

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

1st Special Session

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

1974

Kennebec Journal
Augusta, Maine

HOUSE

Monday, February 4, 1974

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

Prayer by the Rev. Herbert Reid of Fairfield.

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

The journal of the previous session was read and approved.

Order Out of Order

Mr. Garsoe of Cumberland presented the following Order and moved its passage:

ORDERED, that Jana Karlis of Cumberland be appointed Honorary Page for today.

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

Papers from the Senate

From the Senate:

Resolve Authorizing the Commissioner of Educational and Cultural Services to Convey Certain Easement Rights at Southern Maine Vocational-Technical Institute in South Portland (S. P. 886) (L. D. 2473) Emergency

Came from the Senate referred to the Committee on Education.

In the House, the Resolve was referred to the Committee on Education in concurrence. (Later reconsidered)

Resolution Proposing an Amendment to the Constitution to Clarify Validity of Municipal Industrial Parks (S. P. 884) (L. D. 2472)

Came from the Senate referred to the Committee on Legal Affairs.

In the House, the Resolution was referred to the Committee on Legal Affairs in concurrence. (Later reconsidered)

Non-Concurrent Matter

Bill "An Act to Regulate the Size of Shot in Shotgun Shells for Waterfowl Hunting" (H. P. 1915) (L. D. 2444) which was indefinitely postponed in the House on January 30.

Came from the Senate with the Bill passed to be engrossed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Parks.

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

The SPEAKER: The gentleman from

Presque Isle, Mr. Parks, moves the House recede and concur with the Senate.

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

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

We discussed this at length the other day. We indefinitely postponed this bill here in the House on January 30 by 104 to 23. I hope you will vote against the motion, and I hope you will all vote as you did the other day so that when the vote is won, we may insist.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Last Friday, I had the honor of attending a National Meeting of the Society of Crippled Children and Adults, and my subcommittee was chaired by a gentleman from North Carolina. We were supposed to meet Friday afternoon and then again on Saturday noon, but Friday we met at 4:00 p.m. and he kept us there until 11:30 p.m., and when he was questioned, he said he had to catch a midnight plane back to North Carolina, and when people asked what for, he said, "Ya all wouldn't want me to miss my quail shooting, would you?"

I mention this only for one reason, because it takes me back several years to when my father and I used to spend five days each year in North Carolina at a lake called Lake Mattamuskeet, which is southeast of Elizabeth City, and we just concentrated on goose shooting.

Over the years I have shot geese at Merrymeeting Bay, but at this place they specialized in this as differential from black duck or mallard or teal shooting. We had a different guide each day, and it was most interesting to learn from them. For instance, I had always used No. 2 shot here in Maine, and I knew a few of our local gunners who labored under the misapprehension that the larger the shot, the more apt they were to kill geese, and some of these people even used buckshot or BB's.

These experts in North Carolina, and they are experts in gunning, they scoffed at my using as large a shot as No. 2. They advised me to use No. 4. A No. 2 is dangerous enough, but if we should allow people to go on our bays and waterways shooting ducks and geese with BB's or buckshot, even, why it would be much more dangerous for the people here in the State of Maine, and I hope that you

will go along with the motion before us today.

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

A vote of the House was taken.

Thereupon, Mr. Kelley of Southport requested a roll call vote.

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

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

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

Mr. LEWIS: Mr. Speaker, may I have this tabled for one day, please?

Thereupon, Mr. Brawn of Oakland requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Bristol, Mr. Lewis, that this matter be tabled for one legislative day, pending the motion of Mr. Parks of Presque Isle that the House recede and concur. All in favor of this motion will vote yes; those opposed will vote no.

A vote of the House was taken.

38 having voted in the affirmative and 79 having voted in the negative, the motion did not prevail.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Presque Isle, Mr. Parks, that the House recede and concur with the Senate. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Birt, Briggs, Churchill, Cottrell, Crommett, Deshaies, Good, Greenlaw, Kelley, R. P.; Kilroy, LaPointe, Lewis, E.; Lewis, J.; Maddox, Maxwell, McKernan, McTeague, Mills, Morin, V.; Palmer, Parks, Perkins, Peterson, Pratt, Ross, Smith, S.; Trumbull, Tyndale, Walker, Whitzell.

NAY — Albert, Baker, Berry, G. W.; Berube, Binnette, Bither, Boudreau, Bragdon, Brawn, Brown, Bunker, Bustin, Cameron, Carrier, Carter, Chick, Chonko, Clark, Conley, Cooney, Cote, Cressey, Curran, Davis, Donaghy, Dow, Drigotas, Dudley, Dunn, Dyar,

Emery, D. F.; Evans, Farley, Farnham, Farrington, Faucher, Fecteau, Ferris, Finemore, Garsoe, Gauthier, Genest, Goodwin, K.; Hamblen, Haskell, Hobbins, Hoffses, Hunter, Immonen, Kauffman, Kelleher, Keyte, Knight, Lawry, LeBlanc, Littlefield, Lynch, MacLeod, Mahany, Martin, McCormick, McHenry, McMahon, McNally, Merrill, Morin, L.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, Pontbriand, Ricker, Rolde, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Talbot, Tanguay, Theriault, Tierney, Trask, Twitchell, Webber, Wheeler, White, Willard, Wood, M. E.

ABSENT — Ault, Carey, Connolly, Curtis, T. S., Jr.; Dam, Dunleavy, Flynn, Fraser, Gahagan, Goodwin, H.; Hancock, Herrick, Huber, Jackson, Jacques, Jalbert, Kelley, LaCharite, O'Brien, Santoro, Sheltra.

Yes, 31; No, 98; Absent, 21.

The SPEAKER: Thirty-one having voted in the affirmative and ninety-eight in the negative, with twenty-one being absent, the motion does not prevail.

Thereupon, on motion of Mr. Brawn of Oakland, the House voted to adhere.

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

Mr. BRAWN: Mr. Speaker, I now move for reconsideration and I hope you vote against me.

The SPEAKER: The gentleman from Oakland, Mr. Brawn, moves that the House reconsider its action whereby it voted to adhere. All in favor of reconsideration will say yes; those opposed will say no.

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

Petitions, Bills and Resolves Requiring Reference

The following Bills were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Labor

Bill "An Act to Enable the Temporary Extension of Unemployment Compensation Benefits as Provided by Recent Federal Legislation as a Result of the Energy Crisis" (H. P. 1942) (Presented by Mr. Hobbins of Saco) Emergency (Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Register Recreation Professionals" (H. P. 1943) (Presented by Mr. Rolde of York)
(Ordered Printed)
Sent up for concurrence.

Orders

On motion of Mrs. McCormick of Union, it was

ORDERED, that Emile Fraser of Mexico be excused due to illness.

Mr. Rolde of York presented the following Joint Order and moved its passage:

WHEREAS, many forested areas of northern Maine are endangered by an insect infestation known as the spruce budworm; and

WHEREAS, the State of Maine shares the cost of spraying programs in an effort to bring this infestation under control; and

WHEREAS, appropriations for this control program have increasingly mounted to meet expanded infestations; and

WHEREAS, the course of the infestation indicates that substantial funds will be needed in the future to deal with the spruce budworm problem; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized and directed to fully review the spruce budworm control problem including, but not limited to, determining the overall direction of the State concerning this problem, the costs involved on behalf of the State with a view toward ascertaining with all possible certainty what progress has been made to date in bringing the infestation of spruce budworm under control and to what extent the Legislature can reasonably anticipate costs of protection and state participation in the future; and be it further

ORDERED, that the council report the results of their findings and recommendations, including any needed legislation, at the next regular session of the Legislature. (H. P. 1944)

The Order was read.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The other day some remarks of mine sparked a lively discussion in this body concerning our

spruce budworm program. I am convinced that such a discussion most likely would have taken place anyway, even if I hadn't said anything, because I believe there are many questions in people's minds, and if nothing else, discussion we had pointed up the need for a legislative study of this entire matter. I know that the Appropriations Committee has looked at it. But I have talked with one member of that committee who feels that the program was so far along that he felt locked into supporting it but also feels that the time is now right to have an exhaustive investigation made of all the aspects of this situation, the financial, economic, environmental, even legal aspects.

Most of the information to date has come through the paper companies and the Forestry Department, and I believe there are some people who feel the same sort of frustration here as we do in the oil crisis, where all the information is coming from the oil companies.

For my own part, my experience as a member of the Public Lands Committee has been that what we heard in the confines of a hearing room did not always correspond to what we discovered when we went out into the field on our own. And I hope there will be field investigations here by whatever committee or even possibly combinations of committees to which the Legislative Council will assign this study if this order is approved.

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

On motion of Mrs. McCormick of Union, it was

ORDERED, that Louis Jalbert of Lewiston be excused due to illness.

On motion of Mr. Simpson of Standish, the House reconsidered its action of earlier in the day whereby Resolve Authorizing the Commissioner of Educational and Cultural Service to Convey Certain Easement Rights at Southern Maine Vocational-Technical Institute in South Portland, Senate Paper 886, L. D. 2473, was referred to the Committee on Education in concurrence.

On further motion of the same gentleman, tabled pending reference and tomorrow assigned.

On motion of Mr. Simpson of Standish,

the House reconsidered its action of earlier in the day whereby Resolution Proposing an Amendment to the Constitution to Clarify Validity of Municipal Industrial Parks, Senate Paper 884, L. D. 2472, was referred to the Committee on Legal Affairs in concurrence.

On further motion of the same gentleman, tabled pending reference and tomorrow assigned.

House Reports of Committees Leave to Withdraw

Mr. Murray from the Committee on Education on Bill "An Act Repealing Two-year Limitation in Contracts Between University of Maine and Colleges Outside of Maine to Provide Additional Educational Opportunities" (H. P. 1779) (L. D. 2251) reporting "Leave to Withdraw"

Mr. Albert from the Committee on Human Resources reporting same on Bill "An Act Relating to Police Officers for the Indian Tribes" (H. P. 1666) (L. D. 2059)

Mr. Rolde from the Committee on Natural Resources reporting same on Bill "An Act to Extend Time When Towns May Accept to Join the Cobossee-Annabessacook Authority" (H. P. 1777) (L. D. 2249)

Reports were read and accepted and sent up for concurrence.

Divided Report Later Today Assigned

Majority Report of Committee on Taxation on Resolution Proposing an Amendment to the Constitution to Permit the Federal Government, by Agreement to Collect Maine Individual Income Taxes (H. P. 1856) (L. D. 2349) reporting "Ought not to pass"

Report was signed by the following members:

Messrs. WYMAN of Washington
COX of Penobscot
FORTIER of Oxford
— of the Senate.

Messrs. MORTON of Farmington
FINEMORE of Bridgewater
IMMONEN of West Paris
MERRILL of Bowdoinham
MAXWELL of Jay
DAM of Skowhegan
SUSI of Pittsfield

— of the House.

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

Report was signed by the following members:

Messrs. DRIGOTAS of Auburn
DOW of West Gardiner
COTTRELL of Portland
— of the House.

Reports were read.

On motion of Mr. Sproul of Augusta, tabled pending acceptance of either Report and later today assigned.

Consent Calendar

First Day

(H. P. 1665) (L. D. 2058) Bill "An Act to Prevent Physically Handicapped Discrimination under Human Rights Act" — Committee on Human Resources reporting "Ought to pass" with Committee Amendment "A" (H-663)

On the request of Mr. Bither of Houlton, was removed from the Consent Calendar.

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

Mr. BITHER: Mr. Speaker and Members of the House: There are some errors in this bill and amendment. Just about the only error is where it says "physically handicapped." That is not correct English. We want to correct it, and the only way to correct it is with a new amendment, so I wish someone would please table this for two days.

Mr. Mills of Eastport moved this matter be tabled for one legislative day.

Thereupon, on motion of Mr. Peterson of Windham, tabled pending acceptance of the Committee Report and specially assigned for Wednesday, February 6.

(H. P. 1863) (L. D. 2357) Bill "An Act Increasing Indebtedness of the Jackman Water District" — Committee on Public Utilities reporting "Ought to pass"

(S. P. 772) (L. D. 2219) Bill "An Act to Create the Bangor Community Solid Waste District" — Committee on Public Utilities reporting "Ought to pass"

No objection having been noted, were assigned to the Consent Calendar's Second Day list.

Second Reader Tabled and Assigned

Bill "An Act Creating a Permanent Governor's Advisory Council on the Status of Women" (H. P. 1808) (L. D. 2300) (C. "A" H-662)

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

(On motion of Mr. Martin of Eagle

Lake, tabled pending passage to be engrossed and tomorrow assigned.)

Passed to Be Enacted

An Act Exempting Certain Sales through Coin-operated Vending Machines from the Sales Tax (S. P. 753) (L. D. 2163)

An Act to Implement the Federal Aid Safer Roads Demonstration Program and to Make Additional Allocations from the General Highway Fund (S. P. 878) (L. D. 2443)

An Act Clarifying Banking Laws (H. P. 1918) (L. D. 2450)

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.

Orders of the Day

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

Bill "An Act Relating to the Installation of Sprinkler Systems in all New and Existing Hotels" (H. P. 1694) (L. D. 2087)

Tabled — January 31, by Mr. Martin of Eagle Lake.

Pending — Motion by Mr. Emery of Rockland that the House accept the Minority "Ought to pass" Report. (C. "A" H-661)

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

Mr. DYAR: Mr. Speaker and Members of the House: I now move the indefinite postponement of House Paper 1694, L. D. 2087, and all its accompanying papers.

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

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: If my voice will withstand my speech and you ladies and gentlemen of the House can withstand my speech, I will try to explain essentially what the "ought to pass" report does.

As many bills come from committees, they change substantially from its initial purpose, which as the title indicates, was to require the installation of sprinkler systems in new and existing hotels. The redraft of this bill, which was favored by six members of the Legal Affairs Committee now merely requires that in any hotel building of three or more stories,

that a night watchman be on guard throughout the night in case of a fire. It does not require the installation of sprinkler systems. It does not require the installation of any expensive equipment whatsoever, but it merely gives the hotel owners the authority, it requires them to install either a fire detection system to detect smoke or heat or gives them the option to hire a night watchman who would patrol regularly through the building to guard against fires.

Certainly, death by fire or smoke inhalation is not a very happy way to go. We have seen indications the past year or so that fire, indeed, is a very great threat in old buildings.

In committee, when this bill was considered, we saw newspaper clippings of accounts of several disastrous fires, one in Bath, one in Biddeford and others in other locations throughout the state. We also heard testimony from a woman who spends a great deal of her time in the Portland area touring buildings, hotels and other residences where there are a great deal of older people, invalids, shut-ins, who are unable to escape from a fire should a fire break out.

I feel that this legislation is very reasonable protection to prevent people from dying a terrible death in this manner. Young people, middle-age people, can escape from a fire more readily. All they have to do is get up and leave. But older people who are trapped in old hotel buildings, and many of them do live in old hotel buildings because the rent is less expensive, have no way to escape. Think about it a few minutes. It is a very serious problem and one that we might be able to eradicate or at least one that we might be able to solve partially by use of a little common sense and the application of a very just and reasonable change in the law such as this one proposes.

Again, let me mention to you, this bill does not require the installation of any equipment, any expensive apparatus of any kind whatsoever. It merely gives the hotel owner the option of having certain approved fire detection apparatus installed or hiring a full-time night watchman who will patrol regularly through the building during those hours when the outbreak of fire is most dangerous, and this is during the night.

Another point that was brought up by one individual in particular is that legislation like this would put hotel

owners out of business. Well, I think that that is nonsense, pure nonsense, because most hotels at the present time do have personnel, whether it is a night clerk or someone similar who is in the building, and in which case it would merely require that this person circulate through the building regularly, check for smoke, signs of heat or any other indication that a fire might be present.

I hope that you will vote against the motion for indefinite postponement and protect some of the older people who are living in buildings such as this. I hope you will vote against indefinite postponement, adopt the "ought to pass" report, and when the vote is taken, I ask for the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Parsonsfield, Mr. Pratt.

Mr. PRATT: Mr. Speaker and Members of the House: I was formerly on the Business Legislation Committee and have been around since the 104th, and it seems we have this bill or something similar that pops up every year.

Briefly I would like to review for you the history of the sprinkler bills submitted in the 104th and 105th — some you will recall, I am sure — and at this 106th special session by the Fire Marshal's Office.

The department had presented for them in the 104th a bill that called for a sprinkler system to be installed in all hotels having two stories or more above grade level. The bill was referred to the Business Legislation Committee, and after much deliberation the committee presented an amendment that called for all hotels constructed after January 1, 1970 and having three stories or more above grade level to have a sprinkler system installed.

The committee reasoned that this would give a "Grandfather Clause" to all existing hotels, it wouldn't put anybody out of business, that all new hotels being built of one and two story construction presented no real risk hazards. The legislature passed the bill without undue debate and the industry itself was satisfied with the new regulation or rather the new law.

Evidently the Fire Marshal's Office was not satisfied, and when the 105th Legislature met, they presented two bills; one called for all hotels constructed after the effective date of the act having two stories or more above grade level to be sprinklered. The other bill

called for all existing hotels having three stories or more to be sprinklered by July 1, 1972. Again, both bills were presented to the Business Legislation Committee, of which I was a member, and again after much thought and deliberation, the committee killed the bill that would have required all hotels having three stories or more to be sprinklered.

Once again the committee amended the other bill, put a grandfather clause in that would protect all existing hotels and required that all new hotels of two stories or more, constructed after the effective date of the act, would have to be sprinklered. Once again, this was satisfactory to both the legislature and the industry. We felt at that time that the matter of sprinklers had been laid to rest once and for all, that the older hotels could live out their usefulness and that all new hotels would be properly constructed and safeguarded.

However, this special session now finds another bill drafted by the Department that goes against the vote of both the 104th and 105th Legislatures. Once again, it asks that the grandfather clause be removed and that all hotels of two stories or more be sprinklered. The bill was originally referred to Health and Institutions but by act of this body was referred to Legal Affairs. This committee heard the bill and have presented for your consideration this amended version that would require all hotels by July 1, 1976 that were constructed after September 23, 1971 to have either a complete sprinkler system or an automatic detection system installed or a night watchman.

In other words, it removes the grandfathers clause that we so carefully worked out for the industry at the last session and calls for even further hardships. The industry has been most cooperative in the past. It rightfully opposes this amended bill for several reasons but the most prevalent being the undue hardship on many properties now in existence.

We are now concerned mostly with smaller properties. To hire a night watchman would cost some over \$7,000 a year in salary. Many properties could not have sprinkler systems installed due to lack of water pressure in their localities. The installation of automatic detection systems would run about one half the cost of a sprinkler system, and that's high.

The high cost of money is of course a

factor, but the banking profession seems quite reluctant at this time to advance hotels money for any reason, and I would guess that they have two good reasons, the first being that many hotels last year did not prosper due to the false gasoline scare. This year they are faced with reality, not a false scare, but a true situation. The bankers look at the occupancy figures of such traditional vacation retreats as Florida and Arizona and find that figures are down some 40 percent in some areas. The same situation could very well hold true for our Maine properties this coming summer.

I urge you to support the motion of Representative Dyar to indefinitely postpone this bill.

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

ORDERED, that James Jacques of Lewiston be appointed Honorary Page for today.

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

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I served as a member of the Legal Affairs Committee and I listened attentively to the arguments and I signed with the majority of this committee after hearing all the evidence. I am sure if this body could have heard the evidence, they would vote unanimously to support the indefinite postponement of this bill.

First of all, it is misleading, some of the facts about old people staying here. Old people are in a nursing home; this doesn't include nursing homes, they already have this. My name for these places is flop houses. I don't know the right name for them, but that is what I call them, where you can get a place to sleep for \$2 a night.

Now-a-days if you make them put this in and they can get the money, and I doubt if they can get the money to put this place in order, and if they do, then they have to have \$10 a night and these people don't have it, so then the city jail has to put them up or we have to send them to Holiday Inn and the taxpayers pay for it.

Now they seem to be perfectly satisfied the way it is, and there is not many of these places. And I didn't come down here to antagonize people to make

people do things. This is one of the things that runs against my grain anyway, the fact that we have to meet here and think we have to make some group of people do something.

Now if you talked with a pathologist, he would tell you that these smoke fires generally is the guy that gets intoxicated and his cigarette sets his mattress afire, and before one of these sprinkler systems will let loose, the guy is already suffocated. The sprinkler system might save some of the building or the building next door, but in most cases they threw the mattress out the window and the room is occupied two days later by another one. So the sprinkler doesn't necessarily save as many lives as they would like to have you believe, because it takes a lot of heat to turn on the system and these other systems are not as effective as you would think, because by the time they have turned on, the party that is in the room and has let his cigarette burn his mattress up is deceased anyhow.

And if you heard all the evidence it is impossible for these people to get money to repair this type of a building. There seems to be a need in most places for this building otherwise these people, like I told you, they have three choices as I see it; they would have to sleep in the park, sleep in the city jail, or go to the town fathers and be put up in the Holiday Inn. Those are the choices that seem to be left.

I am sure that the legislature in the 100th, 102nd, 103rd has done the right thing. They said that new hotels are already covered; they have to have the sprinkler system. I think they should, too. But these places that are fast going out of business anyhow, I think they should be covered by the old grandfather clause and this did away with it. I hope that you will vote today to indefinitely postpone this measure. I think there is absolutely no need for it.

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I am sure the gentleman from Enfield is more of an expert on flop houses than I am. However, I can assure you that the Sedgwick Hotel in the City of Bath was no flop house, but it had no night watchman, it had no fire detection system and it had no sprinkler system

and four people are now dead, and the owners are now being sued for over a million dollars.

If you had watched that fire, if you had been there that night, if you had seen what I saw, if you had helped somebody carry their personal possessions out of the house next door, if you had seen my father on the roof of that house with burning embers coming down on his head with a garden hose trying to save the house next to it, I don't think you could ever vote for indefinite postponement of this bill and I urge you not to.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: After listening to some of the remarks made by two of the previous speakers, I would just like to come back with four final comments.

First of all, the gentleman from Enfield explained that he had listened to all the evidence very carefully, and if I remember correctly, he was in the committee room for no more than five minutes which, as a matter of fact, is a lengthy time compared to some other hearings that we have had.

The bill only includes hotels of three stories or more—

The SPEAKER: The gentleman would be careful with his remarks if he would please.

Mr. EMERY: Thank you Mr. Speaker. This bill does not affect any structures of one story or two stories, and therefore all motels are completely eliminated from the bill anyway. It only affects existing hotel buildings of three stories or more.

I frankly don't see how a person could vote against this legislation, even on the basis of expenses incurred by hotel owners if it is going to save lives. Because I for one do not see how you can balance a human life against a salary or an expense.

I would hope, ladies and gentlemen, that you would vote against indefinite postponement.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: In defense of the statement just made here — I was there about five minutes — I might not have been there five minutes, but I was there, and I will tell you, I have been here for 22

years and I have heard the same argument for 22 years and I didn't feel like listening to it all over again.

Now you are not accomplishing anything if you make these people put sprinkler systems in, you are just making it so there won't be any of these places. In other words, if you want to close them up and do away with them, that is one thing. But I think there is a need for these places right now, and that is why I wasn't ready to close them up. But as far as saving lives like they are talking about, you are not saving any lives because those places just won't exist, and I don't see any place for these people to go. I know the ones that I know, and I know some of them, the city won't put them up in the Holiday Inn very long. I think that there is a need for these places, but if you want to put them up and close them up, there won't be any, because they just can't get that kind of money to put in these old dilapidated places which most of them are.

Now it might be that you will decide to close them up — that is all right, but let's say so. Let's be honest with the people. We are out to get them, we are out to close them up and do it, but let's not hide behind this bill and try to close them up.

And about me hearing anything over that many times, quite often when I have heard enough of anything, enough is enough, and I didn't want to hear any more of this, so I didn't stay to the whole hearing.

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

Mr. CAREY: Mr. Speaker and Members of the House: We have several of these buildings in the City of Waterville, the Exchange Hotel which is currently in the process of being torn down, which has been picked up by the Urban Renewal Authority. It had a fire in it; nobody was hurt. This is on the backside, it goes up five stories. The City Motel was destroyed completely by fire, a major fire in downtown Waterville last year. There were four and a half stories to that building, all above ground. There were no lives lost in that particular fire.

I agree with the gentleman from Enfield, Mr. Dudley, that at least in the City of Waterville, and those of you who live in large municipalities will know that these in fact are, in due deference to the gentleman from Solon, Mr. Faucher,

these are flop houses. We are currently going through a shortage of apartments and rooms in the City of Waterville, and I can see that if this bill passes we could in effect possibly close the Hannaford Hotel, the old Belvedere Hotel and the Emma's may or may not be affected, they do have some rooms upstairs over the lounge there. So we would have no place to put these people, and it would be a tremendous hardship at least in the City of Waterville.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I was not asleep; I sat through that whole hearing, and I figured out just one thing. Laws are passed and someone else has got to pay for, but if we have to pay for them ourselves, we do not like it.

When I see nursing homes in my town, fire restrictions were put on them, four of them have been closed. We don't have many any more. Our old people have had to go miles away so their people can't even go to see them. I don't want to see what few hotels that we have left go out.

I signed the majority report, and the main reason I signed the majority report was that there were always two or three sprinkler system companies doing business. When you pass this law they can set the price they want and you have got to pay it. This is not a competitive industry. This I do not like.

I can show you these men about ten years ago who put in sprinkler systems in the hotel at a cost of \$4,000. Today the inspector might come in and condemn this system and it would cost him twenty to thirty thousand dollars. The fellow told us in the room it would cost \$1,400 for each room. I looked up at the hearing room which I was in and I said, "Where is the one in this room? This State House doesn't have any." And I think if we should have them anywhere, we better have them here in the State House. There are more of us here than in that hotel. And I don't consider I am in a flop house. I consider this one of the better buildings in the State of Maine. I hope that you will go along with indefinite postponement.

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 vot-

ing. 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 Strong, Mr. Dyar, that bill "An Act Relating to the Installation of Sprinkler Systems in all New and Existing Hotels," House Paper 1694, L. D. 2087, be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, G. W.; Binnette, Bither, Boudreau, Bragdon, Brawn, Brown, Bunker, Cameron, Carey, Carrier, Carter, Chick, Cooney, Cote, Cottrell, Cressey, Crommett, Curran, Davis, Deshaies, Donaghy, Dow, Drigotas, Dudley, Dunn, Dyar, Evans, Farrington, Faucher, Fecteau, Ferris, Finemore, Gauthier, Genest, Hamblen, Haskell, Hoffses, Huber, Hunter, Immonen, Jackson, Jacques, Kauffman, Kelley, Keyte, Knight, LeBlanc, Lewis, E.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McMahan, Merrill, Mills, Morin, V.; Norris, Parks, Pontbriand, Pratt, Ricker, Rolde, Santoro, Shaw, Silverman, Snowe, Soulas, Sproul, Strout, Tanguay, Theriault, Trask, Trumbull, Twitchell, Tyndale, Walker, Wheeler, Wood, M. E.

NAY — Baker, Berry, P. P.; Berube, Birt, Briggs, Bustin, Chonko, Churchill, Clark, Conley, Emery, D. F.; Farley, Farnham, Garsoe, Good, Goodwin, K.; Greenlaw, Hobbins, Kelleher, Kelley, R. P.; Kilroy, LaPointe, Lawry, Lewis, J.; McKernan, McNally, McTeague, Morin, L.; Morton, Mulkern, Murchison, Murray, Najarian, Palmer, Perkins, Peterson, Rollins, Ross, Shute, Smith, D. M.; Smith, S.; Stillings, Susi, Talbot, Tierney, Webber, White, Whitzell, Willard.

ABSENT — Ault, Connolly, Curtis, T. S., Jr.; Dam, Dunleavy, Flynn, Fraser, Gahagan, Goodwin, H.; Hancock, Herrick, Jalbert, LaCharite, O'Brien, Sheltra, Simpson, L. E.

Yes, 85; No, 49; Absent, 16.

The SPEAKER: Eighty-five having voted in the affirmative and forty-nine in the negative, with sixteen being absent, the motion does prevail.

The Chair recognizes the gentleman from Parsonsfield, Mr. Pratt.

Mr. PRATT: Mr. Speaker, having voted on the prevailing side, I ask for reconsideration and hope you will vote against me.

The SPEAKER: The gentleman from Parsonsfield, Mr. Pratt, moves that the House reconsider its action whereby this Bill was indefinitely postponed. All in favor of reconsideration will say yes; those opposed will say no.

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

Sent up for concurrence.

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

Bill "An Act to Clarify the Powers of the Cobbossee Watershed District and Providing Funds for the Acquisition of Dams" (S. P. 781) (L. D. 2237) (C. "A" S-326)

Tabled — January 31, by Mr. Ault of Wayne.

Pending — Passage to be engrossed.

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

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

Joint Order (H. P. 1934) Amending Joint Rule Number 1.

Tabled — January 31, by Mr. Martin of Eagle Lake.

Pending — Passage.

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

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

Bill "An Act to Specifically Include Sundays in the Seasonal Date Limitations for Hunting in Commercial Shooting Areas" (H. P. 1836) (L. D. 2327)

Tabled — January 31, by Mr. Good of Westfield.

Pending — His motion that the House recede and concur with the Senate which passed the Bill to be engrossed as Amended by Senate Amendment "A" (S-329) in non-concurrence. (A Roll Call Ordered)

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Westfield,

Mr. Good, that the House recede and concur with the Senate. All in favor of receding and concurring will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Berube, Binnette, Birt, Boudreau, Bragdon, Brawn, Briggs, Brown, Bustin, Carey, Carrier, Carter, Chick, Chonko, Churchill, Cooney, Cote, Cottrell, Cressey, Crommett, Curran, Davis, Deshaies, Drigotas, Dudley, Evans, Farrington, Faucher, Fecteau, Ferris, Finemore, Garsoe, Gauthier, Good, Goodwin, K.; Greenlaw, Hamblen, Hoffses, Huber, Immonen, Jackson, Jacques, Kelleher, Kelley, R. P.; Kilroy, Knight, LaPointe, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Maddox, Martin, Maxwell, McKernan, Mills, Morin, L.; Morin, V.; Morton, Murchison, Murray, Najarian, Norris, Palmer, Parks, Perkins, Peterson, Pontbriand, Pratt, Ricker, Rollins, Ross, Santoro, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Stillings, Strout, Susi, Tanguay, Theriault, Trask, Twitchell, Tyndale, Walker, Webber, Wheeler, Whitzell, Willard, Wood, M. E.

NAY — Baker, Berry, G.W.; Berry, P. P.; Bither, Bunker, Cameron, Conley, Donaghy, Dow, Dunn, Dyar, Emery, D. F.; Farley, Farnham, Genest, Hobbins, Hunter, Kauffman, Kelley, Keyte, Lawry, Lynch, MacLeod, Mahany, McCormick, McHenry, McMahon, McNally, McTeague, Merrill, Mulkern, Rolde, Sproul, Talbot, Tierney, White.

ABSENT — Connolly, Curtis, T. S., Jr.; Dam, Dunleavy, Flynn, Fraser, Gahagan, Goodwin, H.; Hancock, Haskell, Herrick, Jalbert, LaCharite, O'Brien, Sheltra, Trumbull.

Yes, 98; No, 36; Absent, 16.

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

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

Bill "An Act to Revise the Membership of the Land Use Regulation Commission" (H. P. 1748) (L. D. 2207)

Tabled — February 1, by Mr. Palmer of Nobleboro

Pending — Acceptance of the Committee Report ("Ought to pass" in New

Draft (H. P. 1937) (L. D. 2471) under same title.)

On motion of Mr. Palmer of Nobleboro, the Report was accepted.

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

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

Bill "An Act Providing Funds for Spruce Budworm Control and Surveys" (H. P. 1684) (L. D. 2077) (C. "A" H-650) Emergency

Tabled — February 1, by Mr. Simpson of Standish.

Pending — Passage to be enacted. (Roll Call Ordered)

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

The Chair laid before the House the following matter:

Resolution Proposing an Amendment to the Constitution to Permit the Federal Government, by Agreement, to Collect Maine Individual Income Taxes (H. P. 1856) (L. D. 2349) which was tabled earlier in the day and later today assigned, pending acceptance of either Report.

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

Mr. SUSI: Mr. Speaker, I move that we accept the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that the House accept the Majority "Ought not to pass" Report.

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

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 2349 was before the Taxation Committee in the regular 106th and did not reach the floor, and I would like to give you some of the arguments at this time for it. You might note that in the Statement of Fact that this Resolution implements recommendation number 7, Bureau of Taxation, Department of Finance and Administration of the Maine Management Cost Survey Report, providing for federal administration of the state income tax. Before legislation to accomplish this can be considered, the constitutional amendment proposed in this resolution must be adopted. This resolu-

tion is supported by the Governor in his message of January 10 to the special session of this legislature.

Title 2 of Public Law 92512, which is the general revenue sharing law passed in October, 1972, made this possible that on a voluntary basis the states could enter into an agreement with the Secretary of Treasury for the collection of individual income tax returns. I think if you refer to your Maine Management and Cost Survey Report, you will note that they talked about a savings of \$188,000, which I believe was the total income tax division, it being their belief that this could be used for all the income tax collections. This authority, under existing law, only takes care of personal income taxes.

If I may give you some of the reasons that I would like you to consider, number one, it would eliminate the duplication of effort by state and federal administrators. Number two, it would eliminate the duplication of record keeping by taxpayers. Number three, it would provide for faster collection of withheld income taxes because it would be piggy-backed on top of the federal and be paid in much faster, and they say they can get the cash back to the state within three to five days. Number four, it is freeing state courts from individual income tax controversy. If these were being administered by the federal government, all controversies would be handled in the federal court. Number five, save legislative time. The 106th had approximately ten bills dealing with the income tax. About five of those were trying to get our state income tax in step with the federal. The other five were trying to set up some various separate considerations for the Maine income tax. Every one of these that passes means that the taxpayers in the State of Maine must understand that change and they must keep records so that they can verify that in addition to all their records of federal return. Number six is the retirement credit. In line with these state laws compared with federal, right today in our State of Maine income tax, after four years of administration, there is no way to get retirement credit on your state income tax as you do on the federal. If you recall, where your figure is transferred from the federal to the state return, your federal income retirement benefit is

figured after that transfer. Therefore, it is not considered in our state return.

Number seven, save over a hundred thousand dollars annually. And I say a hundred and something over that, it really cannot be determined accurately because I don't think they know the exact amount of work that is devoted to corporate income taxes and personal. So the breakdown of the \$188,000 I believe is guesswork. But the estimate is at least over a hundred thousand. This would be for personnel, printing, postage, files and office space. And in line with this, ladies and gentlemen, L. D. 2290 that is now before us had its hearing in Appropriations Committee the other day, and for supplemental appropriations they are asking for an additional hundred thousand dollars for the Income Tax Division. This is going over and above the present budget, and I maintain it is just a sample of what will come if we leave this with the State of Maine to collect.

Number eight, it would save 350,000 individuals either the trouble or expense of filing state income tax returns. I see this as being the biggest plus in the entire bill, not only the postage that they have to pay back but just the trouble of doing this and the duplication of records.

I would say that at the regular session and our hearing the other day before the Taxation Committee, no one has ever appeared against this bill in either hearing. I can tell you that all four members of the Maine delegation in Washington in 1972, Senator Smith, Senator Muskie, Congressman Kyros and Congressman Hathaway were all in favor of this proposition. They thought it was one of the best parts of the entire revenue sharing bill. As a matter of fact, one of them made that comment in Washington.

For these reasons, I would urge you to vote against the majority report so that we could pass this and send it to the people for their determination. This is, as I see it, enabling legislation and it must go to the people in referendum so that they will have a chance to say whether they want this to be considered or not.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: Representative Sproul has spelled out to you some of the advantages as he sees them in the bill. I

won't argue each of them, but I think that there is one dominant consideration.

In order to implement this procedure, we would have to bring our state income tax in conformity with the federal income tax. Immediately this turns me off because I think there is so much wrong with the federal income tax as it is. What is more, we would have to keep it in conformity in order to administer the two together.

Our state income tax was designed to meet the fiscal needs of our state, and we have a few years experience now and to this date I think everyone has recognized that it was well designed for us and has excellent features in it. What I am driving at, I think you can sense, is that the considerations I am talking about are far more important than the administrative efficiencies that might be obtained by administering the two taxes together.

It is true that until now our state income tax is a small producer, it produces comparatively a small percentage of our total budget. But I don't think that we have to be too much of a seer to recognize that in a few years the state income tax is going to be a major producer and it should certainly reflect our needs peculiar to our state as we here determine them and not based on actions taken by oil lobbyists or whoever down in Washington so that we are tied into a situation that we have no control with.

So to put it briefly, I think that the most important consideration in this question is the necessity of our maintaining our independence to move on our state fiscal matters separate from our administrative considerations.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: First off, the gentleman from Augusta, Mr. Sproul, said it only took in personal income tax, which is true. We still have to maintain the Income Tax Department for corporation taxes. Then again, the most important thing that has been mentioned, it takes, I believe, five states or twenty percent — I may be wrong on those figures — of the states to do it, and we would be the first state. If we went in-

to it, we would be the very first state; no one else has been into this.

Also, to bring our tax in conformity with the federal tax, you would be losing \$250 on each dependent, because ours is \$1,000 and theirs is only \$750. All in all, after going over this and taking much time on it, I find this here at this time, especially at this time, maybe at a future time when four or five states have entered it and they need one or two to go along to make it up, maybe it would be time to consider it, but at this time I hope you will go along with the "ought not to pass" report.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I always like to explain my vote in committee, and that is what I am going to do now. I didn't want to reject this idea out of hand because it was a recommendation by the Maine Management Cost Survey Committee. I think it is a little premature. I did want Representative Sproul to explain what is perhaps in the offering.

At this point, however, the federal government has issued no regulations, so we wouldn't know exactly what we were going to do if we in the future wanted to get into this.

I can also agree that we have to be very careful about going along entirely with the federal government and its specifications of an income tax, because ours is tailored for us and is working very well. But I did want to have this brought to the attention of the House. And I will say again, I think it is a little premature, and I shall probably vote against it at this point.

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

Mr. SPROUL: Mr. Speaker and Members of the House: If I may go back over some of these points. First of all, as for this being premature, this legislation only authorizes the possibility that we study and consider this. It is a voluntary matter that would be entered into at a later date. This is an enabling proposition only.

The gentleman from Bridgewater, Mr. Finemore, mentions the fact that we want to keep the State of Maine tax design for our own purposes, this sort of

argument. I would submit to you that we are now doing everything under federal control, except for the individual exemptions. We are taking all of their guidelines and laws and we are transferring a figure after using all of their regulations onto our State of Maine income tax. And as to the individual exemptions, they are coming closer and closer with the federal increase all the time. They are not that far apart that it would make that much difference on any individual return, I don't believe.

Mr. Susi had some points here. We had so many speakers, if I can remember what he had. I should have been making some notes here on his points. I had them all in my mind until the other speakers came up. But he had it designed for Maine fiscal needs, for one thing. There would be no difference here, you would decide how much money you want from your income tax, and it doesn't matter whether you are applying the bracket here on your own return or whether you tell them what percentage of tax that you want collected. It is going to be the same thing, for the fiscal responsibility is going to depend on how much you spend, and then you decide how much you need to raise via the income tax to pay for that.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I know I didn't understand the last part of Mr. Sproul from Augusta's statement; I don't know what he meant. I'm sorry. Maybe I'm a little thick-headed, but the fact that our income tax is set on a certain percentage; therefore, if we are going to turn it over to the federal government, it is still going to be set on a certain percentage, not the amount of money we need each year. That is the way I believe he — maybe he didn't intend that — but that is the way I believe he was inferring. At the present time, we have an extra good State of Maine income tax. It is very simple for people to file. It is a very simple tax. And during the collection of that tax for a year, your estimated tax, it is very simple. It is one of the best. It is too bad to bother it at this time.

And as far as enabling legislation would be, it would seem almost too bad

to take an item like this, put it out to people and have a vote on it, go to all the expense with just to study it. It doesn't seem feasible at this time. And I hope you will go along with the motion, "ought not to pass."

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if I could pose a couple of questions, or maybe just one, to the members of the Taxation Committee.

The SPEAKER: The gentleman may pose his question.

Mr. MARTIN: On the second page of the particular L.D., L.D. 2349, it indicates that this particular resolution would implement recommendation seven of the Bureau of Taxation, Department of Finance Administration of the Maine Management Cost Survey Report. And I wonder if they would, if they can, tell us what the reasons were for the Maine Management Cost Survey Commission to include this in their recommendation as to why we should enact this at this time?

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

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

Mr. SUSI: My assumption would be that this is to gain administrative proficiency. I don't think there is any question it would do that. But then I think you put yourself into the posture of having your tax policy dictated by administrative expediency rather than the needs of the state. And I think that would be a great error.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: If my voice will come through to you clear, I would like to cite to you my own experience of two years ago on a federal income tax.

I have been in the habit of having it made out by a certified public accountant. I have been making this out for over 40 years with no problem. However, on this one here, on the retirement income credit, I was notified they had taken \$10 more out of the return money.

And the words were, "Somewhere along the line you have made an error on your retirement income credit." And going back over the files for the past 20 years it was identical. So I am thinking that if this is done by the federal government for the State of Maine income tax, and you had to go to a federal court to get an adjustment, how much money is it going to cost you to hire an attorney, a certified public accountant, file the written papers that go into the court and everything else?

I certainly am not going to vote for any such proposition as this and have the same thing foisted onto the people of Maine that was hung on me, and I couldn't do anything about it because it was too expensive.

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

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: I have been concerned by the point raised by the gentleman from Pittsfield, Mr. Susi, concerning the fact the enactment, or enactment by the people of this legislature of the bill before us, or, this Resolve before us, would result in actually taking our power to set the tax policy of the State of Maine and send it to Washington, D.C.

I would ask my good friend, the gentleman from Augusta, Mr. Sproul, if it is in fact the case that if this Resolve would become law in Maine we would be required to adjust our state income tax whenever the Federal Government saw fit to adjust its?

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

Mr. Sproul was granted permission to speak a third time.

Mr. SPROUL: Thank you, Mr. Speaker. In answer to the gentleman, Mr. McTeague from Brunswick, it is my understanding that it would require further action by the State of Maine before it would ever get involved with the federal government collecting the return. That is absolutely true.

One thing, they talk about postponing this, is the fact that because of our Constitution, and it does require this

amendment, if you make up your mind some day that you would like this, it would take one additional year to go through this step, at least, and maybe two, if we were not involved in a special session, before you could get it back to act. So you would be losing that much time.

I would submit to Mr. Mills that regardless of what we do here, he is going to have the same problem with his federal income tax no matter how we do this. He is still going to have to make out his federal income tax, and he picked the only item possible, the retirement credit, that there would be any difference between the two. Any other point or problem that he has he now has on his State of Maine tax, because he is bringing it down and transferring the figure from one to the other. So he is having that in both, and he could end up in both courts as a result of it today.

And one other point that Mr. Susi, the gentleman from Pittsfield had made was that you must have it exactly like the federal. Now, that is not true. The law provides four or five areas where they will make special requirements that you want from each state. The State of Maine could have something different from any other state, and they will still go along and put that on the form. There are four or five different areas where this is possible. So it would not mean one hundred per cent like the federal, but at least it would keep it uniform and almost consistent. The records would be together, and it would not require the duplication of records to back these up.

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

Mr. McMAHON: Mr. Speaker and Ladies and Gentlemen of the House: I wish to pose a question. I have heard it mentioned several times, and I am not really sure I understood any answer forthcoming. Would we be able to retain our \$1,000 exemption? This will be the federal government's \$750 exemption if the federal people collected our tax for us?

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

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

Mr. FINEMORE: As I understand this bill and from talking with Mr. Sproul himself, that is not true, because you would have to take your \$750, which it is at the present time, and I hope it is changed to \$850; if it is \$750 we would have to come down to \$750. We would also have to change our standard deductions, which would probably benefit a little. They have a little different standard deduction. At the present time, when you file an income tax with the federal government, you have to use the same method of deductions. If you itemize your deductions, you have to use it in State of Maine. If you use standard deductions you have to use standard deductions for the State of Maine. But those things would all be brought to one certain point. I guess I don't dare to go further because that answers the question.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank Representative Sproul of Augusta for informing me if I tried to follow up on my retirement income credit I would have to appear before two courts if this bill was in effect.

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi, that the House accept the Majority "Ought not to pass" Report on Resolution Proposing an Amendment to the Constitution to Permit the Federal Government, by Agreement, to Collect Maine Individual Income Taxes," House Paper 1856, L. D. 2349. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

85 having voted in the affirmative and 34 in the negative, the motion did prevail.

Sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Birt of East Millinocket,

Adjourned until ten-thirty o'clock tomorrow morning.