, if I possibly could. What is this 80, 60, 40, 20 going to be based on, the last taxable year or is it going to be kept up to date as the years go along?

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

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

Mr. FINEMORE: Mr. Speaker and Members of the House: He hit the nail right on the head, it is

going to be on the last year, not anything in the future.

The SPEAKER: On 1974?

Mr. FINEMORE: He is talking about inventory tax. 1974, well, if that is our last year, but if this took effect it would be 1973.

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

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

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

ROLL CALL

YEA — Albert, Berry, G. W.; Berry, P. P.; Berube, Binnette, Bither, Boudreau, Bragdon, Brawn, Carey, Carter, Chick, Chonko, Clark, Connolly, Cooney, Crommett, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dudley, Dunleavy, Dyar, Emery, D. F.; Farley, Farnham, Faucher, Fecteau, Fraser, Gahagan, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Hobbins, Immonen, Jackson, Jacques, Jalbert, Kelley, Keyte, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Mahany, Martin, McCormick, McKernan, McNally, McTeague, Mills, Morin, L.; Morin, V.; Mulkern, Murchison, Murray, Najarian, Palmer, Perkins, Peterson, Pontbriand, Pratt, Rolde, Ross, Santoro, Sheltra, Silverman, Smith, D. M.; Soulas, Sproul, Stillings, Strout, Talbot, Theriault, Tierney, Trumbull, Tyndale, Wheeler, Whitzell, Wood, M. E.; The Speaker.

NAY — Ault, Baker, Birt, Briggs, Bunker, Bustin, Cameron, Carrier, Churchill, Cote, Cottrell, Cressey, Dunn, Farrington, Finemore, Flynn, Garsoe, Good, Haskell, Henley, Hoffses, Huber, Hunter, Kauffman, Kelleher, Maddox, Maxwell,

McHenry, McMahon, Merrill, Morton, Norris, Ricker, Rollins, Shaw, Shute, Simpson, L. E.; Smith, S.; Snowe, Susi, Tanguay, Trask, Walker, Webber, White, Willard.

ABSENT — Brown, Conley, Evans, Ferris, Gauthier, Herrick, Kelley, R. P.; O'Brien.

Yes, 96; No, 47; Absent, 8.

The SPEAKER: Ninety-six having voted in the affirmative and forty-seven in the negative, with eight being absent, the motion does prevail.

The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, I now move indefinite postponement of this bill and all accompanying papers.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves the indefinite postponement of this Bill and all accompanying papers.

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

Mr. MARTIN: Mr. Speaker and Members of the House: The bill can survive on its own. I would ask you not to vote for indefinite postponement because it is possible that you could do the transfer without creating any problems or going any further.

I certainly hope that you would vote no on the motion.

Mr. Silverman of Calais requested a roll call vote.

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

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

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I might tell you that this doesn't amount to much to corporations. It is only going to amount to about a 12 percent tax.

The SPEAKER: The pending question is on the motion of the

gentleman from Waterville, Mr. Carey, that L. D. 1862 and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Berry, G. W.; Birt, Bragdon, Carey, Dam, Donaghy, Dudley, Dunn, Dyar, Emery, D. F.; Fecteau, Gahagan, Good, Hamblen, Hancock, Immonen, Lawry, Lewis, E.; Littlefield, McCormick, McHenry, Palmer, Perkins, Santoro, Theriault, Willard.

NAYS — Albert, Ault, Baker, Berry, P. P.; Berube, Binnette, Bither, Boudreau, Brawn, Briggs, Bunker, Bustin, Cameron, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Davis, Deshaies, Dow, Drigotas, Dunleavy, Farley, Farnham, Farrington, Faucher, Finemore, Flynn, Fraser, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Haskell, Henley, Hobbins, Hoffses, Huber, Hunter, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Keyte, Kilroy, Knight, LaCharite, LaPointe, LeBlanc, Lewis, J.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McKernan, McMahon, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, Parks, Peterson, Pontbriand, Pratt, Ricker, Rolde, Rollins, Ross, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Talbot, Tanguay, Tierney, Trask, Trumbull, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Wood, M. E.

ABSENT — Brown, Evans, Ferris, Gauthier, Herrick, Kelley, R. P.; O'Brien.

Yes, 26; No, 117; Absent, 7.

The **SPEAKER**: Twenty-six having voted in the affirmative and one hundred seventeen in the negative, with seven being absent, the motion does not prevail.

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

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

Bill "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.

Tabled — June 22, by Mr. Simpson of Standish.

Pending — Passage to be enacted.

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

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

Joint Order Relative to Milk Commission (H. P. 1641).

Tabled — June 22, by Mr. Simpson of Standish.

Pending — Passage.

The **SPEAKER**: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker, Ladies and Gentlemen of the House: I do not think that this order is necessary. We do not need a study of the Milk Commission. We have had all kinds of studies over the years. If they want to put in a bill to do away with it, do it, but I don't think we ought to waste our money on another study.

You go back for the last ten years, we have had a lot of studies on the Milk Commission, and I think the best thing to do is to leave it as it is until you put in a bill to do away with it, no study.

I ask for a division on this motion.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I talked to several dairy farmers this weekend in reference to this study, and most of the dairy people that I talked to do not object

to this study as long as it is done in an impartial way and brings out the facts.

The potential supply of milk in the New England area right now is in a short situation. There is a possibility that the Maine supply could be shortened even more. The grain price to the milk price is the highest in the history of the industry, and of course, as you know, the record beef prices is encouraging farmers, dairy farmers, to sell their young stock off and decrease the supply of milk.

So really the milk industry right now is in a real serious situation and they feel that a study might be warranted if the politics is left out of it and if it is done impartial and factual way.

I would recommend that you do not kill this order.

The SPEAKER: The pending question is passage of Joint Order 1641 relative to the Milk Commission. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

60 having voted in the affirmative and 55 having voted in the negative, the motion did prevail.

Sent up for concurrence.

The Chair laid before the House the second 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 22, by Mr. Simpson of Standish.

Pending—Passage to be engrossed.

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

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

Joint Order Relative to Legislative Conference (H. P. 1640)

Tabled—June 22 by Mr. Birt of East Millinocket.

Pending—Passage.

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

House Amendment "A" (H-605) was read by the Clerk and adopted.

Thereupon, the Order received passage as amended and was sent to the Senate.

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

Bill "An Act to Amend the Benefit Financing Provisions of the Employment Security Law" (S. P. 674) (L. D. 2041)

Tabled—June 22, by Mr. Birt of East Millinocket.

Pending—Passage to be engrossed.

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

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

Mr. SMITH: Mr. Speaker, is the House in possession of House Paper 1620, L. D. 2038?

The SPEAKER: The Chair would answer in the affirmative. The House is in possession of Bill "An Act to Provide Property Tax Reduction, Rent Relief and Equalization of Municipal Revenues," House Paper 1630, L. D. 2038.

Mr. SMITH: Mr. Speaker, I move reconsideration whereby this bill was passed to be engrossed.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Smith, moves the House reconsider its action whereby this Bill was passed to be engrossed.

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

Mr. DONAGHY: Mr. Speaker, would it be in order to ask why this is being done?

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, poses a question through the chair to anyone who may care to answer.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: This bill costs in excess of \$70 million. We just passed L. D. 1994, and I am going to move for indefinite postponement of this bill.

Thereupon, the House reconsidered its action whereby the Bill was passed to be engrossed.

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

Mr. SMITH: Mr. Speaker, I move the indefinite postponement of this L. D.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Smith, moves the indefinite postponement of L. D. 2038.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I was kind of hoping the gentleman in the far corner would take and keep his word instead of passing the dirty work onto the gentleman behind him, but I kind of feel sorry somewhat for the gentleman to find himself in the position of moving the indefinite postponement of a true property tax relief measure.

Ladies and gentlemen, this particular package was just that, it was a true property tax relief measure, it was a guaranteed property tax measure. It did set up a procedure whereby if we were to use the series of 10 years, at the end of 10 years every municipality in this state could have been on the same property tax rate. This to me is true property tax relief.

I am not going to belabor the issue any more, except I am going to ask for a roll call. I at least want to be able to take one roll call out to the people and show where some people voted for true property tax relief and not equalized education under a guise.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I can assure you that I wasn't having anyone doing my dirty work for me. It is just that on Friday this bill came and went while I was in the back of the hall. The gentleman from Standish had promised me a roll call, and I guess on Friday he didn't want one, he changed his mind, so we never got to the roll call issue and that is why at that point I agreed and just voted

against the gentleman. But I can assure you that if he had requested the roll call, there wouldn't have been any problem.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I am delighted this morning to give the gentleman from Standish a roll call for his other pocket — to steal a phrase from the gentlemen from Waterville, Mr. Carey. I hope he makes good use of it.

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

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman from Standish, Mr. Simpson, should be congratulated. He introduced legislation which was tax relief. He had the courage to say that in this tax relief, if you have got relief on your real property tax that you would be taxed either by the state income tax or by the corporate tax increase.

Thus far, I think we have acted irresponsibly here this last week. We passed legislation in the form of L. D. 1994 and again this afternoon on the inventory tax and we have provided in my mind no measures whatsoever to implement the funding of either of those bills. At least the gentleman from Standish did tell the people through the press that he was going to give them property tax relief, but they were going to pay for it from other sources.

I think it is our duty as legislators to let the people of the State of Maine know, as I stated on this floor many times, there is a difference between tax relief and tax reform. The gentleman from Standish, in my mind, did have a tax relief bill.

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

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Dover-Foxcroft, Mr. Smith, that L. D. 2038 be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, P. P.; Bither, Brown, Bustin, Carter, Chonko, Clark, Connolly, Cooney, Crommett, Davis, Dow, Dudley, Dunn, Emery, D. F.; Ferris, Gahagan, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Haskell, Hobbins, Huber, Jacques, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lynch, MacLeod, Mahany, Martin, Maxwell, McHenry, McKernan, McTeague, Mills, Morin, L.; Morin, V.; Morton, Murray, Najarian, Palmer, Pontbriand, Rolde, Santoro, Smith, D. M.; Smith, S.; Snowe, Susi, Talbot, Theriault, Tierney, Tyndale, Walker, Webber, The Speaker

NAY — Ault, Baker, Berry, G. W.; Berube, Binnette, Birt, Boudreau, Bragdon, Brawn, Briggs, Bunker, Cameron, Carey, Carrier, Chick, Churchill, Conley, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Dam, Deshaies, Donaghy, Dunleavy, Dyar, Evans, Farley, Farnham, Farrington, Faucher, Fecteau, Finemore, Fraser, Good, Hamblen, Henley, Hoffses, Hunter, Immonen, Jackson, Kauffman, Kelleher, Kelley, Keyte, Knight, Lewis, J.; Littlefield, Maddox, McCormick, McMahon, McNally, Merrill, Mulkern, Murchison, Norris, Parks, Perkins, Peterson, Pratt, Rollins, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Soulas, Sproul, Stillings, Strout, Trask, Wheeler, White, Whitzell, Willard, Wood, M. E.

ABSENT — Cote, Drigotas, Flynn, Gauthier, Herrick, Jalbert, Kelley, R. P.; O'Brien, Ricker, Ross, Tanguay, Trumbull

Yes, 63; No, 76; Absent, 12.

The SPEAKER: Sixty-three having voted in the affirmative and seventy-six in the negative, with twelve being absent, the motion to indefinitely postpone does not prevail.

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

Mr. MARTIN: Mr. Speaker, could I ask the gentleman from Standish whether this carries the funding mechanism?

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

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

Mr. SIMPSON: Mr. Speaker and Members of the House: I think it was stated here just a very few minutes ago by the gentleman from Strong, Mr. Dyar, that it certainly does carry the funding mechanism in it.

Some people have asked me if this bill is compatible with 1994 or could it be worked with 1994, and it certainly could, there is no doubt about it. I realize that the formula would have to be changed somewhat, the subsidies that you had on your desks would be changed somewhat, but bear in mind that one of the things that was built into our program was current school subsidies that you were receiving. This was built into your revenue base index. They are compatible, they can work side by side, and I think it should be determined now whether people really want to put two property tax relief measures on the books.

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

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

Reports of Committee Ought to Pass Printed Bill

Passed to Be Engrossed

Mr. Jalbert from the Committee on Appropriations and Financial Affairs on Bill "An Act to Increase the Salaries of County Attorneys and Assistant County Attorneys" (H. P. 957) (L. D. 1267) (Emergency) reporting "Ought to pass"

Report was read and accepted and the Bill read once. Under suspension of the rules, the Bill was read the second time, passed to be engrossed and sent to the Senate.

Passed to Be Enacted

An Act to Provide for the Reduction of Speed Limits to Conserve Fuel during Energy Crisis (H. P. 1627) (L. D. 2043)

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)

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.

Messages and Documents

The following Communication:

State of Maine

HOUSE OF REPRESENTATIVES

Augusta

Committee on Human Resources

June 22, 1973

Honorable Richard D. Hewes

Speaker of the House

State House

Augusta, Maine 04330

Dear Sir:

The Committee On Human Resources is pleased to report the completion of that business of the 106th Legislature that was placed before this committee:

Total Number of Bills

Received 17

Ought to Pass in New Draft 4

Ought not to Pass 3

Ought to Pass as Amended 2

Ought to Pass 1

Divided 1

Divided in New Draft 1

Leave to Withdraw 2

Referred to Another

Committee 3

Respectfully submitted,

(Signed) DAVID R. AULT

House Chairman

The Communication was read and ordered placed on file.

The following Communication:

Answers of the Justices

To the Honorable House of Representatives of the State of Maine:

In compliance with the provisions of Section 3 of Article VI of the Constitution of Maine, we, the undersigned Justices of the Supreme Judicial Court, have the honor to submit the following answers

to the questions submitted and delivered to the Court on June 21, 1973.

The questions themselves, as submitted, seek to test the validity of provisions of the Maine Constitution against those of the Constitution of the United States. Thereby, they recognize, correctly, that the federal Constitution is controlling over Constitutions of the various States by virtue of Article VI, Clause 2 of the Constitution of the United States which provides:

"This Constitution . . . shall be the supreme Law of the Land; and Judges in every State shall be bound thereby, anything in the Constitution . . . of any State to the contrary notwithstanding."

Florida v. Mellon, 273 U.S. 12, 47 S. Ct. 265, L.Ed. 511 (1927).

In the interests of conciseness and clarity we answer the questions inversely to the order in which they were propounded.

QUESTION NO. VII: Whether the proposed plan for reapportionment of the House of Representatives, H. P. 472, L. D. 984, hereto annexed, is permissible under the Equal Protection Clause of the 14th Amendment to the Constitution of the United States or the Equal Protection Clause of Article I, Section 6-A of the Constitution of Maine?

ANSWER: We answer in the negative.

The most recent pronouncement of the Supreme Court of the United States in the case of *Mahan v. Howell*, — U.S. —, 93 S. Ct. 979, — L.Ed. 2d — (1973) reaffirmed two principles derived from the "equal protection of the laws" clause of the federal Fourteenth Amendment in specific application to reapportionment of houses of a bicameral state legislature: (1)

" 'that a State make an honest and good faith effort to construct districts, . . . as nearly of equal population as is practicable . . . ' " and (2)

" '(s)o long as the divergences from a strict population standard are based on legitimate considerations incident to the effectuation of a rational state policy, some deviations from the equal-population principle are con-

stitutionally permissible with respect to the apportionment of seats in either or both of the two houses of a bicameral state legislature.” (p. 985 of 93 S.Ct.)

Mahan v. Howell decided, further, that a

“Policy of maintaining the integrity of political subdivision lines in the process of reapportioning a state legislature, . . . is a rational one” (p. 987 of 93 S.Ct.)

since it furthers the purpose of facilitating enactment of statutes of purely local concern and preserves for voters in the political subdivision a voice in the State Legislature on local matters.

Hence, preservation of the integrity of political subdivision lines may serve as a justification, consistently with mandates of the “equal protection of the laws” clause of the federal Fourteenth Amendment, for “deviations from the equal population principle” provided that the divergences are within limits recognized as constitutionally tolerable.

As to the range of deviation which will pass constitutional muster, Mahan v. Howell stated that a “. . . 16-odd percent maximum deviation . . . may well approach tolerable limits.” The Court added, however: “we do not believe it exceeds them”, thus rendering suspect any appreciable excess as an unjustifiable “sacrifice” of “substantial equality.”

Measured by this most recent interpretation of the requirements of the “equal protection of the laws” clause of the federal Constitution, the proposed plan for reapportionment of the House of Representatives, H. P. 472, L. D. 984, must be considered to violate the Constitution of the United States.

The plan proposed by H. P. 472, L. D. 984, clearly “sacrifices substantial equality” because it attempts to preserve traditional political subdivisions as mandated by Article IV, Part First, Sections 2 and 3 of the Constitution of Maine.

According to the report of the House Apportionment Commission, the maximum percentage variation from the ideal district is 94.02 percent. The extreme deviations from the ideal in the proposed

legislation result in one district being 26.45 percent over represented. The majority report of the Commission, moreover, states that an attempt was made

“to create districts as close to population equality as practicable under the present constitutional formula.”

Although the United States Supreme Court in Mahan v. Howell did not establish 16.04 percent maximum percentage variation as an absolute standard for determining the constitutionality of state reapportionment plans, it is apparent the 94.02 percent maximum percentage variation of the plan proposed by H.P. 472, L. D. 984, goes far beyond constitutionally tolerable limits of deviation

QUESTION NO. VI: In general, whether the method of reapportionment prescribed by the provision of Article IV, Part I, Sections 2 and 3 of the Constitution of Maine is permissible under the Equal Protection Clause of the 14th Amendment to the Constitution of the United States or the Equal Protection Clause of Article I, Section 6-A of the Constitution of Maine?

ANSWER: We answer this question in the negative.

Accepting the Commission’s conclusion that it came as close to substantial equality as was possible under the provisions of the Maine Constitution, Article IV, Part I, Sections 2 and 3, it is apparent that, within the foreseeable future, no plan could be devised in accordance with the present Maine constitutional provisions which would not be violative of the equal protection clause of the Fourteenth Amendment of the Constitution of the United States.

QUESTION NO. V: Whether forming multi - member districts composed of more than one municipality, as prescribed by the provisions of Article IV, Part First, Sections 2 and 3 of the Constitution of Maine, is permissible under the Equal Protection Clause of the 14th Amendment to the Constitution of the United States or the Equal Protection Clause of Article I, Section 6-A of the Constitution of Maine?

ANSWER: We answer in the affirmative — subject to the qualification, however, that even though **Fortson v. Dorsey**, 379 U. S. 433, 85 S.Ct. 498, 13 L.Ed.2d 401 (1965) establishes that a multi-member constituency apportionment is not per se a violation of “equal protection of the laws” mandates, it may become constitutionally infirm by an application in a particular instance which produces deviations from “substantial equality” beyond the range of constitutional tolerance indicated in **Mahan v. Howell**, *supra*.

QUESTION NO. IV: Whether that portion of the reapportionment as it relates to giving additional Representatives from the remaining County Representatives unallocated under the foregoing procedure shall be allocated to municipalities having the largest fraction remaining as prescribed by Article IV, Part First, Section 3 of the Constitution of Maine is permissible under the E.P.C. of the 14th Amendment to the Constitution of the United States or the E.P.C. of Article I, Section 6-A of the Constitution of Maine?

ANSWER: We answer in the affirmative — subject to the qualification, however, that even though the procedure specified by Article IV, Part First, Section 3, of the Constitution of Maine, as referred to in Question No. IV, may be a reasonable implementation of a rational State policy of maintaining the integrity of political subdivision lines, it may become constitutionally infirm by an application in a particular instance which produces deviations from “substantial equality” beyond the range of constitutional tolerance indicated in **Mahan v. Howell**, *supra*.

QUESTION NO. III: Whether that portion of the reapportionment as it relates to a district containing fewer inhabitants than the largest fraction remaining to any municipality within such county after allocating of one or more Representatives to municipalities entitled to one or more Representatives as prescribed by Article IV, Part First, Section 3 of the Constitution of Maine is

permissible under the E.P.C. of the 14th Amendment to the Constitution of the United States or the E.P.C. of Article I, Section 6-A of the Constitution of Maine?

ANSWER: We answer in the affirmative — subject to the qualification, however, that even though the procedure specified by Article IV, Part First, Section 3, of the Constitution of Maine, as referred to in Question No. III, may be a reasonable implementation of a rational State policy of maintaining the integrity of political subdivision lines, it may become constitutionally infirm by an application in a particular instance which produces deviations from “substantial equality” beyond the range of constitutional tolerance indicated in **Mahan v. Howell**, *supra*.

QUESTION NO. II: Whether that portion of the reapportionment as it relates to fractional excesses over whole numbers to be computed in favor of the counties having larger fractional excesses as prescribed by Article IV, Part First, Section 2 of the Constitution of Maine is permissible under the E.P.C. of the 14th Amendment to the Constitution of the United States or the E.P.C. of Article I, Section 6-A of the Constitution of Maine?

ANSWER: We answer in the affirmative — subject to the qualification, however, that even though the procedure specified by Article IV, Part First, Section 2 of the Constitution of Maine, as referred to in Question No. II, may be a reasonable implementation of a rational State policy of maintaining the integrity of political subdivision lines, it may become constitutionally infirm by an application in a particular instance which produces deviations from “substantial equality” beyond the range of constitutional tolerance indicated in **Mahan v. Howell**, *supra*.

QUESTION NO. I: Whether the method of reapportionment as it relates to keeping representative districts within counties and whole municipalities as prescribed by Article IV, Part First, Sections 2 and 3 of the Constitution of Maine is permissible under the E.P.C.

of the 14th Amendment to the Constitution of the United States or the E.P.C. of Article I, Section 6-A of the Constitution of Maine?

ANSWER: We answer in the affirmative — subject, however, to the qualification that even though the policy of “keeping representative districts within counties and whole municipalities as prescribed by Article IV, Part First, Sections 2 and 3 of the Constitution of Maine” is a rational State interest which may justify deviations from substantial population equality, by its application in a particular instance it may become unconstitutional, as a violation of the “equal protection of the laws” clause of the federal Fourteenth Amendment, should it produce deviations from substantial population equality in excess of the limits of constitutional tolerance indicated in **Mahan v. Howell**, supra.

While we have answered Question No. 1 in the affirmative with qualification, the House Apportionment Commission's Report demonstrates that a constitutionally permissible reapportionment of the House of Representatives is unattainable as a practical matter in the foreseeable future so long as “the method of reapportionment as it relates to keeping representative districts within counties and whole municipalities as prescribed by Article IV, Part First, Sections 2 and 3 of the Con-

stitution of Maine” remains in effect.

Dated at Portland, Maine, this twenty-second day of June, 1973.

Respectfully submitted:

Armand A. Dufresne, Jr.
Donald A. Webber
Randolph A. Weatherbee
Charles A. Pomeroy
Sidney W. Wernick
James P. Archibald

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

Mr. MORTON: Mr. Speaker, I move we reconsider our action on item 1, page 3, the inventory tax, L. D. 1862, and in view of its overwhelming acceptance of passage to be engrossed, I hope you will vote against me.

The SPEAKER: The gentleman from Farmington, Mr. Morton, moves the House reconsider its action of earlier in the day whereby Bill “An Act Reforming the Administration of the Property Tax and Replacing the Tax on Inventories with an Increased Corporate Income Tax” House Paper 1384, L. D. 1862, was passed to be engrossed. 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 motion of Mr. Birt of East Millinocket,

Adjourned until ten o'clock tomorrow morning.