

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 6, 1973 to July 3, 1973

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, July 3, 1973

The House met according to adjournment and was called to order by the Clerk of the House, Mrs. E. Louise Lincoln.

Prayer by the Rev. Mr. Charles E. Karsten, Jr., of Gardiner.

The journal of yesterday was read and approved.

The following Communication:

**State of Maine
House of Representatives
Speaker's Office**

The Honorable E. Louise Lincoln
Clerk of the House
State House
Augusta, Maine

Dear Mrs. Lincoln:

An important personal matter will prevent me from presiding during today's session. Therefore, I have appointed Larry E. Simpson of Standish to serve as Speaker pro tem for today.

Respectfully,
(Signed) RICHARD D. HEWES
Speaker of the House

The Communication was read and ordered placed on file.

Mrs. LINCOLN: Will the Sergeant-at-Arms please escort Mr. Simpson to the rostrum.

Thereupon, Mr. Simpson of Standish assumed the Chair as Speaker pro tem.

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

Order Out of Order

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

ORDERED, the Senate concurring, that the Clerk of the House and the Secretary of the Senate

be authorized to furnish one hundred 8-cent postage stamps for each member of the House and Senate for the purpose of distributing various reports to the Departments of State and other public documents such as they may desire to mail to the citizens of the State.

The Order was received out of order by unanimous consent, read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith.

**Papers from the Senate
Non-Concurrent Matters**

Bill "An Act Providing for a Study to Determine the Feasibility and Location of a New Bridge across the Penobscot River" (S. P. 130) (L. D. 307) which the House enacted on February 26.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-292) in non-concurrence.

In the House: The House voted to recede and concur.

Bill "An Act Establishing the Maine State Student Incentive Grants Program" (S. P. 539) (L. D. 1758) (C. "A" S-153) which the House enacted on June 5.

Came from the Senate with the Bill passed to be engrossed as amended by Committee Amendment "A" (S-153) and Senate Amendment "C" (S-290) in non-concurrence.

In the House: On motion of Mr. Haskell of Houlton, the House voted to adhere. (Later reconsidered)

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) which the House passed to be engrossed on June 25.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "B" (S-279) and Senate Amendment "C" (S-291) thereto in non-concurrence.

In the House: On motion of Mr. Birt of East Millinocket, the House voted to recede and concur.

Orders

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

WHEREAS, on December 5th, 1898, the inhabitants of South Portland were granted and officially adopted a city charter; and

WHEREAS, the year 1973 marks the seventy-fifth anniversary of its founding as a city and municipal corporation; and

WHEREAS, the inhabitants, having great pride in the past and full confidence in the future, have formed a Celebration Committee to arrange appropriate activities for the week of July 2 through July 8, 1973, in honor of the occasion; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the Senate and House of Representatives of the One Hundred and Sixth Legislature of the State of Maine now assembled, pause to salute the City of South Portland on this, its historic anniversary, and join all the citizens of Maine in whole-hearted support of the efforts of the Celebration Committee in its efforts to celebrate the 75th anniversary of the founding of the City of South Portland in the State of Maine; and be it further

ORDERED, that a suitable copy of this Order be prepared and presented to the City and its Committee of Celebration in commemoration of the occasion. (H. P. 1652)

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

An Act to Provide a Maine Homestead Property Tax Exemption Law (H. P. 1588) (L. D. 2016)

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

On motion of Mr. McTeague of Brunswick, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion by the same gentleman, under suspension of the rules, the House reconsidered its action whereby House Amendment "C" was adopted and the amendment was indefinitely postponed.

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

House Amendment "A" (H-616) was read by the Clerk.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: In short explanation to the members of the House, we made a mistake. We put an amendment on the original bill rather than on the redraft. It was a clerical error. This is to correct the clerical error. The bill is in the same posture now that we intended to have it in yesterday. There has been no substantial change at all.

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

Mr. KAUFFMAN: Mr. Speaker and Ladies and Gentlemen of the House: I would like to ask a question through the Chair. This exemption for senior citizens, does that take place at age 62 or age 65?

The SPEAKER pro tem: The gentleman from Kittery, Mr. Kauffman poses a question through the Chair to anybody who may answer if he so desires.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: In response to the question raised by the gentleman from Kittery, Mr. Kauffman, the homestead bill does not deal in a special way with senior citizens or veterans. It creates an exemption for every homesteader, whether the person be eighteen or sixty-eight. However, there is a specific provision in this bill to protect any existing or future rights of any veteran or senior citizens, but this is in addition to rather than in place of those existing rights.

Thereupon, House Amendment "A" was adopted.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: I would now move the indefinite

postponement of this bill and all its accompanying papers and I would speak briefly to it.

The SPEAKER pro tem: The gentleman from East Millinocket, Mr. Birt, moves the indefinite postponement of this Bill and all its accompanying papers.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: I know this bill has developed quite a bit of interest. We are making a lot of tax changes during this session of the legislature. I hope that all of them come out the way they are intended.

This bill, at the present time with this amendment on has a cost of \$9,600,000. Frankly in going over what has been done on the Appropriations Table and what little I do know of available revenue, I don't know how this is going to be financed. I know we still have one tax measure still floating around. I don't know what the overall income that will be derived. Frankly, I am not sure that I can see in that measure enough to fund this bill, and I think at this time and at this stage of the session that certainly to pass this bill and try to find a method of funding it is not practical and I hope you will go along with the motion.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from East Millinocket, Mr. Birt, is correct. There is a cost. The cost is \$9.6 million for this measure. He reminds me that we passed an educational subsidy measure which had a very much greater cost to it this session and we had before us another bill involving taxation in the field of inventory, capital investment on sales tax deduction, both of which bills are significantly more costly than this one.

We have a companion bill which this House acted upon favorably yesterday which is down in the Senate and which if that body enacts it will produce some seven

and a half to eight million dollars a year revenue. We think that is a conservative estimate. We think the revenue produced by the measure that is before the Senate now would be sufficient to fund this bill. This is the only bill before this session of the legislature which guarantees direct and actual property tax relief for every citizen of Maine who owns or is purchasing his own home.

Mr. Speaker, I would ask for a roll call on the motion for indefinite postponement and I hope you vote to keep the bill alive.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I surely agree with the gentleman from Brunswick, Mr. McTeague, and I think at this time it would be a crime to indefinitely postpone this bill. I hope we can send it to the Senate enacted and then at least we can find out after it gets here whether there is a possible chance of financing it. I believe that 1105, the so-called Dunleavy Tax Bill, will finance this and surely we can get enough somewhere for another million dollars. That will bring \$8,854,000 the first year.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly. I concur with the two previous speakers. I am very much against indefinite postponement of this bill. My constituents — when I came down here, one of the things I campaigned on was tax relief and that is exactly what this is, it isn't tax reform, it is tax relief directly to the taxpayers. The education people don't get to play with this, your cities and towns don't get to play with it, it doesn't upgrade education, it helps the little fellow, it helps right across the board with a \$2,000 exemption which can be funded with the bill that we expect back from the Senate. I hope you will vote against indefinite postponement this morning.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: We all want or even promised property tax relief to our citizens. The educational bill which we passed, I believe in error, received a great deal of state-wide publicity that this was property tax relief. It was not property tax relief. It just guarantees that at some future date the taxpayers are going to have to increase either their state income tax or the sales tax and this is the only bill that gives property tax relief and gives it directly, and I hope we vote in favor of it.

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

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

The SPEAKER pro tem: The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt, that An Act to Provide a Maine Property Tax Exemption Law, House Paper 1588, L. D. 2016, and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes, those opposed will vote no.

ROLL CALL

YEA — Birt, Bragdon, Dunn, Hamblen, Huber, Immonen, Jackson, Knight, Littlefield

NAY — Albert, Berry, G. W.; Berry, P. P.; Berube, Binnette, Boudreau, Brawn, Briggs, Brown, Bunker, Cameron, Carey, Carrier, Carter, Chick, Chonko, Churchill, Cote, Cressey, Crommett, Curran, Deshaies, Donaghy, Dow, Drigotas, Dunleavy, Dyar, Emery, D. F.; Evans, Farley, Farnham, Farrington, Fecteau, Ferris, Finemore, Garsoe, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Haskeil, Henley, Hoffses, Hunter, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, LaCharite, Le-

Blanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McNally, McTeague, Merrill, Mills, Morin, L.; Morton, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Parks, Perkins, Peterson, Pontbriand, Pratt, Ricker, Rolde, Rollins, Ross, Shaw, Sheltra, Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Tanguay, Tierney, Trask, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.

ABSENT — Ault, Baker, Bither, Bustin, Clark, Conley, Connolly, Cooney, Cottrell, Curtis, T. S., Jr.; Dam, Davis, Dudley, Faucher, Flynn, Fraser, Gahagan, Gauthier, Herrick, Hobbins, LaPointe, Lawry, Maddox, Morin, V.; Mulkern, Santoro, Shute, Silverman, Simpson, E.; Talbot, Theriault, Trumbull.

Yes, 9; No, 109; Absent 32.

The SPEAKER pro tem: Nine having voted in the affirmative and one hundred and nine in the negative, with thirty-two being absent, the motion to indefinitely postpone does not prevail.

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

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

Mr. TYNDALE: Mr. Speaker, I move we reconsider our action of earlier in the day whereby we voted to adhere on Bill "An Act Establishing the Maine State Student Incentive Grants Program" (S. P. 589) (L. D. 1758) and would speak to my motion.

The SPEAKER pro tem: The gentleman from Kennebunkport, Mr. Tyndale, moves the House reconsider its action whereby we voted to adhere on L. D. 1758.

The gentleman may proceed.

Mr. TYNDALE: Mr. Speaker and Members of the House: What you have done here by indefinitely postponing this —

The SPEAKER pro tem: The Chair would advise the gentleman that we voted to adhere, which means we stuck to our original position where we accepted the

bill in its original position where there was something like \$5 million on the bill.

Mr. TYNDALE: What you have done here is you have cut out student aid to Viet Nam veterans in public schools, that is colleges, the University of Maine and the rest of them. I don't think we gave enough consideration to this bill. I didn't hear the bell announcing that we were to come into the House, and the consequence, I was not here when this bill was indefinitely postponed. Therefore, in order to clarify my position, I so move that we reconsider our action.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: I talked with a great many in the House this morning, I sincerely hope you do not reconsider our action. I urge you to vote no on reconsideration.

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

Mr. CAREY: Mr. Speaker and Members of the House: By the gentlemen's own admission he was not here, therefore, can he move reconsideration?

The SPEAKER pro tem: The Chair would rule in the affirmative, he can.

The pending question is on the motion of the gentleman from Kennebunkport, Mr. Tyndale, that the House reconsider its action of earlier in the day whereby it was voted to adhere on L. D. 1758. All in favor of reconsidering will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. LaCharite of Brunswick requested a roll call vote.

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

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

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

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Kennebunkport, Mr. Tyndale, that the House reconsider its action of earlier in the day whereby it voted to adhere on L. D. 1758. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, G. W.; Berube, Brown, Carrier, Chonko, Cressey, Deshaies, Dow, Emery, D. F.; Farley, Ferris, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hobbins, Hunter, Jacques, Knight, LaCharite, Lawry, LeBlanc, Lewis, J.; Lynch, McCormick, McKernan, McMahon, Morin, L.; Murray, Najarian, Perkins, Peterson, Pratt, Shaw, Smith, D. M.; Sproul, Stillings, Tanguay, Tierney, Tyndale, Whitzell, Wood, M. E.

NAY — Albert, Berry, P. P.; Binnette, Birt, Boudreau, Bragdon, Brawn, Briggs, Bunker, Cameron, Carey, Carter, Chick, Churchill, Cote, Crommett, Curran, Donaghy, Drigotas, Dudley, Dunleavy, Dunn, Dyar, Evans, Farnham, Farrington, Fecteau, Finemore, Garsoe, Genest, Good, Hancock, Haskell, Henley, Hoffses, Huber, Immonen, Jackson, Jalbert, Kauffman, Kelley, Kelley, R. P.; Keyte, Kilroy, Lewis, E.; Littlefield, MacLeod, Mahany, Martin, Maxwell, McHenry, McNally, Merrill, Mills, Morton, Murchison, Norris, O'Brien, Palmer, Parks, Pontbriand, Ricker, Rolde, Rollins, Ross, Sheltra, Shute, Silverman, Smith, S.; Snowe, Soulas, Strout, Susi, Trask, Walker, Webber, Wheeler, White, Willard.

ABSENT — Ault, Baker, Bither, Bustin, Clark, Conley, Connolly, Cooney, Cottrell, Curtis, T. S. Jr.; Dam, Davis, Faucher, Flynn, Fraser, Gahagan, Gauthier, Herrick, Kelleher, LaPointe, Maddox, McTeague, Morin, V.; Mulkern, Santoro, Simpson, L. E.; Talbot, Theriault, Trumbull.

Yes, 42; No, 79; Absent, 29.

The SPEAKER pro tem: Forty-two having voted in the affirmative and seventy-nine in the negative, with twenty-nine being absent, the motion to reconsider does not prevail.

By unanimous consent, ordered sent forthwith to the Senate.

**Passed to Be Enacted
Emergency Measure**

An Act Relating to Working Capital of the Bureau of Alcoholic Beverages (S. P. 123) (L. D. 305)

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. 104 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.

Emergency Measure

An Act to Authorize the Commissioner of Sea and Shore Fisheries to enter into an Agreement to Lease the Land, Buildings and Facilities of the National Marine Fisheries Service Biological Laboratory at Boothbay Harbor (H. P. 648) (L. D. 864)

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

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

Mr. LEWIS: Mr. Speaker and Members of the House: In regard to item two on Supplement 1, I heard over my car radio this morning that the federal government had declared this property as surplus property. As I understood it, I think I am correct, it would be available to any federal agency that might apply to use it. Does this affect our status on this?

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

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: My inquiries from the Commissioner of Sea and Shore Fisheries, negotiations have been conducted with the federal government. He has been assured that the building can be turned over to him, it would be available to him. He does not understand or feel that any feder-

al agency would want this building or have any use for it, and everything I have got, he fully understands that this is available and will be turned over to the Sea and Shore Fisheries Department.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to reemphasize what the gentleman from East Millinocket just said, I feel quite certain all the federal government is waiting to do before they lease this building is to see whether or not this legislature will fund the programs that the state had hoped to take over from the federal agency. As soon as we enact this bill, hopefully this morning, I believe the lease arrangement will be negotiated and finalized between the state and federal government.

The SPEAKER pro tem: This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. All in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken. 115 having voted in the affirmative and one having voted in the negative, the motion did prevail.

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

Emergency Measure

An Act Appropriating Funds for Expansion and Improvement of the Biddeford Municipal Airport (S. P. 518) (L. D. 1649)

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

Passed to Be Enacted

An Act Appropriating Funds to Provide Vocational Rehabilitation

Services to Handicapped Persons (H. P. 482) (L. D. 626)

An Act Relating to Community Based Services for the Mentally Retarded (H. P. 509) (L. D. 674)

An Act Establishing a State Tuition Equalization Fund for Maine Students Attending Maine Private Institutions of Higher Education (H. P. 927) (L. D. 1225)

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

One Hundred and Sixth Legislature
Committee on Appropriations
and Financial Affairs

June 28, 1973

Honorable Richard D. Hewes
Speaker of the House
House of Representatives
State House
Augusta, Maine

Dear Speaker Hewes:

The Committee on Appropriations and Financial Affairs is pleased to report the completion of the business of the 106th Legislature that was placed before this Committee.

Total number of bills acted upon, including 3 referrals	143
Ought to pass	46
Ought Not to Pass	34
Ought to pass as Amended	16
Ought to Pass in New Draft	10
Divided Reports	7
Leave to Withdraw	23
Referred to Another Committee	2
Initiated Pursuant to Joint Order	5

Sincerely,

(Signed) FLOYD M. HASKELL
House Chairman

The Communication was read and ordered placed on file.

Order Out of Order

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

ORDERED, that Gary Poitras of Westbrook be appointed Honorary Page for today.

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

By unanimous consent, all foregoing matters acted upon in con-

currence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

Supplement No. 2 was taken up out of order by unanimous consent.

Non-Concurrent Matter

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 Council of Confirmation; 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) (H. "E" H-600) (S. "B" S-272) (H. "F" H-615) Constitutional Amendment, which failed final adoption in the House on June 29.

Came from the Senate with Senate Amendment "B" (S-272) indefinitely postponed and the Resolution passed to be engrossed as amended by House Amendment "E" (H-600), House Amendment "F" (H-615) and Senate Amendment "C" (S-293) in non-concurrence.

In the House:

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I personally feel that we have had enough of this bill. We defeated it five time in four days. I am willing to vote against it at any time. However, perhaps we should be practical. The motion I am about to make requires a simple majority. If we accept the motion, it would go to the other body and come back to us at some time in the enactment stage. This requires two-thirds of those voting.

I now move that we recede and concur. For those who want to try to end it now, you may vote against my motion and if a roll call is requested, even though I make this motion, I will vote against it myself.

The SPEAKER pro tem: The gentleman from Bath, Mr. Ross, moves that we recede and concur.

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

Mr. DYAR: Mr. Speaker and Members of the House: I am against the motion to recede and concur. I offered House Amendment "F" to this bill in good faith. I think at this time and day, to fool around with taking the amendment off reducing the size of this House to 132 members and compromising to leave it at a 151 is utterly ridiculous. The original bill called for the House to reduce ten years hence, in 1983. I certainly hope that you vote against the motion to recede and concur. I would request a roll call.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am going to vote against the motion to recede and concur this morning. I do so very reluctantly. I do so based on the fact that the time has now come for us to adjourn sometime today. It is going to be impossible to try to work out anything at this time. Even though I am very much a proponent of governmental reform, I find that at this time the only proper thing to do is to dispense with this thing.

I think that when we come back either in a special session or the next regular session, this is going to be back in front of us and it ought to be, because it is something that the people of Maine are greatly concerned about and the people want something done. I am not asking anyone to go with me, I am not suggesting anyone ought to go with me, I myself, am going to vote against the motion to recede and concur because I find that at this time the time has come for us to get rid of it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am going to vote against the motion to recede and concur because again this in not only the fifth or six time that we kill it, but it is still another ploy, and if this would not go, we could very well get hit over here with another ploy.

The only reason this measure is here now with the amendment from 132 to 151 is because if it didn't come back with an amendment it would have required two thirds come through that gate. It never would have had two thirds. But with this amendment, it allows a simple majority. Now if we really want to kill this thing, the thing to do is to vote to recede and concur, and when it comes in January, I will do the same thing I do now on July 3.

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

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

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berube, Birt, Brown, Carter, Chonko, Curtis, T. S. Jr.; Dunleavy, Emery, D. F.; Evans, Farnham, Ferris, Gahagan, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Henley, Hobbins, Hoffses, Huber, Jackson, Jacques, Knight, Lewis, J.; MacLeod, McKernan, McMahan, McNally, Morin, L.; Morton, Murray, Najarian, Norris, Perkins, Pontbriand, Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Trask, Tynedale, Walker, White, Wood, M. E. Nay—Albert, Baker, Berry, G. W.; Berry, P. P.; Binnette, Bither,

Boudreau, Bragdon, Brown, Briggs, Bunker, Cameron, Carey, Carrier, Chick, Churchill, Connolly, Cote, Cottrell, Cressey, Crommett, Curran, Deshaies, Donaghy, Dow, Drigotas, Dudley, Dunn, Dyar, Farley, Farrington, Faucher, Fecteau, Finemore, Fraser, Genest, Good, Hancock, Herrick, Hunter, Immonen, Jalbert, Kauffman, Kelleher, Kelley, Keyte, Kilroy, LaCharite, Lawry, Lewis, E.; Littlefield, Lynch, Mahany, Martin, Maxwell, McCormick, McHenry, McTeague, Merrill, Mills, Morin, V.; Murchison, O'Brien, Palmer, Parks, Peterson, Pratt, Ricker, Rolde, Rollins, Ross, Shaw, Sheltra, Shute, Silverman, Stillings, Strout, Tanguay, Tierney, Webber, Wheeler, Whitzell, Willard.

ABSENT — Ault, Bustin, Clark, Conley, Cooney, Dam, Davis, Flynn, Gauthier, Haskell, Kelley, R. P.; LaPointe, LeBlanc, Maddox, Mulkern, Santoro, Simpson, L. E.; Susi, Talbot, Theriault, Trumbull.

Yes, 46; No, 83; Absent, 21.

The SPEAKER pro tem: Forty-six having voted in the affirmative and eighty-three in the negative, with twenty-one being absent, the motion to recede and concur does not prevail.

Thereupon, the House voted to adhere.

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

Mr. KELLEHER: Mr. Speaker, is the House in possession of L. D. 2044?

The SPEAKER pro tem: The Chair would answer in the affirmative. Senate Paper 678, L. D. 2044, An Act to Correct Errors and Inconsistencies in the Public Laws is in the possession of the House.

Mr. KELLEHER: Mr. Speaker, I move that we reconsider our action whereby this bill was passed to be engrossed and would like to speak to my motion.

The SPEAKER pro tem: The gentleman from Bangor, Mr. Kelleher, moves the House reconsider its action whereby this Bill was passed to be engrossed.

The gentleman may proceed.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen: We happened to run into a problem at Bangor International Airport concerning our Class A restaurant liquor license. I would like to offer an amendment, but I would like to say to the House beforehand that it wouldn't take 24 hours to engross the bill. The bill is still in that position. From what I understand the mechanics of it, there is a back page of the bill which would allow us to be able to present the amendment if this House would so let me, and I would explain the amendment if I get an opportunity to do so.

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

Mr. Kelleher of Bangor offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-617) was read by the Clerk.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: As I stated earlier, we have a problem with our Class A restaurant in Bangor on the food on the 60-40 ratio basis, and due to the number of people going through there, the liquor proportion has got way out of proportion with the food. Under the existing requirements of a Class A restaurant we have automatically lost our license at the airport, and through the assistance of the Liquor Commission and some of the floor leaders in the House we were able to draft this amendment which would waive the requirement. I certainly ask you, in behalf of our airport, that you would allow this amendment to be put on. World Airlines, which is one of the largest carriers that come into Bangor has already stopped flights coming in because they want their customers to expect the same comforts they get at other airports, and this is why at such a late moment that I have offered this amendment, and I would certainly appreciate your support if I could have it.

Thereupon, House Amendment "C" was adopted.

The Bill was passed to be engrossed as amended by Senate Amendment "A", Senate Amendment "B", Senate Amendment "C", Senate Amendment "D", Senate Amendment "F", Senate Amendment "G", Senate Amendment "K" and House Amendment "C" in non-concurrence and sent up for concurrence.

By unanimous consent, all matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

On motion of Mr. Simpson of Standish,

Recessed until the sounding gong.

After Recess

The House was called to order by the Speaker pro tem.

Order Out of Order

Mr. Kauffman of Kittery presented the following Order and moved its passage:

ORDERED, that Robert Pierce of Kittery Point be appointed Honorary Page for today.

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

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

Non-Concurrent Matters

Bill "An Act Relating to Definition of Retail Sale under Sales and Use Tax Law" (H. P. 802) (L. D. 1061) which was enacted in the House on March 27.

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

In the House: The House voted to recede and concur.

Bill "An Act Relating to Maternity Benefits for Unmarried Health Insurance Policyholders and Minor Dependents of Health Insurance Policyholders" (S. P. 373) (L. D. 1099) which was enacted in the House on April 25.

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

In the House: The House voted to recede and concur.

Bill "An Act to Enable the Department of Environmental Protection to Study the Groundwater Problem of the State" (H. P. 817) (L. D. 1110) which was enacted in the House on May 3.

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

In the House: The House voted to recede and concur.

Bill "An Act Providing Funds for Development of an International Conference Center on Peaks Island" (S. P. 381) (L. D. 1127) which was enacted in the House on May 3.

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

In the House: The House voted to recede and concur.

Bill "An Act Relating to Liquor Purchased from State Liquor Stores" (S. P. 387) (L. D. 1133) (S. "A" S-212) which was enacted in the House on June 12.

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

In the House: The House voted to recede and concur.

Bill "An Act to Provide Maine Students with Benefits of Environmental Education" (S. P. 400) (L. D. 1205) (S. "B" S-77) (H. "A" H-237) which was enacted in the House on April 25.

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

In the House:

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

Mr. TYNDALE: Mr. Speaker and Members of the House: With reference to this bill, as you all recall we had about a two hour debate on this environmental education which was to provide a consultant over in the Department of Education to set up some guidelines on this type of work. It came out of our committee unanimous "ought to pass" and it was given an overwhelming vote in the House.

I just want to recall this for your edification.

Thereupon, the House voted to recede and concur.

Bill "An Act to Establish a Committee on Problems of Corrections" (S. P. 407) (L. D. 1209) (C. "A" S-200) which was enacted in the House on June 12.

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

In the House: The House voted to recede and concur.

Bill "An Act Providing for Suspensions of Domestic Corporations by the Secretary of State" (S. P. 398) (L. D. 1212) (C. "A" S-199) which was enacted in the House on June 11.

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

In the House: The House voted to recede and concur.

Bill "An Act Repealing the Corporate Franchise Tax and Adjusting Fees in the Office of the Secretary of State" (S. P. 412) (L. D. 1251) (C. "A" S-144) which was enacted in the House on May 30.

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

In the House:

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker and Members of the House: It was my understanding that things on the Appropriations Table that were being killed would represent loss of money. L. D. 1251 would have meant an increase to the State plus a more efficient operation. I am very sorry that this wasn't given more consideration.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I quite agree with the gentleman. One of the problems that transpired was that when the new fee schedule was set up by the Secretary of State's office in the bill, there is a total net loss for the biennium of \$208,000. It is the

intention of the leadership, and this was decided that what we try to do is have the bill reintroduced at the special session to adjust the fees correspondingly so that there would be no decrease in the amount of revenue. What happened was, I guess it was a mistake on the part of the way that the bill came about, it ended up with the fees being collected by the Secretary of State, and the fees being less than what is presently received by the Bureau of Taxation, and that was the reason why we had to kill it, because it has a price tag of \$208,000.

Thereupon, the House voted to recede and concur.

Bill "An Act to Exempt House Parents at Boys Training Center from Law Dealing with Housing and Food Supplies Furnished by State Departments" (H. P. 1025) (L. D. 1347) (C. "A" H-262) which was enacted in the House on May 3.

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

In the House:

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

Mr. DYAR: Mr. Speaker and Members of the House: This piece of legislation here was to correct what we felt was an error at the Boy's Training Center where house parents as a condition of employment were forced to live at the Boy's Training Center and were having to pay upwards of \$22 a week for rent plus their meals as a condition of employment.

I would now move this body insist.

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

Mr. MARTIN: Mr. Speaker and Members of the House: One of the reasons why this bill was killed by the other body was because a decision was made to pass L.D. 1344, introduced by the gentleman from Bangor, Mr. Soulas, An Act Amending the Law Relating to the Provisions of Housing and Meals to State Employees. The purpose was to pass this bill which dealt

with all employees rather than just one segment at the Boy's Training Center.

The bill introduced by the gentleman from Bangor, Mr. Soulas, represents a net loss of revenue of \$62,000 for the biennium. This particular bill would represent a net loss of \$20,000 for the biennium. The intent and purpose and the reason why this was killed was with the intention of passing 1344, which has been done, that would correct the problems the gentleman has discussed.

Thereupon, Mr. Dyar of Strong requested permission to withdraw his motion to insist, which was granted.

Thereupon, the House voted to recede and concur.

Later Today Assigned

Bill "An Act Requiring that the National School Lunch Program be Implemented in All Public Schools" (H. P. 1067) (L. D. 1392) (C. "A" H-305) (S. "B" S-106) which was enacted in the House on May 3.

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

In the House: On motion of Mr. Martin of Eagle Lake, tabled pending further consideration and later today assigned.

Bill "An Act Exempting Fuels Used to Heat Commercial Broiler Houses from the Sales Tax" (H. P. 1068) (L. D. 1393) (H. "A" H-405) which was enacted in the House on May 30.

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

In the House: The House voted to recede and concur.

Resolve Providing Funds for Saco Valley Association for Retarded Children (H. P. 1094) (L. D. 1431) which was enacted in the House on April 18.

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

In the House:

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

Mr. TYNDALE: Mr. Speaker and Members of the House: I was really disappointed and sorry that this bill was defeated. It was for \$47,000 and would have enabled the Saco Valley Association for Retarded Children to take care of many more children in their school which otherwise will cost the state some money.

Thereupon, the House voted to recede and concur.

Bill "An Act to Exempt Diabetic Medical Supplies from the Sales Tax" (H. P. 1096) (L. D. 1433) which was enacted in the House on May 30.

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

In the House: The House voted to recede and concur.

Bill "An Act to Establish a Cooperative Education Support Program" (H. P. 1101) (L. D. 1437) (C. "A" H-192) which was enacted in the House on April 19.

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

In the House: The House voted to recede and concur.

Bill "An Act Providing for Marine Resource Education by Department of Sea and Shore Fisheries" (H. P. 1127) (L. D. 1462) (C. "A" H-193) which the House enacted on April 19.

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

In the House: The House voted to recede and concur.

Bill "An Act Relating to Sales Tax on Farm Machinery and Equipment" (H. P. 1130) (L. D. 1465) which the House enacted on June 7.

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

In the House: The House voted to recede and concur.

Bill "An Act Extending the Hours of the Maine State Library" (H. P. 1216) (L. D. 1571) (C. "A"

H-267) which the House enacted on May 1.

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

In the House: The House voted to recede and concur.

Bill "An Act Appropriating Funds to Provide a Public Information Officer at Bangor State Hospital" (H. P. 1254) (L. D. 1631) which was enacted in the House on May 15.

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

In the House: The House voted to recede and concur.

Bill "An Act Relating to the State Valuation of the Town of North Berwick" (H. P. 1259) (L. D. 1634) (C. "A" H-334) which the House enacted on May 22.

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

In the House: The House voted to recede and concur.

Bill "An Act Establishing an Office of Early Childhood Development in Maine" (S. P. 515) (L. D. 1639) (S. "A" S-146) which was enacted in the House on June 5.

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

In the House: On motion of Mr. O'Brien of Portland, the House voted to recede and concur.

Bill "An Act to Provide an Agricultural Education Consultant within the Department of Educational and Cultural Services" (H. P. 1288) (L. D. 1673) (C. "A" H-289) which the House enacted on May 8.

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

In the House:

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

Mr. GAHAGAN: Mr. Speaker and Ladies and Gentlemen of the House: I don't believe how fast we are going. However, I do feel that we are making an error in

receding and concurring with this agricultural education consultant. The Department of Education is playing politics with this position that could be created if the Department of Personnel were to assess money for the budget. The Commissioner has not chosen to do this, therefore we are eliminating a position which is, in my opinion, vitally important to the State of Maine and its economy.

We are in the presence of changing from an industrial to an agricultural base back in Aroostook County. Surprisingly enough, I found there is an international demand for potatoes, vegetables and products of this nature. The world is starving and we need to gear up agricultural production in this country. This position, in my opinion, should be supported and I move we insist.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: There were three bills basically the same setting up other individuals in the Department of Educational and Cultural Services, this one, the environmental one and one more. Basically, we are talking about adding three people in that department.

As the gentleman from Caribou pointed out, the department could choose to do that from existing personnel if they so desired and, of course, that is what I think they ought to do.

In the Part II budget we gave 41 additional persons to the department as a result of cuts in federal funds, and it seems to me that they ought to be able to find one individual to do that job. I think that after we leave here we ought to make sure that they do it.

I quite agree with the purpose and intent of the gentleman from Caribou. Mr. Speaker, I would now move that we recede and concur.

On motion of Mr. Martin of Eagle Lake, the House voted to recede and concur.

Bill "An Act Appropriating Funds to Facilitate Access to Ser-

vices Essential for Older People" (S. P. 547) (L. D. 1701) which was enacted in the House on May 15.

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

In the House: The House voted to recede and concur.

Supplement No. 4 was taken up out of order by unanimous consent.

Conference Committee Report

Report of the Committee of Concurrence on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Joint Standing Committees of the Legislature" (S. P. 560) (L. D. 1731) reporting that the Senate recede and concur with the House and Pass the Bill to be Engrossed, as amended by House Amendment "A" (H-584).

Signed:

- BERRY of Cumberland
- SEWALL of Penobscot
- Committee on part of the Senate.
- HEWES of Cape Elizabeth
- SIMPSON of Standish
- MARTIN of Eagle Lake
- Committee on part of the House.

Came from the Senate with the Report read and accepted.

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

Messages and Documents

The following Communication:

July 3, 1973

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

House Chamber

State House

Augusta, Maine

Dear Speaker Hewes:

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

Bills received in Committee	171
Unanimous Reports	141
Leave to Withdraw	17
Ought Not to Pass	22
Ought to Pass	62
Ought to Pass as Amended	29
Ought to Pass in New Draft	9
Refer to 107th Legislature	1
Refer to Another Committee	1

141

Divided Reports	30
Total Amendments	39
Total New Drafts	15

Signed

(Signed)

DAVID F. EMERY

House Chairman

The Communication was read and ordered placed on file.

(Off Record Remarks)

By unanimous consent, all matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

On motion of Mr. Birt of East Millinocket,

Recessed until 1:30 p.m. in the afternoon.

After Recess

1:30 P.M.

The House was called to order by the Speaker.

Supplement No. 5 was taken up out of order by unanimous consent.

Non-Concurrent Matters

Bill "An Act Relating to Working Capital of the Bureau of Alcoholic Beverages" (S. P. 128) (L. D. 305) (S. "A" S-287) which was enacted in the House on July 3.

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

In the House: The House voted to recede and concur.

Bill "An Act Establishing the Maine Training Fund" (S. P. 587) (L. D. 1805) which was enacted in the House on April 24.

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

In the House: The House voted to recede and concur.

Bill "An Act to Expand Human Resources by Rehabilitating Recipients of State Aid" (H. P. 1363) (L. D. 1819) which was enacted in the House on May 18.

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

In the House: The House voted to recede and concur.

Bill "An Act Appropriating Funds for Public Housing Authorities for Operating Subsidies" (H. P. 1365) (L. D. 1821) which was enacted in the House on June 14.

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

In the House: The House voted to recede and concur.

Bill "An Act Appropriating Funds to Educate and Rehabilitate Persons Handicapped by Deafness" (S. P. 445) (L. D. 1377) (S. "A" S-129) which was enacted in the House on May 23.

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

In the House: The House voted to recede and concur.

Bill "An Act Relating to State Aid for School Construction" (H. P. 1370) (L. D. 1827) which was enacted in the House on May 17.

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

In the House: The House voted to recede and concur.

Bill "An Act Relating to State Income Tax Deduction for Student Tuition Payments" (H. P. 1473) (L. D. 1898) which was enacted in the House on May 11.

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

In the House: The House voted to recede and concur.

Bill "An Act to Provide \$50,000 to Purchase Land for a Wildlife Management Area in Warren Pond Area of York County" (H. P. 1475) (L. D. 1900) which was enacted in the House on May 11.

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

In the House: The House voted to recede and concur.

Bill "An Act Relating to the Disposal of Junked Cars" (H. P. 1476) (L. D. 1901) which was enacted on May 11.

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

In the House: The House voted to recede and concur.

Bill "An Act Exempting Motor Vehicles Purchased by Non-residents from Sales Tax" (H. P. 1493) (L. D. 1921) which was enacted on May 18.

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

In the House: The House voted to recede and concur.

Bill "An Act Relating to Maine Sardine Inspection Service" (S. P. 615) (L. D. 1927) which was enacted in the House on May 21.

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

In the House: The House voted to recede and concur.

Bill "An Act Relating to Protective Services for Incapacitated Adults" (S. P. 152) (L. D. 386) which the House enacted on May 30.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-281) in non-concurrence.

In the House: The House voted to recede and concur.

Bill "An Act to Coordinate and Effectively Utilize Resources Available to Maine's Elderly" (H. P. 1228) (L. D. 1618) which the House enacted on May 11.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-294) in non-concurrence.

In the House: The House voted to recede and concur.

Bill "An Act Creating the Office of State Fire Marshal" (H. P. 1483) (L. D. 1910) which was enacted in the House on May 16.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-295) in non-concurrence.

In the House: The House voted to recede and concur.

Bill "An Act to Create the Maine Guarantee Authority and to Amend the Maine Industrial Building Authority and Maine Recreational Authority Statutes" (S. P. 667) (L. D. 2033) (S. "A" S-242 as amended by House "A" H-585 thereto) (H. "B" H-596) which the House enacted on June 25.

Came from the Senate with the Bill passed to be engrossed as amended by (S. "A" S-242) as amended by House "A" H-585 thereto and S. "B" S-247 thereto) (H. "B" H-596) in non-concurrence.

In the House: The House voted to recede and concur.

Bill "An Act Authorizing Funds to Department of the Attorney General to Print Reports of Two Attorneys General" (S. P. 335) (L. D. 1034) which the House enacted on March 27.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-298) in non-concurrence.

In the House: The House voted to recede and concur.

Order Out of Order

Mr. Jalbert of Lewiston presented the following Joint Order and moved its passage:

WHEREAS, "A news sense is really a sense of what is important, what is vital, what has color and life, what people are interested in. That's journalism." and

WHEREAS, Richard M. Kisonak of Lewiston, reporter and journalist with the Lewiston Daily Sun sensed such feeling in the Maine Legislature and often portrayed them in depth; and

WHEREAS, Mr. Kisonak has been stricken by a terminal disease known medically as amyotrophic lateral sclerosis; and

WHEREAS, his life's work has been crushed by the affliction, leaving only the spirited determination of a brave and courageous man; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the One Hundred and Sixth Legislature of the great and sovereign State of Maine, now assembled in regular legislative session, set aside

for a moment our deliberations to honor a reporter and legislative journalist who has given his all to the art of his profession and a man who we can be proud to call our friend; and be it further

ORDERED, that a suitable copy of this Joint Order be prepared and presented to Mr. Kisonak in token of our esteem. (H. P. 1653)

The Order was read.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I was hoping that we could have had the order read and not to take up any time, this order concerns itself with Richard M. Kisonak of Lewiston who is a reporter and journalist who was with the Lewiston Daily Sun. I think many of you remember him as I do with his checkered hat and his recording machine asking us for stories and being very nice and polite. I recall from the very beginning of his newspaper career, my family being responsible for his starting with the Lewiston Sun after he got out of the service and staying with them until last year when he was struck down with the disease called lateral sclerosis which is, in other words, the Lou Gehrig disease.

I haven't seen Richard of late, because I am too emotional to even call his house. I work mostly through Joseph Farrand, our security office, who stays with him a great deal of time. He has lost his voice. He still loves to play penny-ante poker. He still likes to write notes asking about how the legislature is going. He loves to come here to spend a day or two; as the order says, "that we set aside a moment in our deliberations to honor a reporter and legislative journalist who has given his all to the art of his profession and a man we would be proud to call our friend."

I am sincere when I call him my friend. I know many of you have been interviewed with him. I never have heard, read or seen one line that was written viciously about anybody, and it is with deep regret that I present this last order for Mr. Kisonak, because

it will be the last order in his honor.

Thereupon, the Joint Order was passed and sent up for concurrence.

Bill "An Act to Increase the Salaries of County Attorneys and Assistant County Attorneys" (H. P. 957) (L. D. 1267) which the House enacted on June 26.

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

In the House: The House voted to recede and concur.

Bill "An Act Relating to the Cost of Operation of and Venue in the Superior Courts" (S. P. 603) (L. D. 1897) (C. "A" S-219) which was enacted in the House on June 15.

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

In the House: The House voted to recede and concur.

Bill "An Act Relating to Applicability of Workmen's Compensation Law to Employers" (S. P. 618) (L. D. 1934) which was enacted in the House on June 18.

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

In the House: The House voted to recede and concur.

Bill "An Act Exempting from the Sales Tax Sales to Nonprofit Health Care Corporations" (H. P. 1512) (L. D. 1942) which was enacted in the House on May 25.

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

In the House: The House voted to recede and concur.

Bill "An Act Relating to Self-insurance under Workmen's Compensation Law and to Create a Fund for Payment of Adjudicated Industrial Accident Claims Involving State Employees and to Establish a Safety Program" (H. P. 1528) (L. D. 1958) (S. "A" S-205) which the House enacted on June 8.

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

In the House: The House voted to recede and concur.

Bill "An Act Authorizing the Department of Health and Welfare to Pay Medical Expenses when these Expenses Constitute a Financial Catastrophe" (H. P. 1543) (L. D. 1971) which the House enacted on June 6.

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

In the House: The House voted to recede and concur.

Bill "An Act Relating to Property Tax and Rent Relief for Disabled Persons" (H. P. 1587) (L. D. 2014) which the House enacted on June 14.

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

In the House: The House voted to recede and concur.

Bill "An Act Providing Housing for Maine's Elderly" (H. P. 1609) (L. D. 2028) which the House enacted on June 19.

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

In the House: The House voted to recede and concur.

Bill "An Act to Establish a State Housing Rehabilitation Program" (H. P. 1612) (L. D. 2029) which the House enacted on June 19.

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

In the House: The House voted to recede and concur.

The Chair laid before the House the following matter:

Bill "An Act Requiring that the National School Lunch Program be Implemented in All Public Schools" (H. P. 1067) (L. D. 1392) which was tabled earlier in the day and later today assigned pending further consideration.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: This is one of those docu-

ments that ended up on the Appropriations Table and should not have, as a result of the price tag put on of \$79,000. Unfortunately, the price tag should not have been added by the department through the Finance Office. There was some misunderstanding as to exactly what was going on as to whether or not there was indeed some funds that had to be passed by this legislature in order to implement this legislation.

Some of us may have our own views about whether or not this bill ought to be enacted, but the point is that the bill should never have been on the Appropriations Table from the beginning.

The Director of the school nutrition program for the Department of Educational and Cultural Services has written a letter and it was very very brief and it says, "There are no monies requested for passage of the bill. All financial requests are in the Part I budget" and this is signed by Miss Gertrude Griney who is the director of the school nutrition program.

I am therefore, Mr. Speaker, going to move to insist, being fully aware that we discussed this in the meeting yesterday in leadership. At that time we thought there was a price tag of \$79,000, which is not the case and so, Mr. Speaker, I would now move that we insist.

Thereupon, the House voted to insist.

(Off Record Remarks)

Supplement No. 6 was taken up out of order by unanimous consent.

Messages and Documents

The following Communication:

THE SENATE of MAINE
Augusta

July 3, 1973

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

The Senate voted to Adhere on Bill, "An Act Establishing the Maine State Student Incentive

Grants Program" (S. P. 539) (L. D. 1758).

Respectfully,
(Signed)

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

**Passed to Be Enacted
Emergency Measure**

An Act Relating to Joint Standing Committees of the Legislature (S. P. 560) (L. D. 1731)

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. 112 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.

On motion of Mr. Simpson of Standish, by unanimous consent, all matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

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.

Supplement No. 7 was taken up out of order by unanimous consent.

Non-Concurrent Matters

Bill "An Act Establishing a State Tuition Equalization Fund for Maine Students Attending Maine Private Institutions of Higher Education" (H. P. 927) (L. D. 1225) (C. "A" H-176) (S. "A" S-289) which the House enacted on April 18.

Came from the Senate with Committee Amendment "A" (H-176) indefinitely postponed and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-289) and Senate Amendment "C" (S-300) in non-concurrence.

In the House: The House voted to recede and concur.

Bill "An Act Providing Funds for Psychiatric Aides at Pineland Hospital and Training Center" (H. P. 956) (L. D. 1266) (C. "A" H-177) which the House enacted on April 18.

Came from the Senate with the Bill passed to be engrossed as amended by Committee Amendment "A" (H-177) and Senate Amendment "A" (S-301) in non-concurrence.

In the House: The House voted to recede and concur.

Bill "An Act Appropriating Funds for Medical Care Development, Incorporated" (S. P. 468) (L. D. 1496) which was enacted in the House on June 4.

Came from the Senate with the

Bill "An Act to Amend the Elderly Household Tax Relief Act" (H. P. 1265) (L. D. 1641) (C. "A" H-528) which the House enacted on June 15.

Came from the Senate with Committee Amendment "A" (H-528) indefinitely postponed and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-299) in non-concurrence.

In the House: The House voted to recede and concur.

In the House: The House voted to recede and concur.

Bill passed to be engrossed as amended by Senate Amendment "A" (S-302) in non-concurrence.

Bill "An Act Providing for a Credit in Maine Income Tax Law for Investment in Pollution Control Facilities" (S. P. 526) (L. D. 1656) which the House enacted on June 8.

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

In the House: The House voted to recede and concur.

Later Today Assigned

Bill "An Act to Authorize the Commissioner of Sea and Shore Fisheries to enter into an Agreement to Lease the Land, Buildings and Facilities of the National Marine Fisheries Service Biological Laboratory at Boothbay Harbor" (H. P. 648) (L. D. 864) (H. "A"

H-547) (S. "A" S-285 to House "A"), which the House enacted on July 3.

Came from the Senate with House Amendment "A" (H-547) and (S. "A" S-285 to House "A") indefinitely postponed and the Bill passed to be engrossed as amended by Senate Amendment "B" (S-303) in non-concurrence.

In the House: On motion of Mr. Simpson of Standish, tabled pending further consideration and later today assigned.

Bill "An Act Relating to Winter Maintenance of State Aid Highways and Town Ways by Municipalities" (S. P. 119) (L. D. 264) (C. "A" S-165) which the House enacted on June 5.

Came from the Senate with the Bill substituted for the report and referred to any Special Session of the 106th Legislature in non-concurrence.

In the House: The House voted to recede and concur.

Bill "An Act Relating to Snow Removal on State Highways in Built-up Sections of Certain Municipalities" (S. P. 295) (L. D. 842) (C. "A" S-164) which the House enacted on June 5.

Came from the Senate with the Bill substituted for the report and referred to any Special Session of the 106th Legislature in non-concurrence.

In the House: The House voted to recede and concur.

Supplement No. 8 was taken up out of order by unanimous consent.

Passed to Be Enacted Emergency Measure

An Act to Correct Errors and Inconsistencies in the Public Laws (S. P. 678) (L. D. 2044)

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

An Act Relating to Protective Services for Incapacitated Adults (S. P. 152) (L. D. 386)

An Act to Coordinate and Effectively Utilize Resources Available to Maine's Elderly (H. P. 1228) (L. D. 1618)

An Act Creating the Office of State Fire Marshal (H. P. 1483) (L. D. 1910)

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.

Mr. Gahagan of Caribou was granted unanimous consent to address the House.

Mr. GAHAGAN: Mr. Speaker and Ladies and Gentlemen of the House: Just being distributed now is an order which I was considering putting in relating to the Social Services Program which we enacted. I realize what is happening to the joint orders. They are all being defeated, so I would just like to call your attention to the serious problems that the bureaucracy is following up on the emergency measure which was passed last March by us, the clear intent of which was to have these social services set up by July 1.

As of last Friday, only one application for continued funding was in the hands of Mr. Wyllie, head of the Resource Development Office set up to handle these programs. There are in the range of 40 programs eligible to apply, but in the absence of departmental guidelines, there was no way for these agencies to apply for the \$3.5 million that was made available by this legislature.

Furthermore, the distribution of these social services is a matter of historical accident. Distribution is not coordinated according to need but rather according to the areas with the most imaginative agencies.

In the Homemaker Program, for example, in areas where the program is not offered, the only alternative for potential beneficiaries is to either die or go into nursing homes.

The intent of this order, and I hope it will be adopted by leadership as an assignment to the joint standing committees, is to examine the pattern of social services distribution in Maine and to explore ways in which these programs could be distributed more equitably across the state.

Supplement No. 9 was taken up out of order by unanimous consent.

Passed to Be Enacted

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)

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

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I wish someone on the Taxation Committee would just explain what all these amendments are and what they do. I don't mind voting for the bill, but I would like to know what I am voting for.

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

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

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: I will do my best. The bill, the original bill under 1862 is an act reforming the administration of property tax and replacing the tax on inventories with an increased corporate income tax. That is still being done but it is being done in a little bit different way than was originally contemplated.

What this bill does, in summary, what these amendments do is eliminate the municipally collected inventory tax as we now know it. This bill will impose an additional one percent corporate tax on all corporate income from zero up. It will also initiate a state inventory tax at the state mill rate for

three years, and at the end of this three years, the state inventory tax will be terminated. The state inventory tax will be administered and collected by the towns on the basis of the 1973 commitment.

That is the very basics of the thing. If you want more detail, Mr. Speaker, I will cease and desist and let somebody answer some other questions.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I have another question for the gentleman from Farmington, Mr. Morton. Are the towns actually going to be relieved from this and the state take over the burden or are the towns still going to have to assume some of the burden?

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

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

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: The towns will be reimbursed the full amount of the 1973 commitment for item for item as long as the state continues to fund it. The funding is set up for three years. At the end of three years, there will be a shortage of approximately — it's estimated anywhere from six to eight million dollars. This will have to be made up by the state.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Lawry.

Mr. LAWRY: Mr. Speaker and Ladies and Gentlemen of the House: Made up by the state, does the Taxation Committee have any idea from what source?

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

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Basically, the legislature

in three years could decide to go back to what we are presently doing or the legislature could choose to fund it from a source that it wanted to. That means that it could choose any source that it particularly wanted to go into. I suspect, and I have no way of knowing what the legislature at that time is going to do, it will depend on the membership of those members that are here when that occurs. I do think, however, that it does set up a period of time, a three year period, when everyone has an opportunity to take a look at existing tax sources to see what the returns are and what the results are going to be. As you know, we are doing a number of things during this session that deal with property tax reform, equalization of education — bill that was sponsored by the Education Committee, the bill that was introduced by the gentleman from Skowhegan, Mr. Dam, which transfers the cost of purchase of equipment from the sales tax to the corporate income tax. I think that we are just going to have to take a wait and see attitude to see how the funds are going to be coming in.

One of the things that we have and we are talking about, the revenues, either coming in or going out, is that our estimates seem to vary a great deal. Mr. Speaker, I think it is time perhaps when we ought to pass a noise law in Maine, even though we failed to do so in the past with trucks.

I do seriously feel that we are trying to set up a more fair system of how taxation ought to be based around the state, not only for individuals of property but as well for the industries, so that we don't literally price them out from coming into the state. I think it is important that we give them at least a "good faith" effort that this is our intention, and I think this is what we are doing with the passage of this bill this afternoon.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: Do I understand this correctly, that the state is only going to fund this for three years? Then

is this going to be kicked back onto these little towns and they get stuck the full amount of this?

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman is correct in assuming that it is funded for three years. At that time, as I indicated when I spoke and perhaps I didn't make myself clear, the legislature would then decide whether or not the towns ought to assume it. I am assuming that the legislature would not choose to do that. If it is inequitable today, it will be inequitable in three years.

What we are doing is saying to the legislature, to this one and the next one that will be coming in, we are giving them a period of time that they can take a look at the situation to see what the funding procedures are.

The gentleman might be interested at some point to take a look at a report that was put out by the Federal Reserve Bank of Boston a few years ago in which it pointed out that the State of Maine had the worst system in terms of taxation for new industry that wanted to come into the state, that we were really forcing industries to go into other states rather than come into Maine. I think if we are serious about allowing industries and wanting industries to come into this state, we have to sort of help them so that the tax that they pay is based on their ability to pay and on the profits that they make rather than simply based on the fact that once they are here you are going to tax it as far as you can get, and when they come into your community you are going to take every dime out of their hide that you possibly can and when they leave, only the community suffers.

I just point out what has happened in areas such as North Berwick and Easton and a couple of others where industries have been and have gone and the tremendous effect that it has had on their local systems, both in terms of government and in terms of services that can be provided by individuals.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: If the legislature sees fit to do nothing after these three years are up, let me ask him again, who is going to get stuck with it?

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: The answer is very simply, the municipalities would be stuck just like they are now.

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

Mr. FARNHAM: Mr. Speaker, what is the motion before the House?

The SPEAKER: Passage to be enacted of L. D. 1862.

Mr. FARNHAM: Mr. Speaker, I so move.

Thereupon, Mr. Perkins of South Portland requested a vote.

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

A vote of the House was taken. 102 having voted in the affirmative and 10 having voted in the negative, the motion did prevail.

On motion of Mr. Simpson of Standish, the House voted to take from the tabled the first tabled and unassigned matter:

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

Tabled — June 12, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

On motion of Mr. Simpson of Standish, the Resolution was indefinitely postponed and sent up for concurrence.

By unanimous consent,
All matters acted upon in concurrence and all matters requiring Senate Concurrence were ordered sent forthwith to the Senate.

Order Out of Order

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

WHEREAS, the House of Representatives was last apportioned in January 1964, private and special laws of 1963, chapter 233, effective January 17, 1964, and the Legislature must, under the present provision of the Constitution of Maine, Article IV, Part 1, section 2, complete its reapportionment before January 16, 1974; and

WHEREAS, the Justices of the Supreme Judicial Court of Maine have rendered an opinion 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 Constitution of Maine' remains in effect"; now, therefore, be it

ORDERED, the Senate concurring, that there is created a House Apportionment Commission to consist of 3 members of the House appointed by the Speaker; 3 members of the House appointed by the Minority Floor Leader of the House; one member of the Senate appointed by the President of the Senate; one member of the Senate appointed by the Minority Floor Leader of the Senate; and 3 members from the public generally, 2 of which shall be selected by the political parties, one each by the 4 members of the commission representing the political party, and the 3rd of which shall be selected by the other 2 public members; and be it further

ORDERED, that the Speaker of the House shall be responsible for organizing the commission and be chairman pro tem thereof only until a permanent chairman is selected by the commission from within its membership; and be it further

ORDERED, that the commission shall meet as often as necessary at such times and places as the chairman shall direct and any 6 members shall constitute a quorum; and be it further

ORDERED, that the commission may hire such staff members and consultants within the limits of its appropriation, as it may deem necessary to accomplish its duties; and be it further

ORDERED, that the members of the commission shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of their duties; and be it further

ORDERED, that the commission shall submit to the Clerk of the House prior to December 1, 1973, a plan and proposal for apportioning the Maine House of Representatives consistent with the Fourteenth Amendment of the United States Constitution and relevant decisions of the United States Supreme Court; and be it further

ORDERED, that the commission shall continue in existence until the Legislature has enacted into law an apportionment of the House of Representatives; and be it further

ORDERED, that there is appropriated from the Legislative Account to the commission the sum of \$6,000 to carry out the purposes of this Order and that such sum shall not lapse but shall remain a continuing carrying account until the purposes of this Order have been accomplished. (H. P. 1654)

The Order was read.

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

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: I have one question to ask of the gentleman from East Millinocket, Mr. Birt. I noticed in this order where there would be equal representation by both political parties on the committee, on this commission, but three members are appointed from the public, and I would like to know why we can't handle our own business here and have to continually go to the public and particularly university professors?

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

By unanimous consent, ordered sent forthwith.

(Off Record Remarks)

On motion of Mr. Simpson of Standish,

Recessed until seven o'clock in the evening.

**After Recess
7:00 P.M.**

The House was called to order by the Speaker.

The Chair laid before the House the following matter:

Bill "An Act to Authorize the Commissioner of Sea and Shore Fisheries to enter into an Agreement to Lease the Land, Buildings and Facilities of the National Marine Fisheries Services Biological Laboratory at Boothbay Harbor" (H. P. 648) (L. D. 864) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Mr. Birt of East Millinocket, the House voted to recede.

On further motion of the same gentleman, the House voted to recede from its action whereby Senate Amendment "B" was adopted.

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

House Amendment "A" to Senate Amendment "B" (H-618) was read by the Clerk and adopted. Senate Amendment "B" as amended by House Amendment "A" thereto was adopted.

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

By unanimous consent, ordered sent forthwith.

Supplement No. 10 was taken up out of order by unanimous consent.

Non-Concurrent Matters

Joint Order — Legislative Research Committee Study of Subject Matter of Bill "An Act Relating to Trespass on Certain Land Surrounding Lakes and Other Bodies of Water" (H. P. 459) (L. D. 614) — (H. P. 1634) which the House passed on June 21.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

Joint Order Relative to Legislative Research Committee Study of Subject Matter of (H. P. 1575) (L. D. 2004). Bill "An Act to Insure Permanent Funding of the Maine Law Enforcement and Criminal Justice Academy" (H. P. 1636) which was passed in the House on June 25.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

Joint Order Relative to Legislative Research Committee Study of Subject Matter of (H. P. 1369) (L. D. 1826). Resolution Proposing an Amendment to the Constitution to Permit the Federal Government, By Agreement, to Collect Maine Individual Income Tax" (H. P. 1637) which the House passed on June 25.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

Joint Order Relative to Legislative Research Committee Study of Central Computer Service. (H. P. 1638) which was passed in the House on June 25.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

Joint Order Relative to Special Committee to Study Prescription Drugs. (H. P. 1642) which was passed in the House on June 26.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

Joint Order Relative to Legislative Research Committee Study of Petition Process pursuant to Constitution of Maine. (H. P. 1644)

which the House passed on June 27.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

Joint Order Relative to Committees on Appropriations and Financial Affairs, Education and Taxation to study Bill "An Act Equalizing the Financial Support of School Units" (H. P. 1647) which was passed in the House on June 28.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

Joint Order Relative to Education Committee Study of the Role of Students in the Policy-Making Decision Process of Educational System. (H. P. 1643) which the House passed on June 28.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

Joint Order Relative to Committee on Appropriations and Financial Affairs to Make Continuing Review and Evaluation of State Budget. (S. P. 606) which the House passed as amended by House Amendment "A" (H-372) on May 14.

Came from the Senate indefinitely postponed in non-concurrence.

On motion of Mr. Simpson of Standish, by unanimous consent, the foregoing non-concurrent matters were ordered sent forthwith to the Senate.

Bill "An Act Relating to Valuation of Shares of Joint Owners of Property and to the Disposition of Joint Property on Death of Joint Owner" (H. P. 1277) (L. D. 1664) which the House enacted on May 24.

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

In the House: The House voted to recede and concur.

Bill "An Act Relating to School Buses" (S. P. 622) (L. D. 1936) which was enacted in the House on June 12.

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

In the House: The House voted to recede and concur.

Bill "An Act Providing Funds for Shoreland Zoning Assistance to Municipalities through Regional Planning Commissions" (H. P. 1262) (L. D. 1635) which the House enacted on May 23.

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

In the House: The House voted to recede and concur.

Bill "An Act Establishing a State Register of Natural Areas" (H. P. 1160) (L. D. 1493) which the House enacted on May 11.

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

In the House: the House voted to recede and concur.

Bill "An Act to Provide Funds for the Development of an Airport in the Rumford-Mexico Area" (H. P. 462) (L. D. 611) which was enacted in the House on April 4.

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

In the House: The House voted to recede and concur.

Bill "An Act Relating to Costs of Administration of Food Stamp Program" (H. P. 165) (L. D. 207) which was enacted in the House on March 22.

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

Resolve Providing for a Feasibility Study of Marine Resources Development in Washington County. (H. P. 529) (L. D. 711) which was enacted in the House on April 5.

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

Bill "An Act Revising the Rate Tables of Tax Imposed on the In-

come of Individuals" (H. P. 835) (L. D. 1105) which the House enacted on July 2.

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

In the House: The House voted to recede and concur.

Bill "An Act to Provide a Maine Homestead Property Tax Exemption Law" (H. P. 1588) (L. D. 2016) which was passed to be engrossed as amended by House Amendment "A" (H-616) in non-concurrence.

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

In the House:

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: Thank you very much for your support and understanding on the homestead bill. In both parties it received overwhelming support in this House. I wish to thank the majority floor leaders for their courtesy this morning regarding suspension of the rules. Unfortunately, the other body did not take the same action we did.

In response to the questions of people like the gentleman from Calais, Mr. Silverman, we will be back at special session with the funding device and a homestead bill, and I think we are all confident as to what will happen. I think the other body will show the courage and response in this to the people that we have shown.

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

Thereupon, on motion of Mr. McTeague of Brunswick, the House voted to recede and concur.

From the Senate: The following Joint Order: (S. P. 658)

ORDERED, the House concurring, that a special commission shall be constituted and appointed to study the subject area of Legislative Document 1523, "An Act Establishing a Comprehensive Health Insurance Program for the State of Maine," which was introduced before the 106th Legislature,

and to report the results and recommendations of said study to the regular session of the 107th Legislature. Such commission shall employ such counsel as may be required to perform the necessary research and drafting and shall perform such other duties as the commission may require. Such commission shall hold such public hearings as may be deemed necessary to acquaint the public.

The membership of the commission shall consist of 16 persons: Two members of the Senate, appointed by the President of the Senate; 3 members of the House, appointed by the Speaker of the House; and 11 members from the public, appointed by the Governor. Provided, however, that the Governor shall appoint as 6 public members those persons nominated by the Maine Hospital Association, a Maine-domiciled mutual life insurance company providing health insurance to residents of Maine, Maine Medical Association, Comprehensive Health Planning Agency of the Department of Health and Welfare, Maine Blue Cross and Blue Shield and Medical Care Development, Inc., and each of the aforementioned organizations shall be entitled to nominate one individual.

The said commission shall be appointed promptly upon enactment hereof and the Governor shall notify all members of the time and place of the first meeting. At that time, the commission shall organize, elect a chairman, vice-chairman and secretary-treasurer and adopt rules as to the administration of the commission and its affairs. The commission shall maintain minutes of its meetings.

The commission shall contract such counsel as is deemed necessary, who shall be a resident of this State, who shall have the responsibility for legal research, under the direction and supervision of the commission. No person shall be employed as counsel who shall not, by virtue of prior training, experience, ability and reputation have clearly demonstrated the ability to perform the tasks to be assigned to him by the commission.

The members of the commission shall serve without compensation, but may be reimbursed for their reasonable expenses in connection with attending meetings, procuring supplies, correspondence and other related and necessary expenditures.

There is allocated from the Legislative Account the sum of \$15,000 for the fiscal year ending June 30, 1974 to carry out the purposes of this Act. Any unexpended balance shall not lapse but shall remain a continuing carrying account until June 30, 1975.

Came from the Senate read and passed.

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

Senate Reports of Committees Ought to Pass

Later Today Assigned

Committee on Appropriations and Financial Affairs on Bill "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1974 and June 30, 1975" (S. P. 703) (L. D. 2048) (Emergency) reporting "Ought to pass" pursuant to Joint Order (S. P. 692)

Came from the Senate with the Bill passed to be engrossed.

In the House, the Report was read and accepted in concurrence and the Bill read once. Under suspension of the rules, the Bill was read the second time.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I have an amendment prepared for this bill and it hasn't been printed yet. They are having trouble in the printing office, and I realize I can't discuss it at this time, but it would be my hope that someone might table this until later in today's session.

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

Mr. BIRT: Mr. Speaker, I move this lie on the table until later in today's session.

(Cries of no)

Thereupon, Mr. Birt of East Millinocket requested permission

to withdraw his motion, which was granted.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to discuss some of the problems that there are with this bill.

One of the other bills that we passed this afternoon, we repealed the entire pay raise for all unclassified employees. I have an amendment that is all drawn up and is being engrossed and as soon as it can be distributed, reproduced, you will have a copy on your desk, and then we can move the passage of this. The bill is all engrossed as it is right now; but if this amendment is not passed, there will be no pay raises and there will conceivably be no pay raise for any of the unclassified employees.

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

Mr. SIMPSON: Mr. Speaker, I move this item lie on the table until later in tonight's session.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that this item lie on the table until later in tonight's session. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

95 having voted in the affirmative and 7 having voted in the negative, the motion did prevail.

Passed to Be Enacted Emergency Measure

An Act Providing for a Study to Determine the Feasibility and Location of a New Bridge across the Penobscot River (S. P. 130) (L. D. 307)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Joint Order Relative to Committee on Natural Resources Study of Environmental Laws" (H. P. 1608) which the House passed on June 14.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

Joint Order Relative to Legislative Research Committee Study of Subject Matter of Bill "An Act Creating the Maine Forest Practices Act" (H. P. 1301) (L. D. 1757) — (H. P. 1619) which the House passed on June 15.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

Joint Order Relative to Legislative Research Committee Study of Subject Matter of Bill "An Act to Designate the Maine Publicity Bureau as the State's Agent in Certain Matters Pertaining to the Promotion of Vacation and Travel" (H. P. 1377) (L. D. 1833) (H. P. 1626) which the House passed on June 20.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

Joint Order Relative to a Special Commission on Acupuncture. (H. P. 1629) which the House passed on June 21.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

Joint Order Relative to Legislative Research Committee Study of Maine State Retirement System. (H. P. 1387) which the House passed on April 4.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

On motion of Mr. Simpson of Standish, by unanimous consent, all matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

Order Out of Order

Mr. Stillings of Berwick presented the following Joint Order and moved its passage:

WHEREAS, Governor Kenneth M. Curtis advised Members of the 106th Legislature on the 2nd day of July 1973 that he was returning, without his signature, House Paper 1613, Legislative Document 2030, "AN ACT Revising the Reorganization of the Department of Manpower Affairs; and

WHEREAS, on the same date, the Members of the 106th Legislature failed to override the Governor's veto; and

WHEREAS, the Governor's action places the Department of Manpower Affairs in the position of operating under existing law; and

WHEREAS, on May 2, 1973, the office of the Attorney General issued an opinion stating that it was the responsibility of the Employment Security Commission, as a body, to administer the Employment Security Law; and

WHEREAS, opinions of the Attorney General have the force and effect of law until the Legislature enacts changes and now that the Legislature has acted, the Governor has exercised his power of veto; and

WHEREAS, under chapter 620 of the public laws of 1971, the Commissioner of the Department of Manpower Affairs is also the Chairman of the Employment Security Commission so that one is contingent upon the other; and

WHEREAS, the legal difficulties concerning the Commissioner have caused great concern to the Members of the Legislature and the people of the State of Maine; now, therefore, be it

ORDERED, the Senate concurring, that His Excellency, the Governor of the State of Maine is hereby respectfully requested to take such actions as are necessary and appropriate in concert with the Employment Security Commission, to properly provide for the operation and administration of the Employment Security Commission, in accordance with the Attorney General's opinion of May 2, 1973. (H. P. 1655)

The Order was read.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I have no qualms with the passage of this order. I think that all of us are aware that the Governor vetoed the bill on grounds which some of us may disagree with, but they are grounds which he has the right and the power to do so, and he chose to use the veto power. The one thing to keep in mind is that in order for the Governor to do anything about this, something must be done and must be done in approval with the Executive Council. I assume that once this agreement is achieved, that function or that problem is going to be taken care of.

I just want to make it clear that the responsibility of the functioning of this department does not lie solely upon the basis of the Governor, but also in part lies upon the fact as to whether or not the Executive Council is going to be willing to do the job that is necessary.

It is my personal feeling that as far as I am concerned, for the record and off the record, that all three commissioners ought to be removed from their jobs and that three new individuals ought to be placed in it in order to solve that problem. That is the only way we are going to be able to solve the problem, and I think it ought to be done forthwith.

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

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the gentleman from Eagle Lake, Mr. Martin, that something needs to be done, and it should be done in short order. I think this legislature, or at least a majority of it, attempted to make some attempt to correct the situation which exists there.

I don't want to discuss the problem, I don't think it is necessary, but I still think there is an intolerable situation existing in this

particular department, a situation which is unfortunate, I believe, to this legislature, to our Governor and to the people of Maine, and I hope that you would express the sympathy of the legislature with the necessity of correcting the situation by the adoption of this order.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I could agree in part with the remarks of the gentleman from Eagle Lake, Mr. Martin, and the gentleman from Berwick, Mr. Stillings. I have not only watched and listened and heard the news media, but I have been present at council meetings. I have discussed the situation with His Excellency, members of the old council and members of the new council. I have on often occasions witnessed the operations of the Unemployment Commission, so-called—one is the chairman who represents the public, one is a member representing labor, one is a member representing industry have served over the years with honesty, dedication and decorum. They are getting on in years. I question as to where they could get positions as they have that they could do now elsewhere, but in any event, I don't think that the actions of one man who is persistent—and I say the word not loosely, persistent—in absolutely refusing to get along. Where I take issue is that the man that we should be rid of is the chairman, and that goes double.

I have tolerated this situation for the last two years, I have had countless numbers of letters about the discord that is going on, and for many, many years, Mr. Cote and Mr. George, served with another chairman and there was never any problem, but there has been constant problem with this one. The elimination of one man is what we need and that is what His Excellency and the council should do and go about their duty and do it fast.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I think this is the first time I have risen on this floor in regard to anything to do with the employment end of the legislature, but I disagree with my good friend Mr. Jalbert from Lewiston that it is one man, I disagree with my good friend Mr. Jalbert that it happens to be the chairman, Mr. Schoenthaler. I would suggest maybe that we can look elsewhere into one of the remaining two. I think if one of the remaining two were taken out and another man substituted in the place, then we might have a good working commission, but I do not put the blame on the chairman, I put the blame on one of the remaining two.

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

By unanimous consent, ordered sent forthwith.

Joint Order Relative to Legislative Research Committee Study of Subject Matter of Bill "An Act Creating the Maine Health Maintenance Organization Act" (H. P. 786) (L. D. 1230) (H. P. 1541) which was passed by the House on May 25.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

Joint Order Relative to Legislative Research Committee Study of all Advisory Committees Assisting Departments of Mental Health and Corrections and Health and Welfare. (H. P. 1542) which was passed in the House on May 29.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

Joint Order Relative to Legislative Research Committee Study of Subject Matter of Bill "An Act Creating the Maine Consumer Credit Code" (H.P. 1229) (L. D. 1803) and Bill "An Act to Create a Maine Consumer Code" (H. P. 1386) (L. D. 1877)—(H. P. 1551)

which was passed in the House on May 30.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

Joint Order Relative of Legislative Research Committee Study of Marketing and Distributing Oil and Gas in Maine. (H. P. 1569) which was passed in the House on June 4.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

Joint Order Relative to Legislative Research Committee Study of Subject Matter of Bill "An Act Providing for Payment of Sales Tax on Motor Vehicles at Time of Registration" (H. P. 1321) (L. D. 1727) — (H. P. 1576) which the House passed on June 5.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

Joint Order Relative to Legislative Research Committee Study, Review and Evaluate State Budget. (H. P. 1567) which was passed in the House on June 4.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

Joint Order Relative to Studies and Examinations by the Joint Standing Committees on Education, Health and Institutional Services and Transportation. (H. P. 657) which the House passed on February 15.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

Joint Order Relative to Legislative Research Committee Study of Costs and Benefits of Liquor Business in Maine. (H. P. 1598) which was passed in the House on June 11.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

Joint Order Relative to Committee on Education to Study Feasibility of Law Courses to Legislators" (H. P. 1601) which was passed in the House on June 11.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

Joint Order Relative to Legislative Research Committee Study of Subject Matter of (H. P. 1233) (L. D. 1610) "An Act to Register and License Dispensing Opticians" (H. P. 1536) which was passed on May 24.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

Joint Order Relative to Legislative Research Committee Study of Subject Matter of "An Act Providing for a Consumer Member on All Regulatory Boards and Commissions" (H. P. 1115) (L. D. 1451); "An Act Establishing a Consumers' Council" (S. P. 464) (L. D. 1495); "An Act to Provide that Consumers Shall be Included on Certain Boards" (H. P. 1291) (L. D. 1679) and "An Act to Establish an Insurance Consumers' Advisory Board" (H. P. 1357) (L. D. 1813) — (H. P. 1534) which was passed in the House on May 24.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

Joint Order Relative to Legislative Research Committee Study the Feasibility of Establishing a Data Processing Center and the subject Matter of "An Act Creating the Bureau of Data Processing within the State Planning Office" (H. P. 1339) (L. D. 1754) and "An Act Creating the Bureau of Central Computer Services within the Department of Finance and Administration" (H. P. 154) (L. D. 178) — (H. P. 1535) which was passed in the House on May 24.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

Joint Order Relative to Legislative Research Committee Study of Excise Tax Structure. (H. P. 878) which was passed in the House on March 22.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

Joint Order Relative to Legislative Research Committee Study of Personnel Laws" (H. P. 1388) which was passed in the House on April 5.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

Joint Order Relative to Legislative Research Committee Study of Manner and Costs of Processing Claims. (H. P. 1469) which was passed in the House on May 1.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

Joint Order Relative to Legislative Research Committee Study and Evaluate Maine's Disaster Contingency Plans. (H. P. 1496) which was passed in the House on May 9.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

The following Enactors appearing on Supplement No. 11 were taken up out of order by unanimous consent.

Passed to Be Enacted Emergency Measure

An Act Appropriating Funds to Department of the Attorney General to Print Reports of Two Attorneys General (S. P. 335) (L. D. 1034)

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. 111 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.

Emergency Measure

An Act Appropriating Funds for Medical Care Development, Incorporated (S. P. 468) (L. D. 1496)

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

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

Mr. DYAR: Mr. Speaker and Members of the House: I would like to pose a question through the Chair. Is this a federal program that has run out of funds that we are going to fund and keep going?

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

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

Mr. HASKELL: Mr. Speaker and Members of the House: My understanding is, the material we are working on now, funding has been reduced, and I believe that is the situation with this. I believe that is why it is in this position now. The amount of the reduction, I can't tell you.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: This is a one shot deal. The only thing is, it was money funded over two years of the biennium. The amendment that we put on to it reduced the second year's appropriation so that we will fund one half of it now and fund the second half at the second half of the biennium, but it is not federal funds.

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

Mr. DAM: Mr. Speaker and Members of the House: I would like to pose a question through the Chair. I think my good friend Mr. Brawn got up a few minutes ago and asked the Chair if everybody, when they were in their seats, were they supposed to vote and I think the Chair said yes. I do

not see anything in the rules about any member being voted absentee, and I would inquire from the Chair is this a common procedure that the seatmate vote in the empty seat on a vote for emergency enactors?

The SPEAKER: The Chair would state that it is improper. No person but the elected representative may vote his particular button.

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

A vote of the House was taken. 107 having voted in the affirmative and none in the negative, the motion did prevail.

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

Passed to Be Enacted

An Act Providing Funds for Psychiatric Aides at Pineland Hospital and Training Center (H. P. 956) (L. D. 1266)

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

The following Enactor appearing on Supplement No. 12 was taken up out of order by unanimous consent.

Passed to Be Enacted

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)

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

The Chair laid before the House the following matter:

Bill "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1974 and

June 30, 1975" (S. P. 703) (L. D. 2048) (Emergency) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

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

Mr. GARSOE: Mr. Speaker and Members of the House: A point of parliamentary inquiry.

The SPEAKER: Would the gentleman from East Millinocket presents his?

Mr. BIRT: Well, I am afraid by the time he gets through my point of parliamentary inquiry will be academic.

The SPEAKER: The Gentleman may pose his question.

Mr. GARSOE: Mr. Speaker and Members of the House: It was my understanding that the tabling action referred to my amendment as well as Mr. Birt's and I wondered if considering it at this time would place in jeopardy the tabling for my motion which hasn't been printed yet? Taking it off the table I mean.

The SPEAKER: If the gentleman wishes to move after Mr. Birt's amendment is offered to table, he may do so. The Chair is ordering this matter laid before the House for any business that is appropriate at this time.

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

House Amendment "B" (H-620) was read by the Clerk.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think this is fairly well explained in the Statement of Fact, but just to clarify any questions, it does — back about three weeks ago we enacted a pay raise for all state unclassified employees. At that time it was an emergency measure.

This afternoon an amendment went through to take three positions from that and put them under the legislative council, but in the course of it, why it also took off all of the other raises that had been given — passed and en-

acted. So this will put these raises back into effect in two particular categories.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Lawry.

Mr. LAWRY: Mr. Speaker and Members of the House: I am not in favor of adopting this amendment unless it took out the whole House Amendment "A" under filing number 584, in which not only did we take out the three positions, but we also put in the legislative council which we defeated here time and time again. I hope if we want this thing, let's leave the pay raise where it is.

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

Mr. STILLINGS: Mr. Speaker and Members of the House: I would also like to join with Mr. Lawry in suggesting that perhaps we did more than some of the House members intended when we adopted House Amendment "A", if any of the members have had an opportunity to look it over, and I make no motion at this time, but simply suggest that it is now before us again to do what we will.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: The bill that we passed this afternoon that was passed through here went through the Senate, it has been signed by the Governor and set into law. I think the full intent of this legislature was to take and give these people a pay raise. It was not the intent of the leadership nor was it the intent of this body this afternoon to inadvertently take and have the wording such that it could be construed that these people would in effect be frozen at the \$19,000 level after they were given the other pay raise.

The particular Legislative Council that you are talking about is a different council completely independent of the council that we have been talking about, which would have the powers of the Executive Council, and in fact the council we are really talking about

is a leadership council, which is a management council or a management committee to operate the legislature and control the joint standing committees and also to control the staff that is assigned to them.

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 remarks made by the gentleman from Standish, Mr. Simpson. If you take a look at what has happened and purely by clerical error we have ended up in a situation where they have ended up having one paycheck, this week's check, at the increased rate. If we don't add the amendment that the gentleman from East Millinocket has, they will go back to the rate they had prior to that.

I am not going to debate the merits or the demerits of the pay raise, we have already done that. We enacted it; the Governor signed that into law. It is unfortunate this has happened, but there are some 20 people who will be deprived as a result of this and I think it is only fair that this be added to the bill.

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

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

The SPEAKER: The gentleman from Old Town may pose his question.

Mr. BINNETTE: You have stated here that they will not get an increase. Are they going to suffer very much at that rate they are getting?

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I suspect that they won't suffer, but I would point out that they got the pay raise this week in their check, these people who were entitled to it, and as a result, there are only about some 20 people that are affected by this. All the others are not covered by

the mistake that was made. These people who are involved in the mistake, I would be more than happy to list them off, but I don't think there is any reason for it unless you want that.

It was a mistake that was made unintentionally. The Attorney General caught it, and in this case, all the other unclassified individuals would get the pay raise and these 20 people would not.

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

Mr. STILLINGS: Mr. Speaker and Ladies and Gentlemen of the House: I would like to suggest that just a moment ago I was in error when I said that the amendment was before us again. It is not. I would like to approve wholeheartedly the amendment because it affects people for whom I have a great deal of respect and admiration.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker and Ladies and Gentlemen of the House: Could anyone here tell me who the legislative council is, how many people are employed? I seem to be in the dark on this a little bit.

The SPEAKER: The gentleman from Stockton Springs, Mr. Shute, 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 way the bill is written, the legislative council consists of the leadership just as it does at the present time.

Thereupon, House Amendment "B" was adopted.

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

Mr. GARSOE: Mr. Speaker and Ladies and Gentlemen of the House: We have a problem coming up with the implementation of L. D. 1412, which you may recall was passed in this body to create the office for priorities of social services in the wake of federal funds being discontinued. One of

the stipulations in that L. D. was that 25 percent of all non-state funds had to be generated from the municipal or county tax revenues. The municipalities and the counties were not ready, there is no doubt about it, and I think perhaps we were aware of it because I know the leadership was constantly admonishing them through the press to get ready. But due to the timing of the passage of this legislation, the fact is that perhaps neither the municipalities nor perhaps the agencies involved themselves were ready. So we find that the intent of this emergency legislation which was passed by a substantial margin here, is being quartered by the inability of the municipalities to come up with their share.

There are other agencies, the United Fund, the Diocesan Funds that have been involved in these programs for a great many years that are standing ready to supply these funds, and the amendment that is hopefully being prepared right now will authorize for a period of six months that funds from these sources will take the place of the municipal and county funds.

It further stipulates that during the period of time, no one municipality can absorb more than 10 percent of the programs to avoid the prospect of the larger municipalities gobbling up an unusual share which has been the problem in the past.

I would just state that I appreciate this chance to give this explanation, perhaps in a slightly unorthodox manner, and hope that someone would suggest that this be tabled a few minutes longer in today's session in order that the amendment be put on your desks.

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

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

Mr. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: I would like to ask a question of the chair. Is this 2048 that we just tabled, is that the so-called "wrap up" appropriations bill?

The SPEAKER: The Chair would answer in the affirmative.

Mr. GOODWIN: Are we going to have a copy of that before us before we vote on this or has one been passed out?

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: In answer to the gentleman's question, before we let the bill out of here in the engrossment stage, you will have a copy of it on your desks, not a printed copy from the KJ but a printed copy out of the machine once we find out that the machine is working.

Mr. Carey of Waterville was granted unanimous consent to address the House.

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: As you know, I made a little speech some time ago about the Maine Times and since then, every time I get to my desk I have some 20 or 30 copies waiting for me, and I want to thank everyone for their efforts in giving me these copies. But I would suggest that the Clerk's office notify John Cole and the Maine Times that the legislature has not adjourned, as he reported on page 36 of the 29th of June, that we are alive and well, and if he spent a little more time in the House and less with Senate leadership, he might get more factual information as to what we are accomplishing and what they consider a dream at the other end.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: A point of parliamentary inquiry please. Are we beyond our rule limit as far as time is concerned. It is past 9 o'clock, Mr. Speaker. I move that the rules be suspended so that we may be allowed to continue doing business.

Thereupon, the rules were suspended for the purpose of finishing the business of the House.

On motion of Mr. Simpson of Standish, by unanimous consent,

all matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

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.

The Chair laid before the House the following matter:

Bill "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1974 and June 30, 1975 (S. P. 703) (L. D. 2048) (Emergency) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mr. Garsoe of Cumberland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-619) was read by the Clerk.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I was afforded the opportunity a few minutes ago to explain what this legislation hopes to do, and in the interest of expediting the session, I would add nothing to it except to point out the intent of L. D. 1412 will be severely restricted if we don't take this action here tonight. I would move that this motion have passage.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of House Amendment "A" and would like to speak to my motion.

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

The gentleman may proceed.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: Back here in the early

days of January when we came in here and we were faced with emergency legislation here pertaining to the social service programs, I think we adopted a bill—I can't remember the name of it or the number of it, 1412 or something like that—but one of the key parts of that bill was the fact that we were giving these people until July 1st to get together their particular proposals. Part of their proposal was that 25 percent of the funds in the particular proposal was that this money would come from the local municipal government.

Now I can remember standing right here on this floor and I can remember making the comments at that time, let the people be aware back in the municipal bodies that govern those bodies. Town meetings were coming up, budgets were coming up and everything else. They had approximately six months to set aside monies. What did they do? They did nothing. They said, no, if we don't do anything the legislature will do it for us. If we start now and put a six month moratorium on here or a twelve month moratorium on here, you are opening up pandora's box.

When I voted for that bill, I voted for it with the stipulation that municipalities would have a say in it so that the control of appropriations and the control of the administration of the funds would be handled. If the municipalities in this state didn't do it, then that is tough. I don't believe the legislature should come along now and start to be asked in the last moments to pick this thing up and start now.

Now there are a good many municipalities in this state that acted in good faith. They did set aside funds, and they did participate in the programs, and they set aside some monies for them. Those that didn't, I say get on the band wagon and go ahead and put the funds in. Call special town meetings to bring it out of their contingency funds and handle it. I don't believe right now this is the type of legislation we need to put on the books to handle a good bill that we passed a long time ago.

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

Mr. GAHAGAN: Mr. Speaker, Ladies and Gentlemen of the House: If you remember, this afternoon I made a comment on the record regarding this very same thing, and I find that the reason that the communities did not apply for the funds was that the Department of Health and Welfare had not yet established the guidelines by which they could apply.

The communities were willing, it is my understanding. However, in the absence of guidelines from which to make the actual application, they were not able to apply, and because of this, I think we should not only extend this but consider the order that I was going to put in this afternoon to have the Department of Health and Welfare establish these guidelines determining where the distribution of these funds were going in the state for these homemaker services and others.

I think the fault does not lie in the communities; I think the fault lies in the Department of Health and Welfare, and that we should give the extension to the communities so that we can provide them with these funds, and follow through the study of the Department of Health and Welfare and find out why these programs were not established in the time period we set up.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: When we passed this bill back in March, we made it effective immediately, somewhere around March 12 or so — my dates are a little bit off, but they will be as close as those of the gentleman from Standish, Mr. Simpson.

I do want to carefully review this because I think it is important. If the date was roughly March the 12th, most of the communities in Aroostook County had already held their town meetings or the warrants had already been issued, and so there was no way that most

of them could put this into their warrants in order to appropriate money for this source.

It is quite true that the legislation became effective July 1, but the Department of Health and Welfare only made the regulations and guidelines available sometime the latter part of June, and I think the date of June 23 sticks in my mind.

So what has happened is that we have appropriated money and at the same time have created a situation where municipalities will not be in a position to raise the funds necessary because they could not plan this and we did not give them enough lead time for them to do it. So municipalities will not be in a position to take advantage of the situation.

It is unfortunate that we have to handle it in this fashion as we are doing it now, but it is really the only solution that we have left. As you all know, we discussed this earlier this afternoon in a leadership meeting and it was not the wish of the majority to handle it in this fashion. But it seems to me that the people that will be hurt are those people in municipalities that do not have contingency accounts to take monies from.

A number of people have already taken action. For example, the City of Bangor has appropriated funds from its contingency account in order to take care of the situation and I think a number of other cities have, but some of those cannot, and in particular, those municipalities or little towns that most of us represent could not take action. Because town meetings had gone by, there was no way that it could be done. I think that it is only proper that we give them an opportunity for them to get services that other larger areas are going to be able to get.

I would certainly hope that you would vote against the motion of indefinite postponement.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to back up what the gentleman from

Caribou, Mr. Gahagan, said. I want you to know that Franklin County was ready. Franklin County held a meeting within two or three days of when 1412 went into effect. They appointed their committees, the local town officials met, the chairman was chosen, they set up their priorities, and the county set up the funding. Six weeks ago they were calling me and asking me where were the guidelines, and guidelines were not available until the date of June 18, is the way it was reported to me.

So the Health and Welfare Department sat on its hands for two months and didn't do anything to help these towns get things ready. I hope you will give them a little more time.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out that every word the gentleman from Standish said is true. I can recall him very foresightedly warning the communities exactly what he has pointed out today.

The fact remains that this is quite a step for communities to take. They have been ignored completely in this process over the years, and it is because of my interest in seeing that we do get local communities involved in these functions that I am pressing for this amendment here today.

You have heard that communities that were perhaps ready to move and agencies that were ready to cooperate with communities and then stymied by the change and the delay in formulating guidelines.

So while I would agree with everything the gentleman from Standish said as being true, this is exactly the way it was laid out. I think it is expecting too much to have had it happen under the circumstances of guidelines and so forth, to have had it happen as perfectly as we might have wished it.

So I hope we won't do damage to the original intent of this bill by failing to adopt this amendment here tonight.

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

Mr. DYAR: Mr. Speaker and Members of the House: I would like to substantiate what the gentleman from Farmington, Mr. Morton, has said in one case. The afternoon this body enacted this particular piece of legislation, I called my local senior citizens agency and I told them what was going on and suggested they start writing the grant, which they did.

As Mr. Morton has suggested, the guidelines were out around the 18th of June. I received a very nasty letter from my local OEO agency because we used the same tactics they have used for years by getting to be first on the band wagon. I understand our local agency has been awarded a grant I believed as of last week, and at the present time OEO is raising a ruckus in our county due to the fact that some agency did get in ahead of time before the guidelines were written.

I think there is a sad thing here that most of the towns I represent, in the town warrants they have a deadline in early February that no more articles can go into their warrants after that date, and by the time we enacted this legislation, they were prohibited from making application, due to the fact that they could not raise funds without a town meeting.

I think another thing should be taken into consideration, that many of the small towns in the State of Maine at the present time are receiving federal revenue sharing. They don't know what to do with that. I think there are very few towns, I am saying towns now, that will even apply for this money. You will find that it will be agencies such as Senior Citizen, Task Force groups, private agencies will be applying for this. I don't think you are going to have too much of an effect from individual towns making applications.

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

Mrs. LEWIS: Mr. Speaker and Members of the House: I would like to ask a question. Who in the Department of Health and Welfare

is responsible for not laying down these ground rules or guidelines? I would like to see action taken against that person.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: It was the intention, as I understand it, of the Appropriations Committee to set up a new bureau in the department. The bureau was created by that legislation in L. D. 1412. Unfortunately the department did not move as fast as it should have for a number of reasons, many of which I know, many of which I suspect I don't know.

What happened, in effect, was that the Bureau of Social Services or Social Welfare or whatever it is called, directed by Mr. Wyllie, then started to structure this bureau within itself. It is my understanding that the director of this new bureau that we created is going to be the same as the director of this division, in effect Mr. Wyllie.

What took place, of course, is from that time that the decision was made in the department as to what was going to happen with the bureau, it took time in order to structure the guidelines, and unfortunately many things took place which have created situations which we are now facing at the present time.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I pose a question of whether or not there are additional appropriations involved here or if it is just a question of allowing time for those municipalities to enter the program if they wish?

The SPEAKER: The Chair recognizes the gentleman from Eagle

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would respond to the question in this manner. There is no additional money whatsoever. We are simply talking about existing money that has already been appropriated in L. D. 1412.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: If we go along with the thinking of the gentleman from Standish, we would be punishing the municipalities and municipal governments in Maine. But in so punishing the municipal governments in Maine, thousands of senior citizens who would benefit from these programs would also be punished.

I would hope that in these closing moments of the session that we would inject a sense of sanity and that we would do the sane and responsible thing now and vote against the motion of indefinite postponement.

Thereupon, Mr. Garsoe of Cumberland requested a roll call vote.

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

Mr. HOFFSES: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to any member of the Appropriations Committee. What was the attitude and the feeling of the Appropriations Committee on this particular matter?

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

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Of course this was done to implement where the federal money was drying up, and the bill was written purposely this way for the Appropriations Committee because it was felt that certainly if all of the cities and towns in Maine came into this thing, there wouldn't be money enough here to fund it. So the testimony we had when we first heard this bill were the agencies that were doing this.

Now there were many towns — particularly I heard the minority floor leader speak of Aroostook County — I don't recall anyone being down here from Aroostook

County at the public hearings on this bill at all. I don't know as there are any towns in Aroostook County that were participating in these programs with the federal government, which is what this money was to replace.

But to answer the question directly, this was brought up before the Appropriations Committee some few weeks ago and the Appropriations Committee turned it down flatly. I don't know what leadership did with it, but it was the majority opinion of the Appropriations Committee at that time that we leave this bill as it was written up after a great deal of research by one of our legislative specialists. It was written that way, and to continue it at least until the special session, see how it works over the next six months period because apparently there are some towns that have been astute enough to come in under this and are being funded.

I would hope, and in answering the question I guess I have got into a little dissertation on it, I would hope that we would sustain the motion to indefinitely postpone this amendment.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have always had a yen to visit Campbellton, New Brunswick, but I guess my trip is going to end in a few moments. I am the individual who brought this up to the Appropriations Committee, as the gentleman from Brewer Mr. Norris, says, a few weeks ago, and I am not going to tell you the language that I was given in answer to my suggestion because I don't use that kind of language.

However, I would be serious in telling you this, I think that there are some communities that have already taken advantage of this, and some communities that can't. Even though the hour is late, even though we are tired, even though we would enjoy a little levity, we must also be very serious, and I think I would go easy insofar as going along killing this amendment, because in killing it you might possibly knock down the

whole bill, and I don't think that should happen. I don't think a lot should be punished because only a few have been able to take advantage of things. If the blame lies in some department, these communities and the programs should not be punished. I will end by saying that I guess maybe the United States is good enough for me and I will see New Brunswick later on.

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

Mr. GAHAGAN: Mr. Speaker, Ladies and Gentlemen of the House: The distribution of these funds is the most important item in this amendment. Distribution is indicative of where these funds are going, and since we don't know where they are going, we only know which communities are able to come and get the funds which are available.

Now, at the present time, there are larger cities — and I speak specifically to the rural areas here, the smaller towns those that may not have an application in at the present time. If we don't put this amendment on, the small towns who haven't yet geared up to make this application may miss the boat when it comes time to pass out the funds. The money that is available now may be given out to the communities that have already made an application. We need to give the smaller towns an additional six months and also put on this very important provision. As I read from the amendment, "No more than 10 percent of the amount annually appropriated for the priority social services program shall be expended for a program or a portion of a program benefitting any one municipality." This will prevent the larger cities from getting a lion's share of all of the funds.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I can remember very vividly some of the arguments when this bill came before us, this 1412, and one of the things that concerned us was, would the funds

be enough because of different municipalities that were going to jump on the bandwagon. It was very easy to see that right off quick as we looked at this, I believe seven priority items that were there, that there was enough funds so that nobody was going to eat the entire package up that was present.

In fact, I think we felt pretty certain that what would happen would be that if we would put into the bill the 25 percent participation from the local municipal governments, that that was going to control it so people wouldn't get into it, that they would have to look at these programs and determine their merit and determine their administration and everything else before they could get into the entire package. So, therefore, I don't look at this as a real viable argument in this particular amendment.

Furthermore, I don't quarrel with the towns and I agree wholeheartedly that the Department of Health and Welfare has been lax in establishing the guidelines for these particular items. But look, some of the municipalities have come forth and they have at least submitted their applications. What did they submit their applications on if there weren't some guidelines somewhere down the line?

Furthermore, what we are talking about in this thing right here, we are not talking the guidelines, because if the guidelines come out down the road somewhere, they can still submit their application. What we are saying right here is that the municipalities have refused to put in their 25 percent and now they are using this as a crutch to try to get an extension on it for six months. First it was a year, now they are willing to settle for six months. But let me ask you, where are they going to get the money in the next six months?

Now if town meetings are going to come up next March and we are going to put a six month addition on this thing, where are the monies going to come from there? If they are available, they are available right now in the contingency fund or what have you.

I say what we are talking about here is the laxity of municipalities to adhere to what we put into law to make a law a real good, solid administration of social services programs.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I completely concur with the remarks of the gentleman, our honorable floor leader down in the corner. The gentleman from Caribou is concerned about the small towns. I don't know what small towns have contacted him; I represent seven small towns and I haven't had a peep from any of them yet. I don't know whether they have made use of it or whether they are not interested in making use of it. He does represent what I look upon as one of the larger towns in Aroostook County, but it seems a little strange to me that I have not had any complaints from any of the small towns that I represent that they need extended time for this.

I think it was a sound provision when we come out with it earlier in the session, and I hope you go along. If towns don't want to take advantage of it, that is up to them, and all of these arguments that have been made have been pretty weak, because I know and you know that any town that wants to find a few hundred dollars can pretty darn sure find them if they really want to get out and get it. I don't care whether it is the middle of the winter or the middle of the summer.

I hope you do kill this amendment.

Mr. Gahagan of Caribou was granted permission to speak a third time.

Mr. GAHAGAN: Mr. Speaker, Ladies and Gentlemen of the House: The reason that some of these small towns haven't uttered a peep is because they haven't known about the programs and this is the purpose of my remarks this afternoon. The Department of Health and Welfare has been negligent in informing the small communities that these programs are available. They have estab-

lished no pattern of distribution of these programs. It is a haphazard, mishmash of programs, there is no way to determine where the money has been going, what programs are in existence. It is inconceivable that we could allow a department to operate a social services program the way this one has been operated.

If we appropriated this \$3½ million, for goodness sake, let's make sure the total amount of the population of this state has the benefit of it. Can you imagine, if we appropriated \$3½ million six months ago at a normal rate of return, that would have gotten us about \$180,000 in this period of time, and it hasn't been used. Now how many legislative days could we have run with that \$180,000. What is this money doing? It has just been sitting there. We have got to make sure that it is used, but we have got to make sure that it is used right, and it has to be done under the proper guidelines of the Department of Health and Welfare.

I say, let's put this amendment on and help these small towns get informed about these programs that are available, to help the Department of Health and Welfare get set up and run the Social Services right.

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

Mr. SILVERMAN: Mr. Speaker and Members of the House: A point of information that I would like to ask. It is now 25 minutes before 11. If we put an amendment on now, how long before we will see this bill again?

The SPEAKER: The gentleman from Calais, Mr. Silverman, poses a question through the Chair to any member who may answer if he or she wishes.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: This bill, about an hour ago, started to be pre-engrossed both ways so that we can handle the situation without any problem if the House should choose this amendment.

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

Mr. BIRT: Mr. Speaker and Members of the House: Fifteen minutes ago, when the bell rang I was in the Engrossing Department and they hadn't even started to put the amendment on at that time.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I have to say something in regard to the gentleman from Caribou, Mr. Gahagan. I also represent 17 towns. In my 17 towns I don't think there is one but there is plenty of money in unappropriated surplus. We are a rich group of little towns, we are well prepared for money and there isn't any that is asking for this in any request. I think he is just talking over his head. The little towns aren't the ones making any trouble over this, and it wouldn't affect them any.

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

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

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

ROLL CALL

YEA — Albert, Baker, Binnette, Birt, Bither, Bragdon, Brawn, Bunker, Cameron, Carey, Carter, Chick, Cottrell, Curtis, T. S., Jr.; Donaghy, Dow, Dudley, Dunn, Evans, Fecteau, Finemore, Fraser, Hancock, Haskell, Henley, Herrick, Hoffses, Hunter, Immonen, Kelley, Kelley, R. P.; Lawry, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Mahany, McCormick,

McNally, Norris, Palmer, Rollins, Ross, Shaw, Silverman, Simpson, L. E.; Snowe, Sproul, Stillings, Trask, Walker, Webber, White, Willard, Wood, M. E.; The Speaker.

NAY — Berry, G. W.; Berry, P. P.; Berube, Boudreau, Carrier, Chonko, Connolly, Deshaies, Drigotas, Dunleavy, Dyar, Emery, D. F.; Farley, Farrington, Faucher, Gahagan, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hobbins, Huber, Jackson, Jacques, Jalbert, Kelleher, Knight, LaCharite, LaPointe, Martin, Maxwell, McHenry, McKernan, McTeague, Morin, L.; Morton, Murray, Najarian, Perkins, Peterson, Pontbriand, Rolde, Smith, D. M.; Smith, S.; Soulas, Strout, Tierney, Wheeler, Whitzell.

ABSENT — Ault, Briggs, Brown, Bustin, Churchill, Clark, Conley, Cooney, Cresse, Crommett, Curran, Dam, Davis, Farnham, Ferris, Flynn, Gauthier, Good, Kauffman, Keyte, Kilroy, LeBlanc, Maddox, McMahon, Merrill, Mills, Morin, V.; Mulkern, Murchison, O'Brien, Parks, Pratt, Ricker, Santoro, Sheltra, Shute, Susi, Talbot, Tangway, Theriault, Trumbull, Tyndale.

Yes, 57; No, 51; Absent, 43.

The **SPEAKER**: Fifty-seven having voted in the affirmative and fifty-one having voted in the negative, with forty-three being absent, the motion does prevail.

The pending question is passage to be engrossed as amended in non-concurrence. The Chair will order a vote. All in favor of this Bill being passed to be engrossed as amended in non-concurrence will vote yes; those opposed will vote no.

A vote of the House was taken.

88 having voted in the affirmative and 16 having voted in the negative, the motion did prevail.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

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.

The following Enactors were taken up out of order by unanimous consent.

Passed to Be Enacted

An Act Establishing a State Tuition Equalization Fund for Maine Citizens Attending Private Institutions of Higher Education (H. P. 927) (L. D. 1225)

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.

Passed to Be Enacted Emergency Measure

An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years ending June 30, 1974 and June 30, 1975 (S. P. 703) (L. D. 2048)

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

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

Mr. **CONNOLLY**: Mr. Speaker and Members of the House: I would like to pose a question, I guess, but I am not sure how to go about it, and I guess I should relate something that was told to me just before I came in here. The way it went was that this bill might be in trouble, that there might not be the necessary votes to get the bill through, that my vote was in question in particular because of the amendment to this bill that we tried to put on earlier that was defeated, and that an attempt to get this bill passed, perhaps not having the 101 votes, that the count be taken, the machine would be broken, and perhaps the count would be incorrect. I would like to know, Mr. Speaker, is there some way before we take the vote that we can determine exactly how many people are present and voting.

The **SPEAKER**: The Chair feels that is a fair request. A quorum

must be determined because a quorum has been questioned. The Chair will ask the monitors to please count in their respective districts. Will the gentleman from Bath, Mr. Ross, and the gentleman from Bridgewater, Mr. Finemore, please count those present.

Thereupon, 56 having arisen in the first division and 49 having arisen in the second division, a quorum was present.

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

Mr. LaPOINTE: Mr. Speaker and Members of the House: I rise in the waning hours of the 106th annual session to share with you some of the feelings I have relative to the bill we have before us. I feel very strongly that some of the elements in this particular bill are very very important, and I would like to say to you as a freshman legislator, with Mr. Garsoe's amendment, I admit defeat. I find it very agonizing. I think that some of the comments that were made by the gentleman from Caribou, Mr. Gahagan, were on the mark. The Department of Health and Welfare has not properly implemented and begun administering of L. D. 1412.

I shared about two weeks ago some of my concerns relative to this matter with Senator Sewall and members of the Appropriations Committee and the leadership. However, at this time, as I review L. D. 2048, I consider it a very significant and important piece of legislation. I admit defeat and I hope that we can pass this particular piece of legislation and get on and go home.

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

A vote of the House was taken.

103 having voted in the affirmative and 2 having voted in the negative, the motion did prevail.

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

Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Authorize the Commissioner of Sea and Shore Fisheries to Enter into an Agreement to Lease the Land, Buildings and Facilities of the National Marine Fisheries Service Biological Laboratory at Boothbay Harbor (H. P. 648) (L. D. 864)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Mr. Simpson of Standish, by unanimous consent, the foregoing enactors were ordered sent forthwith to the Senate.

On motion of Mr. Simpson of Standish, that gentleman was charged with and conveyed a message to the Senate informing that body that the House had acted on all matters before it and was ready to adjourn without day.

On motion of Mr. Birt of East Millinocket,

Recessed until the sounding of the gong.

After Recess

The House was called to order by the Speaker.

At this point, a message came from the Senate borne by Senator Berry of that body informing the House that the Senate had trans-

acted all business before it and was ready to adjourn without day.

(Off Record Remarks)

The following paper from the Senate was taken up out of order by unanimous consent:

From the Senate: The following Joint Order: (S. P. 702)

ORDERED, the House concurring, that a Committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon the Governor and inform him that both branches of the Legislature have acted on all matters before them and are now ready to receive any communication he would care to make.

Came from the Senate read and passed, and the following appointed as members of the Committee on the part of the Senate:

Messrs. WYMAN of Washington
ANDERSON of Hancock
FORTIER of Oxford

In the House, the Order was read and passed in concurrence, and the Speaker appointed the following members on the part of the House:

Mrs. McCORMICK of Union
LEWIS of Auburn
GOODWIN of Bath
WHEELER of Portland

Mrs. Wheeler of Portland for the Committee subsequently reported that the Committee had performed the duties with which it was charged and that the Governor would be present in the House forthwith.

His Excellency, Governor Kenneth M. Curtis, accompanied by members of the Executive Council, entered the Hall of the House, amid applause of the House, the members rising, and delivered the following communication:

GOVERNOR CURTIS: Mr. Speaker and Members of the 106th Legislature: I know it is a tradition for the Governor to address the Legislature at the beginning and at the end of each session. It has always been a privilege for me to participate in this way. The hour is late and I am sure that you have heard enough speeches over

the past six months, so I am not going to make one here tonight.

Let me simply make these observations. Looking back over the session, we find as always bills which we individually applauded and measures which enactment we opposed. In this crucible of agreement and disagreement, I think a careful analysis would show that an unprecedented number of important new laws were forged during this session. But of overriding importance is the fact that our system prevails to allow the expression of our thought in freely governing ourselves.

Each legislative session has its historic moments, and history will certainly record your action in launching the beginning of public school financing and property tax reform, both real and personal, as one of these moments. So in behalf of the people of Maine, I congratulate you for this achievement and for all your other achievements and thank you for your dedicated service.

The 106th session of the Maine Legislature, of course, has not been concluded. In January you will meet again to consider the funding of programs for the second year of the biennium, and much preparation will be necessary to do this job wisely and well and to complete the work begun in this, your regular session. So the final chapter in the history of the 106th Legislature will not be written until January, 1974. I look forward to working with you toward the fulfillment of the idea of giving the 106th Legislature a special niche in Maine history.

So until January, I thank you for your cooperation and service and wish you and your families a most pleasant summer. Thank you. (Applause, the Members rising)

Thereupon, Governor Curtis and members of the Executive Council retired from the Hall of the House.

On motion of Mr. Bragdon of Perham, at 12:28 A.M., Eastern Daylight Saving Time, Wednesday, July 4, 1973, the Speaker declared the House adjourned sine die.