

MAINE STATE LEGISLATURE

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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

Wednesday, February 20, 1974

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

Prayer by the Rev. Doctor David Van Strien of South China:

Almighty God, Lord of all governments, Thou who art in control of all events, we look to Thee as we begin this day that we may be guided along the way. Save us from dealing with personalities when for principles our aim should not cease. Let not majorities absorb our thoughts when wise measures should determine our lot. Save us from making the party an end when parties should be a means to the end. May sincerity be our motive. May public welfare be our incentive. May our decisions be good in Thy sight. May the years to come prove them to be right. May we, Thy servants, for this not be blind that we serve Thee, God, as we serve mankind. Amen.

The journal of yesterday was read and approved.

Orders Out of Order

Mrs. Kilroy of Portland presented the following Order and moved its passage:

ORDERED, that Anne and Carolyn Hewes of Cape Elizabeth be appointed Honorary Pages for today.

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

Mr. Pratt of Parsonsfield presented the following Order and moved its passage:

ORDERED, that Jeffery Twitchell of Norway be appointed Honorary Page for today.

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

Mrs. Clark of Freeport presented the following Order and moved its passage:

ORDERED, that Lloyd Whitcomb, Abbie Whitcomb, Elaine Whitcomb, Rodney Capen and Ramona Ringrose of Freeport be appointed Honorary Pages for today.

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

Mr. Whitzell of Gardiner presented the following Order and moved its passage:

ORDERED, that Michelle Whitzell of Gardiner and Stephen P. Pia of Beverly, Massachusetts be appointed Honorary Pages for today.

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

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

ORDERED, that Michael Cyr and Herman Bansmer of Lewiston be appointed Honorary Pages for today.

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

Mr. Theriault of Rumford presented the following Order and moved its passage:

ORDERED, that Laurie Alphonse, Audrey Danforth, Patricia Bonsant and David Bustin, Jr. of Augusta be appointed Honorary Pages for today.

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

Mr. Martin of Eagle Lake presented the following Order and moved its passage:

ORDERED, that Beth, Lynne, Bariann Stafford of Augusta be appointed Honorary Pages for today.

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

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

ORDERED, that Cynthia and Robert Pierce of Kittery Point be appointed Honorary Pages for today.

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

Mr. LaCharite of Brunswick presented the following Order and moved its passage:

ORDERED, that Gregory Howard of Cundy's Harbor be appointed Honorary Page for today.

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

Mr. Shaw of Chelsea presented the following Order and moved its passage:

ORDERED, that Colin Carrie of

Randolph be appointed Honorary Page for today.

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

Mr. Kelleher of Bangor presented the following Order and moved its passage:

ORDERED, that John W. Cox and Thomas J. Cox of Bangor be appointed Honorary Pages for today.

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

The SPEAKER: The Chair sees in the rear of the Hall of the House Maine's 1974 Junior Miss. She is Pauline Cloutier, the daughter of Doctor and Mrs. Cloutier of Lewiston. She is accompanied by her official chaperone, Miss Sheila Cooper and also by her mother, Mrs. Cloutier, both of whom are seated in the gallery.

Would the Sergeant-at-Arms kindly escort Miss Cloutier to the rostrum.

At this point, Miss Cloutier was escorted to the rostrum by the Sergeant-at-Arms, amid the applause of the House.

Miss PAULINE CLOUTIER: Thank you. I am most grateful to be here today. With a sense of pride I will represent the State of Maine in the National Pageant in Mobile, Alabama in May, and I will try my best to be deserving of this title, Maine's Junior Miss. Thank you.

Thereupon, Miss Cloutier was escorted from the Hall by the Sergeant-at-Arms amid the applause of the House, the members rising.

Papers from the Senate Reports of Committees Leave to Withdraw

Covered by Other Legislation

Committee on State Government on Bill "An Act Relating to Definition of Resident under Personnel Laws" (S. P. 733) (L. D. 2145) reporting Leave to Withdraw as covered by other legislation.

Same Committee reporting same on Bill "An Act Relating to Eligibility for Employment in the State's Classified Service" (S. P. 734) (L. D. 2146)

Came from the Senate with the Reports read and accepted.

In the House, the Reports were read and accepted in concurrence.

On motion of Mr., Simpson of Standish, the following Bill on its passage to be enacted was taken up out of order by unanimous consent:

Passed to Be Enacted Emergency Measure

An Act Authorizing the Secretary of State to Extend Expiration Date of all Motor Vehicle Registrations under Emergency Conditions (S. P. 906) (L. D. 2507)

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. 120 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.

By unanimous consent, ordered sent forthwith.

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Making Current Service Appropriations from the General Fund for the Fiscal Year Ending June 30, 1975" (S. P. 800) (L. D. 2289) reporting "Ought to pass" in New Draft (S. P. 905) (L. D. 2508) under new title "An Act Making Current Service Appropriations from the General Fund and Allocating Money from the Federal Revenue Sharing Fund for the Fiscal Year Ending June 30, 1975."

Report was signed by the following members:

Messrs. SEWALL of Penobscot
MORRELL of Cumberland
CONLEY of Cumberland
— of the Senate.

Messrs. HASKELL of Houlton
NORRIS of Brewer
BRAGDON of Perham
JALBERT of Lewiston
CARTER of Winslow
SMITH of Dover-Foxcroft
— of the House.

Minority Report of same Committee on same Bill reporting "Ought not to pass"

Report was signed by the following member:

Mr. SPROUL of Augusta
— of the House.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed.

In the House: Reports were read.

On motion of Mr. Haskell of Houlton, the Majority "Ought to pass" Report was accepted in concurrence.

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

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act to Require District Attorneys to Prosecute all Criminal Cases before the District Courts" (S. P. 711) (L. D. 2123) reporting "Ought not to pass"

Report was signed by the following members:

Mr. TANOUS of Penobscot
— of the Senate.
Mrs. BAKER of Orrington
WHEELER of Portland
KILROY of Portland
WHITE of Guilford
Messrs. McKERNAN of Bangor
PERKINS of South Portland
DUNLEAVY of Presque Isle
CARRIER of Westbrook
GAUTHIER of Sanford
— of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" (S-351)

Report was signed by the following member:

Mr. SPEERS of Kennebec
— of the Senate.

Came from the Senate with the Minority Report accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-351).

In the House: Reports were read.

On motion of Mr. McKernan of Bangor, the Majority "Ought not to pass" Report was accepted in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Bill "An Act to Clarify the Power of the Commissioner of Maine Department of Transportation and the Chief of the Maine State Police to Lower Speed Limits in Order to Provide Energy Conservation" (H. P. 1857) (L. D. 2350) Emergency which was passed to be

engrossed as amended by House Amendment "A" (H-690) on February 15. Came from the Senate with that body voting to adhere to its action whereby the Bill was passed to be engrossed.

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

Messages and Documents

The following Communication:

State of Maine

One Hundred and Sixth Legislature
Committee on State Government

Feb. 19, 1974

The Honorable E. Louise Lincoln

Clerk of the House

State House

Augusta, Maine

Dear Madam:

I have been requested by the Maine Chiefs of Police Association to transmit to the Legislature three resolutions passed by the Association at its winter meeting held in Waterville on February 15 and 16. I enclose the resolutions herewith.

Sincerely,

(Signed)

JERROLD B. SPEERS

Senator

The communication was read and with accompanying papers ordered placed on file.

House Reports of Committees

Ought to pass with

Committee Amendment

Mr. Huber from Committee on Natural Resources on Bill "An Act Relating to Fees Administered by the Department of Environmental Protection" (H. P. 1862) (L. D. 2356) reporting "Ought to pass" as amended by Committee Amendment "A".

Report was read and accepted and the Bill read once. Committee Amendment "A" (H-697) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Ought to Pass in New Draft New Draft Printed

Mr. Herrick from Committee on Natural Resources on Bill "An Act to Establish a State Register of Critical Areas" (H. P. 1817) (L. D. 2311) reporting "Ought to pass" in New Draft

(H. P. 1977) (L. D. 2518) under new title "An Act Establishing a State Register Critical Areas"

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

Divided Report

Majority Report of the Committee on Education on Bill "An Act Providing Aid for Ricker College" (H. P. 1833) (L. D. 2324) reporting "Ought not to pass"

Report was signed by the following members:

Messrs. KATZ of Kennebec
OLFENE of Androscoggin
MINKOWSKY of Androscoggin
— of the Senate.
Mrs. LEWIS of Auburn
Messrs. AULT of Wayne
LEBLANC of Van Buren
LAWRY of Fairfield
MURRAY of Bangor
LACHARITE of Brunswick
LYNCH of Livermore Falls
TYNDALE of Kennebunkport
— of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" (H-696)

Report was signed by the following members:

Messrs. BITHER of Houlton
FERRIS of Waterville
— of the House.

Reports were read.

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

Mr. HASKELL: Mr. Speaker, I move the acceptance of the Minority "Ought to pass" Report and would also ask for a roll call and would speak briefly to my motion.

The SPEAKER: The gentleman from Houlton, Mr. Haskell, moves the acceptance of the Minority "Ought to pass" Report and requests a roll call.

The gentleman may proceed.

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: I sponsored this bill. I have also sponsored a bill that would deal in a comprehensive fashion with the very pressing problem of the private college sector in the State of Maine. I indicated to the committee when I submitted this bill that this was a

back-up bill which I would like to have available in the event the committee was not able to come up with a comprehensive bill that would attack constructively the problems of the private colleges in the state.

I disagree with the mechanics of having this bill. This has been put out with a majority "ought not to pass" report, and I feel very strongly that this bill should be kept alive by passage through this House and through the Senate and put it on the Appropriations Table in the event we are not able to come up with a comprehensive solution to the problem.

This represents a last-ditch effort to rescue a single institution in the event we do not come up with a comprehensive solution. But it becomes absolutely vital to this particular institution in the event we get down to the last days of the session and we have failed to achieve a comprehensive bill. So I very earnestly hope that you will support my motion because this has tremendously important implications not only for this single college but for every private institution in the State of Maine. For this very simple reason, a great many of these institutions have extended their credit and their ability to borrow from financial institutions to the very limit, and I am sure that the attention of a great many banking institutions is focused on this bill today. If the legislature indicates they are willing to see our private colleges in the State of Maine closed one by one, then I think that the problems are going to be accelerated. I am sure that additional institutions are going to find it extremely difficult to borrow working capital and all of the private institutions in the state are going to be very adversely affected.

I do want to make it very clear that this is an ace-in-the-hole legislation. This is legislation that we should have available on the last days of this session in the event that the Education Committee is not able to come up with a comprehensive bill to attack the problem that can receive passage here and in the Senate. This would then become absolutely necessary for this particular institution.

We have had the situation this winter where the University of Maine indicated

that they felt that in the very near future they are going to have to ask for bonding to increase the capacity of the university. We have a situation currently where there are 1,800 vacant places in the private colleges of the State of Maine. It is my view now, and it has been my view for the six years that I have been in this House, that the constructive utilization of the private college capacity of the State of Maine is a much less expensive alternative than a continual construction of additional capacity at the university.

Enough of the members of this body have agreed with me in the past so that we have on the books now the beginning of a solution to this problem in the student tuition equalization grant. This now is nowhere near up to the level it should be to solve the problem, but it is started in that direction.

I hope that I made one fact crystal clear to you. This legislation is last-inch legislation in the event the Education Committee is not able to come up with a constructive bill dealing with the problem. I fervently hope that you will support my motion, that you will give this passage, put it through to the Appropriations Table in the event that other legislative attempts fail.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: It is with a great deal of reluctance that I make this motion which I am going to make in a minute. However, I feel that I would be remiss in my duties trying to serve the best interest of the people of Maine not to do so.

I move for the indefinite postponement of this bill and all its accompanying papers and will speak to my motion.

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

The gentleman may proceed.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: To pass this bill would be setting a dangerous precedent. There is no person more familiar with the problems of the private colleges than I am. I was the director of St. Francis College in Biddeford, Maine,

for a number of years. I started with the college. We have struggled through to the present date trying to keep the institution alive and expand, which we are doing under very stringent circumstances. But to bring in a bill of this nature would open up a Pandora's Box for every institution of its kind to come to you for assistance. If not this year, then next year and the next year and the next year. And with all our obligations to the public colleges, it seems to me that it would be quite a burden to take on the support of the private college today.

On the document that my distinguished colleague, Mr. Haskell, has made that to move this to the Appropriations Table is one of the oldest political cliches ever used. I don't accuse him of using it, but it just merely sounds that way, because when you get to the last night and these bills are coming up for attention, he being House Chairman of the Committee on Appropriations, naturally I would expect him to fight to the last for his bill; I would do likewise. When I was majority floor leader I used it on a number of occasions and succeeded at the last minute in getting some of them passed with the help of my colleagues.

The procedure is wrong. I don't argue the necessity. I can understand why the people want to keep Ricker College alive, but this is not the proper solution. Yes, we ought to finance student aid, and I believe in helping every student in the State of Maine to get an education, whether it be a private college or a public college, but we are not making a last ditch for all the private colleges because Bates does not approve of this bill and I certainly hope that Colby or Bowdoin would want to be classified in that direction. It is a bill for Ricker College. Let's fight it. And I don't blame the boys from Aroostook for fighting for it with all their hearts.

Back in 1965 I can remember no less a distinguished person than E. Perrin Edmunds coming to me in a special session and saying, "Monty, we need this; we need this; we need this." There was a little hospital up there in Fort Fairfield, the Fairfield Sanitarium, and I went along with the bill. There were other things involved and we passed it, a

quarter of a million dollars. Four years later, we sold that hospital, the state did, for one dollar.

Gentlemen, I am not proceeding against the Aroostook delegation on this, I can understand their position, nor my friend Mr. Floyd Haskell, who I know has the private college at heart; I do too. But to pass this legislation would be a very dangerous precedent.

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

Mr. FERRIS: Mr. Speaker, Ladies and Gentlemen of the House: As a charter non-member of the Aroostook delegation, I would like to stand in defense of this bill, stand in defense of my signature on the minority report. I have no illusions about a minority of two, but I think probably this bill, the minority report on this bill is probably one of the more important ones to come before this House, not only for a particular bill but for a philosophy. The philosophy is, what are we going to do about higher education in the State of Maine?

What we have done in the past is have commissions, studies, study committees, and those commissions and study committees have achieved nothing. Private higher education institutions in Maine — and I speak for 18 private higher education institutions in this state — are in bad shape. Some of these are relatively in better shape than others, but as a whole, the private institutions in this state are going to run a deficit of \$1,200,000 this year. One of the chief reasons for that, the big reason is that they are in competition with the State of Maine itself. Public higher education in the State of Maine is proliferating. Tuition costs are minimal compared to the tuition costs that private education at Colby, Bowdoin, Bates, Thomas, Husson and thirteen others have to maintain to keep their doors open as a public service and as an industry in the State of Maine. What other industry in this state has the competition of the state? There is none. This is a unique situation and there is no dangerous precedent involved here. When we come up with a new crisis, are we just going to refuse to do something

about the crisis because there is probably a precedent established?

There is a crisis that we are involved with in the State of Maine right now and the rest of the country which I hope does not overshadow the crisis of higher education. I would like to give you a few statistics. In the State of Maine, 18 institutions of higher education have 6,026 out-of-state students in those schools with 2,934 Maine residents attending. The University of Maine, on the other hand, has 16,861 in-state students and only 2,431 out-of-state students. The tuition differential between the University of Maine system and the private institutions of higher learning in the state absolutely put a burden on these institutions which has caused this crisis. The only way out of it is to declare ourselves at this time with this bill. This is a loan; this is not a slush fund. It is not an Aroostook County pork barrel bill. In fact, I voted against one of those myself a couple of weeks ago.

I represent Thomas College and Colby College, and their situations are somewhat different than Ricker College, but I know the bite they are feeling. And any of you who represent any of these 18 institutions of higher education in this state, the private ones, ought to look at this bill very closely for its impact on the state. I hope you will support it, because without this bill, we are going to establish a precedent of not facing up to a disaster in this state.

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

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that what is a public institution for education is just that, a public institution, and deserves and warrants public funds. What is a private institution for education it seems to me is just that, a private institution for education and should be funded by private funds.

I rise this morning to support the indefinite postponement motion, and I feel that unless you members are willing to support the needs of every private educational institution that gets itself into such dire circumstances as have been declared for this one, then you

should not support this bill and you should support indefinite postponement.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: There is no doubt but the private institutions are in difficulty. An attempt was made to assist them through student aid programs. It hasn't worked.

I think you have to recognize that you not only must consider this bill, but you must consider other costs of education in the State of Maine. There was a drastic change in the school subsidy bill. Is this the beginning of a dual system of higher education, one on the public sector in the University of Maine, another in the private sector to be funded wholly or in part by public funds? Where does this end?

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

Mr. DUDLEY: Mr. Speaker, Members of the House: At this time I do not support indefinite postponement of this bill, and I hope I am recognized as one of the conservative members of this House. I don't see this as a gift; I see it as a loan. I know these people will pay, and I know this will work out. I also am concerned about the children going there. I have a great concern that if this school closes, where will we put these children? They are entitled to an education from some source. They belong to the State of Maine, pupils, and they belong in the State of Maine, and we certainly don't have room for this great a number in some other college.

Now as for a precedent, I am not afraid of setting a precedent. I see precedents here every day, and I don't believe this establishes one. If it does, it is a good one. If it saves one of the better schools in this state, I am all for it.

I see money wasted here on many occasions that I consider wasting, and I can't do anything about it. I vote against. I hate to see the taxpayers' money wasted. I would be opposed to it. This I don't see as a waste of the taxpayers' money. I think it is a chance to improve education in Maine in a much better manner than we are doing in the University of Maine. I live near the

University of Maine, and I see millions thrown away, in my opinion, and I see this college run on what I call a bruted manner. I know this is not a chance to hook money out of the State of Maine, it is a chance to borrow money, and we should endorse them. We should try to keep them going. We need them. I hope this House will see fit this morning not to indefinitely postpone this bill and not be afraid of a precedent, because this is something that is just a gimmick to try to kill a piece of legislation.

I would like to have this go to the Appropriations Table and be dealt with with some of the other things. I know it is much more worthy than some of the things that we have already passed. I do hope that you will listen to my cry because I am certainly not one that would spend money unprudently.

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

Mr. BITHER: Mr. Speaker, Ladies and Gentlemen of the House: I apologize to the other gentleman from Houlton for getting such a poor report out of the committee. I mean poor as far as members are concerned, but I apparently wasn't very eloquent because I didn't convince anyone very much that they should sign the minority report with Mr. Ferris and me. So I do apologize for that.

But I will tell you, it has been a tough fight. It was a tough fight right along because our chairman, the good Senator from Kennebec, who is chairman of the Joint Committee on Education, said in the Sunday Telegram the 17th, last Sunday, and I quote: "Katz says he is not so much interested in saving the private colleges." He is not so much interested in saving the private colleges as in giving Maine youngsters a crack at some kind of post-secondary education. Exactly what he means, I don't know. Exactly what that says, I don't know. But he does oppose this bill because he signed the other report.

I think we have laws on the books now that would help the private colleges, and sometime I wish you would turn to the laws and read under Title 20, Chapter 122, an act that has been on the books since 1953 which allows the University system to contract with another school. I know when that was brought out in our

committee it was some sort of a shock. I suggested that that could be done to great advantage to help the private colleges. But the answer there was, this was in opposition to the thrust of higher education in Maine — opposition to the thrust of higher education in Maine. Just exactly what that means, I don't know — probably just words.

The gentleman from Kennebunk, Mr. Tyndale, says that we would be setting a dangerous precedent. I don't know but what we have done this before. I think the Sinclair Act was a dangerous precedent. I think 1994 was a dangerous precedent. I think we could go on and on and on with other dangerous precedents we have set.

Maybe I should not be talking about private colleges at all. Maybe I haven't got the experience to talk about private colleges. I would like to tell you very briefly, not too briefly, either, but I would like to tell you about Ricker College. Ricker was established in 1848 as Houlton Academy. It was the first and only institution in that great North Country, the first and only institution for many many years. It was later changed to Ricker Classical Institute, and I graduated from there in 1922. So you might say from 1918 on, I was associated with Ricker. I came back to teach in 1926 and have been there ever since until I came to the legislature in 1970. I think I have had some experience in private colleges. I think I have had some experience in education. I have never had another job in my life except teaching, and I never have taught in any institution except Ricker. That is quite a statement, but I can hear some people say now, "Well, you have got in an awful rut." That is right, but it was a darn comfortable rut and I was very very happy and I would do it over again.

I am probably one of the few remaining survivors that started the Junior College in 1926, because I was there at the beginning. Later on — we had one year. We had it two years, then we added four years. So onemight say I have a slight interest in this bill and in this school. All we are asking is that you loan — and we have reduced it to one year, two payments, and at the end of that time we hope Ricker can do something to get a little more on its feet.

They are starting an austerity program. They are cutting out all frills and fancies, maybe dangerously so. I don't know, but they are trying to do the best they can. I ask your support for this bill. I do urge that you vote against the indefinite postponement of this bill.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to support the Minority Report on this bill. I think we have to go back 20 or 25 years or so. The demands for education were put on by society itself. Colleges expanded, spent money to expand, now our priorities have changed and a lot of these colleges are out on a limb.

Vocational training, we made our priorities in that area there. I believe, though, in the coming years our priorities are going to go back to the colleges like Ricker College and some of these other schools.

I am a little dismayed at the gentleman from Kennebunkport. He was the gentleman last year who was in support of an amendment to this House that made Southern York County Community College a reality. A lot of my constituents back home, Vietnam veterans, have taken advantage of this program, monies to the State of Maine that this legislature appropriated. I hope we will do the same in this case here. In the future we may need this school. Let's not let it go down the drain now.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I am not a member of the Aroostook Club; I applied and they wouldn't have me. But I am in support of this bill and against the indefinite postponement of the bill.

This isn't an Aroostook problem; it is a statewide problem. Ricker College is just one of several colleges that are going to go under very soon unless we face up to this issue that we have talked about dozens of times and always swept under the rug and have not dealt with.

I am not sure that the bill that we have before us is the exact answer that we want, but I do feel strongly that we have to face this issue and deal with it. I think

that an awful lot is at stake. To give us some idea of the scope of the problem that is involved here, it has been mentioned that there are about 1,800 spaces open in private colleges in Maine right now that Maine students could be going to. Now, it costs us about \$10,000 a space to make a space in the University system for a student. So we have unused capacity worth about \$18 million that we aren't using, while we are talking right in this session of a \$9 million bond issue, which will presumably build 900 more spaces in the university system and hasten the demise of these schools that have long been with us.

To bring it into perspective somewhat, this bill is \$160,000 to help one of our major private schools in this state survive. And again, I am not making a pitch particularly for Ricker, but I think we have to take the whole situation. So, \$160,000, and that equals what it would cost us to place 16 kids in the University system at \$10,000 a kid. So we are not talking in University terms. University talks about millions for this and millions for that. These private schools have got to have peanuts right now, but they got to have it in order to survive.

These physical facilities with their staff are available for the purpose of meeting the educational needs of the State of Maine right now if we will only allow them to survive, to help them get over this hump until whatever arrangements are made to make possible their continuance.

Personally, I feel it would be a sad day for the State of Maine if we stand by and allow the private schools of Maine to go down the drain, so that practically speaking, the young person in Maine, if he wants to go on to post-secondary education, has only the University system to go to.

Now, I am a University graduate myself and I am thankful for every moment I had up there. It is a great school, and I am proud of it. But I think that we need more than just one set of ideas in post-secondary education in this state and in the nation. This is also a national problem. So I hope that you give support to this bill and vote against indefinite postponement, and begin here today to work on what is a very serious problem in our state and in our nation.

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

Mr. WILLARD: Mr. Speaker and Ladies and Gentlemen of the House: My wife and I put seven children through college at quite a lot of sacrifice. I am for education. But I am wondering if this isn't the survival of the fittest? In other words, have we got more colleges than we need? Now that is just a thought. I am still for education, but if we have more than we need, maybe this is weeding out some of the ones that should be weeded out.

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

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: I take exception to this collective term that all of the private schools in the State of Maine are in trouble, because I disagree. I know Bates isn't. I understand that Bowdoin has the largest endowment fund of any private school in the State of Maine. I do not believe that Colby, Bates and Bowdoin are in trouble.

I know for a fact that Bates just increased their tuition by \$400 a year. They have twice as many applications as they have openings in the school. They are not in trouble.

I support Mr. Tyndale's motion for indefinite postponement. I would like to point out to you that we guaranteed some loans previously in Aroostook County and the state is now the proud owner of a sugarbeet refinery. I would like to know what the collateral is on this loan if Ricker continues to go under?

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: To answer a couple points that have been made here. First, Representative Briggs indicated that this problem would probably go away by; we are getting unduly excited about it. I would like to point out to him that other states in the United States have gone so much further in the direction of trying to preserve the private colleges in their states that there is absolutely no comparison at all. In some states there are as many as seven or eight pieces of legislation all designed to preserve the private college sector.

The State of Maine probably is doing

less in this field than any state in the nation. Other states have recognized the tremendous importance of the private sector. They have moved constructively to meet these problems. And we are sitting here, and have sat here, hoping that somehow or other this problem will go away. It hasn't gone away. It is here now. The time to deal constructively with it is now. The hour is late, and we have to address ourselves to it.

Now, somebody just suggested that probably the thing that was going on was the survival of the fittest. We will never know whether the fittest is surviving or not, because when you have an institution that has to compete on a basis of charging the full cost, versus the subsidized charge at the University of Maine, we shall never know which is the fittest institution.

None of the private colleges are unwilling to compete on an equal basis. But they can no longer compete on the basis of competing against the subsidized charges of the University.

The fact of the matter is that the particular issue that we are dealing with here right now, as the Speaker indicated a minute or two ago, may very well be a landmark piece of legislation. There is a precedent being set here, and it is a constructive precedent. It is a good precedent. It is something that has been long delayed. It is something that we are way late in getting to. It may be that our help is going to be too late for some institutions, but we do have an opportunity now for a constructive move.

I ask for a roll call. And after listening to the debate that has gone on this morning, I think that anybody should consider very seriously if they want to be registered in opposition to this bill and thereby indicate that in their judgment the private college sector of the State of Maine is not worth preserving. I think it is worth preserving. I think that diversity in higher education is one of the greatest assets we have. I think it would be extremely shortsighted to lose it. We do have an opportunity here now to register the legislative attitude on this, and I fervently hope that it is constructive.

The SPEAKER: The Chair recognizes

the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Speaking as an individual member representing an area in Aroostook County, I want to make a few points which the gentleman from Houlton has made and rebut to some degree so that my own views will be heard and may be understood by the good people of Houlton, many of whom are friends and relatives of mine.

I have always been and intend to be a proponent of private education. But I do not believe that this bill is the vehicle through which to do it. I do not believe it is proper for the state to pay loans or to repay loans due by the institution to any bank or facility. If we are going to assist private education, which I think we might be willing to do, we ought to do it through a scholarship program or an aid program for Maine students of the institutions so those people who desire help and are truly Maine citizens will get it. Otherwise than that, we are using an approach of making an attempt to help all students, regardless of where they are from.

Our main purpose is to help Maine people, and we can do that by allocating funds to scholarship programs and loan programs for any Maine student who desires to attend a private college. I stand here as one of those who wanted to attend a private college but could not in this state because of the financial resources that I had. I chose, instead, to go to the University of Maine system. If I had had the loans and scholarships available in the private sector, I would have gone there most probably.

I maintain that this is the approach that we ought to be trying to solve the problem, but simply to make a gift or to make a loan to a private college with no possibilities of returning its monies or its interest to the State of Maine, this to me is a bad deal. So I guess at this point in time, until the other bill comes along, I am going to vote for indefinite postponement of this bill.

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

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: Inasmuch

as my name has been mentioned again, I must make it abundantly clear how terribly difficult it is for me to rise in support of indefinite postponement and against this bill, because I realize fully the difficult role that the gentleman from Houlton, Mr. Haskell, finds himself in in this situation. If, as he said, I said that the problem would go away, I must correct that, because this is exactly the concern I have that the problem will not go away and that this state cannot afford to in this manner support private education institutions however idealistic and hopeful it might seem. And the mere fact that there are many rooms or many spaces available in certain of these private schools is no assurance whatsoever to this legislature that persons seeking higher education would accept these positions in these vacant spaces in private institutions. They may still elect, for various other perfectly worthy reasons, to accept a position for higher education in the university system rather than in these private schools.

While I am very reluctant to take this position, and I certainly want to make that abundantly clear, Mr. Speaker and members of the House, I must in good conscience support the motion to indefinitely postpone.

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

Mr. LYNCH: Mr. Speaker and Members of the House: We are talking about more than private college, and I don't believe a vote for indefinite postponement means that I am opposed to private colleges per se. I think we ought to go into this thing with our eyes open, knowing full well that if we embark upon this program it will not be restricted to Ricker College but may expand to other colleges in the State of Maine.

I think there may be a solution for the problem of some of the smaller colleges. It has been difficult for students of middle income families to participate in the guaranteed student loan program. And the Office of Education on the national level is undertaking a change that will uncouple some of these requirements and make money

available for student loans on a different basis.

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 Kennebunkport, Mr. Tyndale, that Bill "An Act Providing Aid for Ricker College," House Paper 1833, L. D. 2324, and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Berry, P. P.; Berube, Boudreau, Brawn, Briggs, Bustin, Carey, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cote, Crommett, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dunleavy, Dunn, Faucher, Fecteau, Ferris, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hoffses, Hunter, Immonen, Jackson, Jacques, Kauffman, Knight, LaCharite, Lawry, Lewis, E.; Lewis, J.; Lynch, Maddox, Martin, Maxwell, McHenry, McMahon, McNally, McTeague, Merrill, Mills, Mulkern, Murray, Najarian, O'Brien, Palmer, Perkins, Peterson, Pontbriand, Ricker, Rolde, Shaw, Sheltra, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Sproul, Stillings, Tanguay, Theriault, Tierney, Tyndale, Webber, Wheeler, Willard, The Speaker.

NAY — Baker, Binnette, Birt, Bither, Bragdon, Brown, Bunker, Cameron, Carrier, Cottrell, Cressey, Curran, Dudley, Dyar, Emery, D. F.; Evans, Farley, Farnham, Farrington, Finemore, Flynn, Fraser, Gahagan, Garsoe, Good, Hancock, Haskell, Hobbins, Huber, Jalbert, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, LeBlanc, Littlefield, MacLeod, Mahany, McCormick, McKernan, Morin, L.; Morin, V.; Morton, Murchison, Norris, Parks, Pratt, Ross, Santoro, Silverman,

Soulas, Strout, Susi, Twitchell, Walker, White, Wood, M. E.

ABSENT — Berry, G. W.; Cooney, Gauthier, Herrick, LaPointe, Rollins, Talbot, Trask, Trumbull, Whitzell.

Yes, 83; No, 58; Absent, 10.

The SPEAKER: Eighty-three having voted in the affirmative and fifty-eight in the negative, with ten being absent, the motion does prevail.

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

Mr. AULT: Mr. Speaker, having voted on the prevailing side, I move reconsideration of indefinite postponement and hope you vote against me.

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

Mr. DUDLEY: Mr. Speaker, I would have this motion tabled.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Enfield, Mr. Dudley, that this matter be tabled pending the motion of Mr. Ault of Wayne to reconsider and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

53 having voted in the affirmative and 83 having voted in the negative, the motion did not prevail.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentleman of the House: I think it is apparent that during the course of the debate we lost sight of one aspect of this. I indicated early that this piece of legislation was last-ditch legislation that would not be necessary if the Education Committee was able to come out with a constructive bill.

I put a bill into the committee. The bill has been there for a matter of weeks. I have no indication what is going to happen to the bill. I have heard rumors to the effect that the Senate chairman is going to offer a bill of his own which would seem to solve the problem in an alternative way. I haven't seen this bill. I disagree with the technique of bringing this bill out on the floor and killing it off at this stage of the game because I feel

there is extreme urgency in this session to meet this problem.

I indicated if the committee comes out with a constructive bill, this piece of legislation is not going to be necessary. I am not arguing for the merits of this bill. In the absence of another bill, this bill becomes absolutely vital. This is what I am arguing for, and this is the thrust of the arguments that were made here this morning. I ask you again, sincerely, if you will support the bill, let this bill go through to the Appropriations Table and be available if in the last days of this session the Education Committee still has been unable to come up with constructive legislation.

I haven't seen the legislation that they propose. I don't know the thrust of it. I don't know the details of it. I have some serious questions in my own mind whether they are going to be able to meet the problem. And if that is the case, I am telling you here that it is going to be absolutely vital that we have this piece of legislation. So I hope again that you will reconsider this piece of legislation and let it go the course that I have outlined.

The SPEAKER: The pending question is on the motion of the gentleman from Wayne, Mr. Ault, that the House reconsider its action whereby this Bill was indefinitely postponed. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Santoro of Portland 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 Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: Once more I would like to make a plea that you do reconsider. I think we are headed in the wrong direction. I have grandchildren

soon going to school, and I want them to have more than one choice. I live so near the University of Maine, I almost dread them going there if it continues in the method in which they have been going and the direction they have been going in the last few years. I hope that your children and your grandchildren in years to come do have a choice to go to a school rather than the University of Maine. If the present trend keeps going in the direction that it is headed, in a matter of just a short time, the children of this state are going to have no choice but to go to the University of Maine. I think that is a sad day, and I hope you will reconsider.

As we have said before we are not giving them anything. We are trying to salvage this. If it lays on the table it might not even become law. There may be other alternatives. But please let them have the chance to put this on the Appropriations Table and don't force yourself in a position at a later date where your children are going to be forced to go to an institution that might not be of your liking, and this is the direction in which we are headed this morning.

I hope that you will reconsider this and you will eventually let this be on the Appropriations Table and carry on from there. There may be some better solution, I hope there is, but I don't come from Aroostook County, I don't belong to the club, I come from Penobscot County and it is quite a long ways from Aroostook. But I know this is a lovely school; I hate to see it falter, as well as some other lovely private schools in the state, I hate to see them falter.

For the very reason that I have already given you, I hope that your grandchildren will never be forced to go to one institution in the State of Maine that teaches some of the subjects that they teach there today and some of the things that go on there. I live near enough so that I don't want my grandchildren exposed to this type of thing, and I hope yours won't have to be. I hope we can save the private schools in the State of Maine, and if this will help I hope and plead with you this morning to reconsider this bill and put it on the Appropriations Table and let's talk

about it a little more. It won't do a mite of harm.

The SPEAKER: The pending question is on the motion of the gentleman from Wayne, Mr. Ault, that the House reconsider its action where we indefinitely postponed Bill "An Act Providing Aid for Ricker College," House Paper 1833, L. D. 2324. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Baker, Binnette Bither, Bragdon, Brawn, Brown Cameron, Carrier, Chonko, Connolly Cottrell, Cressey, Curran, Dam Deshaies, Drigotas, Dudley, Dyar Emery, D. F.; Farley, Farnham Farrington, Ferris, Finmore, Flynn Fraser, Gahagan, Garsoe, Good Goodwin, K.; Hancock, Haskell Hobbins, Huber, Jalbert, Kauffman Kelleher, Kelley, Kelley, R. P.; Keyte Kilroy, LaPointe, LeBlanc, Littlefield MacLeod, Mahany McCormick McKernan, Morin, L.; Morin, V. Morton, Mulkern, Murchison, Najarian Norris, Parks, Pontbriand, Pratt Santoro, Silverman, Soulas, Strout, Susi Tierney, Twitchell, Walker, White Whitzell, Wood, M. E.

NAY — Ault, Berry, P. P.; Berube Birt, Boudreau, Briggs, Bustin, Carey Carter, Chick, Churchill, Clark, Conley Cooney, Crommett, Curtis, T. S., Jr.; Davis, Donaghy, Dow, Dunleavy, Dunn Faucher, Fecteau, Genest, Goodwin, H. Greenlaw, Hamblen, Hoffses, Hunter Immonen, Jackson, Knight, LaCharite Lawry, Lewis, E.; Lewis, J.; Lynch Maddox, Martin, Maxwell, McHenry McMahon, McNally, McTeague, Merrill Mills, Murray, O'Brien, Palmer Perkins, Peterson, Rolde, Shaw Sheltra, Shute, Simpson, L. E.; Smith D. M.; Smith, S.; Snowe, Sproul, Stillings, Theriault, Tyndale, Webber, Wheeler, Willard, The Speaker.

ABSENT — Berry, G. W.; Bunker, Cote, Evans, Gauthier, Herrick, Jacques Ricker, Rollins, Ross, Talbot, Tanguay, Trask, Trumbull.

Yes, 70; No, 67; Absent, 14.

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

The pending question now is the indefinite postponement of this Bill.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: There have been two or three statements made which I would like to correct at this time. One statement made by my distinguished colleague, Mr. Haskell, in which he stated that this is your chance to say whether you are for the private college or against the private college.

I would like to state now that for ten years I have served private education both as a member of the Board of Directors, and in other capacities. All through my career in the House I have also supported every move to help private colleges in the State of Maine. I am not, per se, against helping private colleges, but I would like to have you consider what this would mean. If we make this loan in whatever way you may consider it to Ricker College, you are opening up the opportunity to every private college in the State of Maine to do likewise, and I assume that they will do so.

My judgment of this bill was made after serious thought, much soulful conscious thinking, because of the fact of my association with private colleges. This is why I said about the precedent. Nothing is a dangerous precedent, but the precedent of making a loan to a private college at this time would open up a Pandora's Box for every private college in the State of Maine to do likewise. A couple of the private colleges themselves have stated they are not for this bill.

I urge you, this does not mean that every boy or girl in the State of Maine will have to go to the University of Maine. I am sure that long after this matter is forgotten Colby, Bowdoin, Bates and all the rest of the private colleges, including my own college, St. Francis, will be in existence, I assure you. Therefore, I think, that statement is a little bit broad.

Furthermore, to say that this is a last dying attempt is not true. We still have some part of the session left open. The Education Committee is still available. I can't see the extreme urgency of this matter. If it is a private matter, I am

sure that Ricker College, if they have been in existence as long as they have will certainly overcome it in another way. The principle is what bothers me.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I believe I have really become somewhat amazed at some of the remarks that the gentleman from Kennebunkport, Mr. Tyndale, has made.

I can well recall when his pet project, Wabon, was first born. I truly commend him for the dedicated work he has done in that area. For he knows as well as I do that when he was making that presentation the hue and cry then was, "This is opening up a Pandora's Box." And some of us on the Appropriations Committee said, "So what." If Wabon is good in his area, other Wabons would be good in other areas.

I would like to address myself to the gentleman from Nobleboro, Mr. Palmer, who knows very well that a few years ago, had not some of us banded together, many, to get a little money a very little money, as a matter of fact, every bill was cut in half for private colleges, many of our private colleges would have been closed, including his own Lincoln Academy, and he well remembers — I was a member then — in '51 how we fought for that one. I can well recall the battle for Portland Junior College. Now there are those that because of the squeekies or whatever you call them or squeekers or streakers whatever it is that would denounce the University of Maine system. And nobody has stood on his feet more than I have to put that system where it truthfully belongs, in my mind, on a line budget basis. Because as we are now we are a fiduciary without both, until such time as the university and until such time as the Board of Trustees changes their philosophy.

But I tell you now that if that bill aiding private college, called Portland Junior College, had not passed for Cumberland County back in '51, I know, as I was a student at the school that they could not pay their teachers. They could not meet their payroll. The Portland Law University and the University of

Maine at Portland, had we not given that sum of \$25,000 to that college, it wouldn't be there today, and the University of Maine at Portland and Portland Law University, which in my opinion is the best in New England, would not be there today.

I would also like to remind the gentleman from Kennebunkport, Mr. Tyndale, that when he speaks about Bates, Bowdoin and Colby, he knows fully well that these places are heavily endowed. Bates, Bowdoin and Colby are three of the best small colleges in the country. They are not coming up here for any help from us.

I do not belong to the Aroostook Club. I am voting this morning for what I think is right, and what I think is right is to vote against the indefinite postponement of this measure here, because the closing of some of these private colleges would be catastrophic, and I certainly hope that we vote against indefinite postponement.

If the other branch and the head of the committee wants to handle it there, that is his affair, but I want no part of doing it here, and when the vote is taken, I ask for a roll call.

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

Mr. JACKSON: Mr. Speaker and Members of the House: I think we have two questions here. We have a simple question of Ricker College and the funding of it, and we have a larger question of funding a private university throughout the state. I think there is no question on the floor that private universities should be funded. I have to see this handled by coming in the back door on the Ricker College to try and handle it that way. Let's come up with a bill that will face the issues squarely where we plan to fund the private universities and we plan to do it through scholarships or however, instead of using the specific example of one college to creep in on that. That is what I feel we are doing to a degree here.

It has been stated that this bill is only going to be held, and if the committee can't come up with a better bill, then we will use this bill. I submit that if we give the committee an out, then the

committee may well use this bill and not come up with a better bill. So let's indefinitely postpone this and let the committee fix the problem of funding the private colleges and not get carried away on this one example opening the whole door with it.

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

Mr. CAREY: Mr. Speaker and Members of the House: I may amaze the gentleman from Lewiston, Mr. Jalbert, by getting up this morning myself. Thomas College in the City of Waterville is not so heavily endowed as some of the other colleges that he speaks of. I am somewhat familiar with Thomas College and its operation. I would tell you that you are practically opening the door by this action to them coming in at the regular session. It won't be too long; it is only nine or ten months away.

Some other people here may be able to talk about the College of the Atlantic. I can't picture that college as being too heavily endowed.

During the regular session the members of the Legal Affairs Committee will remember Colby College was before us to change its methods of investment. They pointed out to us that they in effect were not making the money that they were letting people believe they are either.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I don't blame the gentleman from Waterville, Mr. Carey, for being amazed. It could well be that I might even be guilty myself of being out of character this morning. But I don't think the killing of this bill is fair. That is just my honest opinion. I know what is lying behind the situation here and I know it very well. As far as I am concerned, we could very well, you know, without exactly breaking the University of Maine grant that we give them to the tune of some fifty-five million, plus, we could just deduct the paltry sum of \$125,000 and give it to Ricker College and it wouldn't hurt the University of Maine one iota.

I am not known to be the most liberal

man in this body, but what is right is right and what is wrong is wrong. I know the underlying reason for this situation we are in this morning. Consequently, my reason for voting to keep this bill alive.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Yarmouth, Mr. Jackson, just made a point that I think is very pertinent to this situation. As I understood him, he said we are using a specific bill here dealing with a specific school to get at a general problem dealing with private colleges in Maine generally, and I couldn't agree with him more. This is certainly true; it is the only device that we had available to us and we are using it as far as I am concerned.

I am somewhat a defeatist about this inasmuch as all the time I have been down here I have never seen any evidence in the part of the Education Committee that they were at all inclined to deal with this problem which has long been identified and known to exist and getting more and more extreme all the time. And if today we could have from the Education Committee a firm commitment that they would immediately face up to an extremely serious problem that is affecting not just one school but several schools and it is extremely serious, I would be willing to stake that commitment from them. But they seem to be totally university oriented and completely disregard the problems of a large number of schools that are going to affect the economy of the areas where they presently operate, which is going to affect our overall education system here in the state and generally have an extremely adverse effect on our whole state.

Perhaps some members of the Education Committee could expose to us now what their plans are to deal with this in the absence of any plans on their part. I think we have no choice but to hang on to the only thing we have.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to

suggest to you that if you go into making a gigantic effort, even a small effort to assist private enterprise in education, where do you draw the line? Now this is assistance to post-secondary education. Do you limit it to the college level? Do you limit it to junior college and college level? Do you limit it or do you leave it wide open to post-secondary schools of every nature? Who is going to decide who is going to live and who is going to drop by the wayside? There are many things in this area that are not very easily solved, and once you approach this problem, I think you ought to do it with your eyes wide open that this thing may expand and expand and become very heavy.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: It has been argued that this bill should be held on the Appropriations Table. I wonder if another procedure shouldn't be to hold the bill in the second reader so we could amend it to add any other private colleges that might need loans. That way we could prove our support for private colleges. However, I do think this would be the wrong procedure, and the responsible way is to establish a state policy on dealing with aid to private colleges.

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

Mr. FERRIS: Mr. Speaker, I move this bill be tabled unassigned.

Thereupon, Mr. Simpson of Standish requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Ferris, that this matter be tabled unassigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

45 having voted in the affirmative and 72 having voted in the negative, the motion did not prevail.

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

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: I would like the record to show that if this

legislature and this House of Representatives is willing to go on record as being willing to support financially to the tune of \$50,000 or \$100,000 or \$150,000 or \$400,000, or whatever is requested, any private and educational institution in the state, I will be willing to support that goal. But I feel it is an extremely serious matter and one that is probably the direction that we will later regret, and that is the purpose of my opposition.

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

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Haskell has stated that one of the reasons that Ricker is having problems surviving is because they cannot compete with the University of Maine facilities in Aroostook. I have yet to see any of the Aroostook delegation, and Mr. Bither is on the Education Committee, I have yet to see any of them come out in favor of the Maine Management and Cost Survey Report to change the four year courses at Fort Kent and Presque Isle to a two year course. And if we did take that recommendation, it is quite possible that we would save enough money to buy Ricker College.

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

Mr. BITHER: Mr. Speaker and Members of the House: I don't think he has added a thing to the issue right here except to cloud it a little bit. I hope he has becloud it a lot, because I for one am in on the Education Committee and I think right straight from the beginning I did not favor cutting Presque Isle, Fort Kent, Machias down to two years. I think it is a ridiculous thing. I think the whole cost management—I could make my speech on that because I introduced two bills—never felt so hopeless in my life because I had no support whatsoever. I had no evidence whatsoever.

The SPEAKER: The Chair hopes the gentleman would confine his remarks to the bill before us.

Mr. BITHER: Well, this is the bill. I don't know whether Mr. Ault did confine it. I am trying to answer Mr. Ault, if I may.

The SPEAKER: The gentleman may proceed.

Mr. BITHER: I would like to, in confining my remarks directly to the bill, I would like to say, some of you people might be interested to know that the Maine Higher Education Council, which consists of all the presidents of twelve, I believe, of the Maine Institutions of Higher learning, and that includes the University; that includes the Chancellor himself. They met in Bangor this weekend, I think on Saturday. And they universally recommended that this bill be passed. Now the Chancellor himself said at that time he would not oppose it, but everyone else, including St. Francis College, including Bates College, moved that this bill be accepted in this House.

I have talked with the vice-president of St. Francis College — and I know Mr. Tyndale of Kennebunkport is shaking his head no — but I have talked with him and I know whereof I speak.

Mr. Lynch of Livermore Falls was granted permission to speak a third time.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman from Pittsfield, Mr. Susi, deserves a reply from the Education Committee when he asked for a commitment that the Education Committee would make in bringing out some sort of a bill to bring some sort of order out of this particular situation. There was a recommendation in the Maine Management and Cost Survey that concerned the governments of the University of Maine system. That was considered too large a task to take up in the special session. But there is a program, a so-called 1202 Commission Program that would tie in with federal government, and I am quite sure this would be an answer to his request for a commitment, but I don't think the special session is any time to undertake a change in the higher education system of the state.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I have consistently voted today for this bill, and in so voting, I have voted against my conviction that there should not be

public aid to private institutions. However, I saw that this was a bill intended only to be used or chiefly to be used as a lever for a bill that would provide financial assistance directly to students at private institutions, and for that reason I have voted as I have to keep it alive. I think you should consider this and vote to keep this bill alive.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: There are one or two statements that I would like to refer to that were made on the floor. One of them is that York County Community College is a part of the continuing education system of the University of Maine. I fought for that for this reason. Many of my people in York County were not having an opportunity for higher education due to financial circumstances, and I approached the University of Maine. I said, "Look, we ought to expand the continuing education system so these boys and girls could take courses and perhaps over a year find out whether they wanted to go on to higher education. If they do, they have enough credits to be transferred to the regular college." So much for that one.

Number two. I believe that I could coax the members of the board—not the members of the board, but certainly the administrative president, who I am in contact with all the time at St. Francis, and he would love to have assistance from the State of Maine, but not on this bill. He did not specifically state the bill. He stated that he wanted it for the private colleges.

I stand here as House Chairman of the Committee on Education. I am willing to call an executive session and see what we can do in the field of higher education, particularly for the private colleges. But to use a vehicle of this type, the principle is wrong, and this I cannot agree with.

As far as Camp Wabon was concerned, this is a public institution for retarded children in York County or elsewhere now and therefore was not in the same category. Gentlemen, I feel this way about this. You are, as Mr. Jackson and

some others have said, opening up a Pandora's Box. It is not the right procedure. Therefore, I will, in cooperation with the Senate Chairman of this committee, call an executive session to see if we can't come up with something to help the private college in the proper way.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I fully realize that my remarks in regard to the Southern Maine Community College, York County Community College, were — that the State of Maine does rent facilities but monies are derived from the State of Maine. I know for a fact those colleges were ready to unload and close their doors if they hadn't had some kind of support.

I appreciate the fact that this legislature supported that bill. As I said before, many of the constituents of mine are taking advantage of that. The expense is not going to the University of Maine Portland system which is overcrowded now.

Anyone in this House who thinks that in 20 years we are not going to have to start building buildings again for colleges, they don't know what they are talking about. Priorities are going to change again. Our vocations are going to be crowded with brick layers and middlemen and the priorities are going to change back to the state universities or private colleges. I don't think we ought to close the doors of one of them.

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 Kennebunkport, Mr. Tyndale, that the House indefinitely postpone L. D. 2324 and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Berry, P. P.; Berube, Binnette, Briggs, Bustin, Carey, Carter, Chick, Churchill, Clark, Conley, Cooney, Crommett, Curtis, T. S., Jr.; Davis, Donaghy, Dow, Drigotas, Dunleavy, Dunn, Faucher, Genest, Goodwin, H.; Greenlaw, Hamblen, Hobbins, Hoffses, Hunter, Immonen, Jackson, Knight, LaCharite, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Lynch, Maddox, Martin, Maxwell, McHenry, McNally, McTeague, Merrill, Mills, Murray, Najarian, O'Brien, Palmer, Perkins, Peterson, Pontbriand, Rolde, Shaw, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Sproul, Stillings, Theriault, Tierney, Tyndale, Webber, Wheeler, Willard, The Speaker.

NAY — Baker, Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Cameron, Carrier, Chonko, Connolly, Cottrell, Cressey, Curran, D. M., Deshaies, Dudley, Dyar, Evans, Farley, Farnham, Farrington, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Good, Goodwin, K.; Hancock, Haskell, Huber, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, LaPointe, Littlefield, MacLeod, Mahany, McCormick, McKernan, Morin, L.; Morton, Mulkern, Murchison, Parks, Pratt, Ross, Santoro, Sheltra, Silverman, Soulas, Strout, Susi, Twitchell, Walker, White, Whitzell, Wood, M. E.

ABSENT — Berry, G. W.; Bunker, Cote, Emery, D. F.; Gauthier, Herrick, Jacques, Kilroy, McMahon, Morin, V.; Norris, Ricker, Rollins, Talbot, Tanguay, Trask, Trumbull.

Yes, 70; No, 64; Absent, 17.

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

Sent up for concurrence.

Consent Calendar**First Day**

(S. P. 886) (L. D. 2473) Resolve Authorizing the Commissioner of Educational and Cultural Services to Convey Certain Easement Rights at Southern Maine Vocational-Technical Institute in South Portland — Committee on Education reporting "Ought to pass"

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

Passed to Be Engrossed

Bill "An Act Relating to Due Dates of Property Taxes" (H. P. 1903) (L. D. 2411).

Bill "An Act Creating a Bureau of Institutional Resident Representatives within the Maine Human Rights Commission" (H. P. 1749) (L. D. 2208) (C. "A" H-692)

Resolution Proposing an Amendment to the Constitution to Provide for Appointment of Justices of the Peace and Notaries Public to an Initial Term by the Governor with the Approval of the Executive Council and for Additional Terms of These Officers to be by Renewal of Commission, as Provided by Law (H. P. 1973) (L. D. 2514)

Bill "An Act to Reorganize the Department of Military, Civil Defense and Veterans Services" (H. P. 1975) (L. D. 2517)

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

Passed to Be Enacted

An Act Repealing the Law Relating to Youth Community Activities (S. P. 851) (L. D. 2419)

An Act to Eliminate Collection of Delinquent Accounts by the Treasurer of State (S. P. 852) (L. D. 2420) (H. "A" H-681)

An Act to Clarify the Real Estate Subdivision Law (S. P. 890) (L. D. 2485) (H. "C" H-689)

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 Price Information on Prescription Drugs and Permitting Advertising of Prescription Drug Prices" (H. P. 1964) (L. D. 2503)

Tabled — February 15, by Mr. Dyar of Strong.

Pending — Passage to be engrossed.

Mr. Dyar of Strong offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-698) was read by the Clerk.

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to rise in opposition to this amendment on the advertising of prescription drugs in the State of Maine. What this amendment does, if you read it, it cuts down the list of mandatory posting from 150 to 50. This is one thing. But the big thing that I oppose, it eliminates the allowing of advertising of prescription drugs in the State of Maine, and this is the most important part of this bill. How can you have a system where people who need to buy drugs, people who are consumers who have to buy under a system where they cannot have open advertising of that product which they are going to buy?

I said last week that in business, in merchandising, when we have an item for sale such as power, such as transportation, where they could charge any price they want, the state moves in and gives regulations so the people who need that product are able to be protected, and they cannot get a raise in the price of their product until the state regulatory agency says it is possible.

The other part of the business world is the free market, free enterprise system where pricing at the market level, where people can go around and price for an item to get their best price, allows that market price to determine what the best price is. Under the present regulation of the Board of Pharmacy there is no regulatory power. There is not allowed pricing, so it is left up to the supplier who could at times possibly put any price he cares on his product, and the consumer or the person in need of the very special product of drugs, prescription drugs, has no choice but to pay the price that he asks. Is that fair in a free enterprise system?

This amendment kills all opportunity for advertising of prescription drugs. As far as the 50 posting drugs. My answer to that, it is a very weak and poor step in the right direction.

Secondly, when I heard last week many people in doubt of the caution part of this, I would like to read something to you from the Board of Pharmacy.

"Section 2211. Adulterating and selling drugs. Whoever fraudulently adulterates, for the purpose of sale, any drug or medicine or sells any fraudulent adulterated drug or medicine knowing the same to be adulterated shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months. Such adulterated drugs and medicines shall be forfeited and destroyed under the direction of the court."

I am showing you the power they already have.

"2212. Using drugs not in prescription. Whoever, engaged in the business of an apothecary, knowingly uses any drugs or ingredients in preparing or compounding a written or oral prescription of any physician different from those named in the prescription, shall upon conviction thereof be punished by a fine of not less than \$50 nor more than \$1,000.

"2212-A. Refill prescriptions. No prescription for depressant or stimulant drugs shall be refilled from a copy of the original prescription. Whoever violates any provision of this section shall upon conviction thereof be punished by a fine of not less than \$50 nor more than \$1,000 for each offense.

"2213. Sale by certain methods prohibited. It shall be unlawful for any person to sell, distribute, vend or otherwise dispose of any drug, medicine or pharmaceutical or medical preparation by means of any public exhibition, entertainment, performance, carnival or by vending machines."

What I am trying to say is that the people of this state who need and who purchase prescription drugs are well protected. They are protected by the pharmacy laws. All this talk you heard last week was taking you away from what we are trying to say. They were trying to lead you astray. The fact remains that the Board of Pharmacy controls all selling of prescription drugs in this state, but there is one law in their regulations which I am against, and that is the law not allowing the advertising of

prescription drugs, and I ask that to be changed.

The second thing I hope you understand is that if we change the law and allow advertising of prescription drugs, it is the board of Pharmacy that is going to regulate this. It is not letting the fox regulate the chicken pen; it is letting the wolf regulate the chicken pen. They are certainly protected. And if I have to come back time and time again I will. But somewhere there is a need to get the excessive pricing of prescription prices down to a different level to the public. And the only answer I know is advertising of prescription drugs.

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

Mr. DYAR: Mr. Speaker and Members of the House: I congratulate the gentleman from Calais for his enthusiastic presentation on his bill. But I will submit to you that what he says in regards to the advertising of prescription drugs is detrimental to the people who need lower cost prescriptions. I am concerned that he would even mention the free enterprise system here this morning, as I reflect on what has happened to the free enterprise system.

Now the bill at national level to force the advertising of prescription drugs and also to allow the sale of generic drugs has been pushed over the last ten years by a group of people who are also in favor of nationalization of all of our industries. Now we have a hazard to the consumer which could be a combination of price-bait advertising and substitution, although the gentleman says this law is to prohibit substitution. This could lead to price wars in prescription drugs, first at reduced rates, and then at a loss leader proposition. We could also get into the fees charged by pharmacists for making up the prescriptions. So we get to this level, we are at the point of no return. We are saying to the pharmacist, "We are going to tell you how much you can make an hour, and that's it. We don't care what your investment is." Even though we mention the P.U.C. which does regulate the rates that can be charged on the rate of investment. But possibly he wants to send the P.U.C. to the drug

industry in the state, the grocers, glass cutters, lawyers, you name it.

I believe the real loss would be to the people who need the service of the pharmacist. Now, what has been suggested here is that the citizens of the State of Maine should have no claims whatsoever on his physician. They shouldn't have any claim against pharmacists, because they are both out to connive to get his money away from him, to gyp him on the product being sold. Let me tell you, it is a national industry. The makers of generic drugs are the importers who are bringing these drugs in this country who are fleecing the public.

Now, Di-goxin, which is a very common item, tested by the Food and Drug Administration, of the 20 batches tested, only one batch met the certification of the F.D.A. Now, they are faced with testing so many of these drugs they just can't keep up with them. And this is the reason I suggested lowering the 150 drugs in this bill to 50. Because if you read the F.D.A., the national formulary comments on prescription drugs, they consistently talk of 63 prescription items they have an interest in out of a potential of 114. Yet, we here in the State of Maine, with less than a million people, feel we should have 150 drugs allowed to be posted. I think what we have got to allow is the continual relationship between the pharmacist and the physician.

Now, as I stated before, the physician, under the ethics, does not normally recommend the pharmacist who should fill the prescription. But between the two, I think the patient could ask the doctor where they could get their prescription filled the cheapest, and he would probably suggest a place where this could be done.

As far as our senior citizens, this advertising, it has been suggested they have a little notebook, go around these drug stores, pick up the 150 drugs listed, the price in that particular drug store, and walk from store to store and find the best place to shop. I feel that we have got a thousand senior citizens here in the state, that we got a lot of young people working for them on the federal programs, and they could certainly go to

these drug stores and put out a list of where a certain prescription could be bought the cheapest if this is necessary.

But also, another solution could be to force the manufacturers of drugs in this country to sell their product to the local drug store at the same price they might sell to a federal agency, the state agency, a nursing home or a hospital. Now, for example, I find that in the State of Georgia recently, an oral contraceptive sold in three separate packages to the State of Georgia was purchased by that state for 54 cents a cycle. And yet the retail pharmacy in that state had to pay \$1.75 for the same amount of tablets. Another drug sold, Reserpine, to a federal agency, was sold to the federal agency for \$1.10 per thousand tablets. At the retail pharmacist in the same state, the same package sold for \$39.00 per thousand tablets.

Now, you can argue that this bill, if we allow them to post to a great degree and allow them to advertise it is going to lower the cost to the consumer. But supposing one drug store, on his 150 items at his store, he posts a price for the quantity of 100. So the prescription that you have is for 20 tablets. Do you go into the drug store and demand that you get those 20 twenty tablets for one fifth of the 100 price? Now, you may have a prescription for an item that might call for 200 grains of such and such, if this is the right quantity, 200 grains, I use it for example, and on his chart he shows the prescription of 100 tablets at 100 grains. Now, are you going to take twice as much because you are getting twice as much in that particular tablet? I tell you, you are going to raise havoc with the people in the State of Maine. You are going to drive these drug stores, the independent businessmen here in the State of Maine out of business, because you will have loss leaders. You will have advertising. You will have bait advertising. It is done now.

Now, take the drug store, the commercial drug store that is tied into a chain. At the present time go in and check the price of Polaroid film, which is not a prescription item. Check the price of Polaroid film. Go to your local pharmacy and check it there. You can buy it a lot cheaper, in fact, probably

below cost, at the chain pharmacy. But check the price of the flashbulbs. I think in many cases you will find you can buy the flashbulb in your local store a lot cheaper. And this is what is bait advertising. They will sell you the film at a loss and they will stick you on the flashbulbs. And this is going to happen in the drug industry.

A druggist in the State of Maine in the enterprise system, he has got his building, he has got insurance, he has got lights. He also has to stand behind his product. He has expenses.

Now, if these people who believe in the free enterprise system, so-called, want to nationalize the free enterprise system through the back door and go the route of many of the H.M.O.'s here in the country where Uncle Sam pays the bill, this is good legislation. But I am quite sure, as I said last session, that Mr. Silverman is in business and I am in business. And I don't feel that the State of Maine or anybody should come in and tell me what I am going to charge for a price on an item. And I am quite sure that the same gentleman would be quite put out in Calais if somebody in the State of Maine came into his store and said, "You can only charge X-number of dollars for that set of golf clubs, because Maine law says that this is it." In order to sell these golf clubs, you have got to advertise them so that everybody in Washington County will know that you are getting a price consistent with every other retailer that might be in competition with you."

I think we have gone terribly far out on this. As Mrs. Berry said last week, there should have been a study on this. I don't know if it should have been before my committee or not. I think there should have been a commission study on the problems of prescription drugs here in the State of Maine. We have had testimony before our committee by some people who made surveys in drug stores on various costs of prescriptions, but I have seen nothing material as to the contents of what they bought. They went in and asked for a certain item. They didn't know whether they were getting X-brand, Y-brand or what it was. They just asked for a particular drug, and this was it. In many cases, I think you have information on your desks, where they

were short maybe a pill or they were over a pill.

But I think when we start tampering with the free enterprise system and telling a man he is going to have to advertise to stay in business, I think it is a way out. And advertising is a cost. And I am quite sure that Mr. Silverman will agree that if he advertises those golf clubs I suggested, he is going to add that cost onto some other item.

If we are going to help the senior citizen, the low income people of the State of Maine on prescription drugs, I don't feel this is the way to do it. If we have got drug stores charging exorbitant profits, let some of these organizations bring this to surface. I am sure the young people of the State of Maine working on this cause will certainly, with their expertise, be out front picketing these drug stores, trying to get people to boycott it, and there should be no problem.

Hopefully, today, you will accept this committee amendment which does allow the posting of the most common 50 drugs here in the state and have it over with. But as far as advertising, I think we are taking the far out and the wrong step.

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

Mr. BUSTIN: Mr. Speaker and Ladies and Gentlemen of the House: We heard earlier here this morning of a legislative trick, a legislative trick or a legislative tactic, and I am sure the members of the House recognize this amendment as an example of another one. The opponents of this L.D. did not meet with success the other day when they tried to kill the bill dead. So now they have developed an amendment which will render the bill ineffective.

We have not done an awful lot on this special session of direct benefit to the people. One thing we can do is to pass this bill unamended. I move that this amendment be indefinitely postponed, and I ask for the yeas and nays.

The SPEAKER: The gentleman from Augusta, Mr. Bustin, moves the indefinite postponement of this amendment and requests a roll call. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present. 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 Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker and Members of the House: I would just like to reply to my good friend Ross Dyar. In his business or in my business we are allowed to advertise. We are still in business. All I am saying is, let the people who sell prescription drugs be allowed to advertise too. It is no different.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Bustin, 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, Berry, P. P.; Berube, Boudreau, Bustin, Carey, Carter, Chonko, Clark, Conley, Connolly, Cooney, Crommett, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Farley, Farnham, Faucher, Finemore, Flynn, Fraser, Gahagan, Garsoe, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Hobbins, Huber, Kauffman, Kelleher, Kilroy, LaCharite, LaPointe, Lewis, J.; Mahany, Martin, McHenry, McKernan, McNally, McTeague, Merrill, Mills, Morin, V.; Mulkern, Murchison, Murray, Peterson, Rolde, Ross, Shute, Silverman, Smith, D. M.; Smith, S.; Snowe, Susi, Theriault, Tierney, Twitchell, Tyndale, Webber, Whitzell, Wood, M. E.

NAY -- Ault, Binnette, Birt, Bither, Bragdon, Brawn, Brown, Cameron, Carrier, Chick, Churchill, Cottrell, Cressey, Curran, Dam, Davis, Dunn, Dyar, Evans, Farrington, Fecteau, Hoffses, Hunter, Immonen, Jackson, Kelley, Kelley, R. P.; Keyte, Knight, Lawry, LeBlanc, Lewis, E.; Littlefield, Lynch, MacLeod, Maddox, Maxwell, McCormick, Morin, L.; Morton, O'Brien, Palmer, Parks, Perkins, Pontbriand, Pratt, Santoro, Shaw, Sheltra, Simpson, L. E.; Sproul,

Stillings, Strout, Trask, Walker, Wheeler, White, Willard.

ABSENT — Berry, G. W.; Briggs, Bunker, Cote, Deshaies, Donaghy, Dudley, Emery, D. F.; Ferris, Gauthier, Haskell, Herrick, Jacques, Jalbert, McMahon, Najarian, Norris, Ricker, Rollins, Soulas, Talbot, Tanguay, Trumbull, Mr. Speaker.

Yes, 69; No, 58; Absent, 23.

The SPEAKER: Sixty-nine having voted in the affirmative and fifty-eight in the negative, with twenty-three being absent, the motion does prevail.

The Chair recognizes the gentleman from Portland, Mr. LaPointe.

Mr. LaPOINTE: Mr. Speaker, having voted on the prevailing side, I would like to make the motion to reconsider at this time and hope everyone votes against me.

The SPEAKER: The gentleman from Portland, Mr. LaPointe, moves that the House reconsider its action whereby House Amendment "A" was indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

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

Bill "An Act to Correct an Error in the Effective Date of the Law Exempting "Trade-in" Property from the Stock in Trade Tax" (H. P. 1718) (L. D. 2111)

Tabled — February 19, by Mr. Drigotas of Auburn

Pending — Motion of Mr. Susi of Pittsfield that the House accept the Majority "Ought to pass" Report as amended by Committee Amendment "A" (H-695)

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Drigotas.

Mr. DRIGOTAS: Mr. Speaker and Members of the House: First of all, I want to thank the members for tabling this bill for one day. I did this for one specific reason. I wanted to attract your attention to it so that you might review it

and come to an understanding of how it would affect the tax base in your community.

If you have reread L. D. 2111, you will have found that it affects your town or city in the direct ratio that it has certain types of businesses. The City of Auburn will suffer a loss of \$400,000 of valuation for about a \$16,000 tax loss. This was not the intent of the law as we passed it in the regular session of the 106th Legislature.

Our tax assessor of Auburn expresses his opinions on L. D. 2111 a little bit more strongly. I would like to read his comments. The letter is addressed to me.

"I should like to express my opposition, as I did in the regular session, to the adoption of this legislation.

"This bill is in direct conflict with Chapter 592 of the Public laws of 1973 which exempts Stock-in-Trade from the local Property Tax, but makes stock in trade subject to a State Tax for a period of three years, 1974, 1975 and 1976, after which all stock in trade shall become totally exempt from both the State as well as the local property tax.

"Because the State Tax rate is lower than the local tax rate, the legislature provided for reimbursement of the difference in tax monies to the municipalities.

"If L. D. 2111 becomes law, it will totally remove "Trade-in" Property from both the local as well as state tax base.

"The City of Auburn will lose an estimated \$16,000 in tax monies if this bill is enacted.

"This bill is a 'Special Interest' bill primarily for the benefit of automobile dealers. It does not specifically identify 'trade-ins' for in the automobile business there are trade-ins on trade-ins on trade-ins. It would be impossible for an assessor to administer this law fairly and equitably to all other taxpayers as he is committed to do by statute.

"A special nightmare would be created with respect to used car dealers who acquire their stock in trade primarily from new car dealers and at automobile auctions. Their attitude is that any car which is not new, is a trade-in. It is my contention that this bill

should not be labelled a bill to correct an error', but an attempt to make them exempt.

"As long as all Stock-in trade shall become totally exempt from the property tax in 1977, and traded-in property is stock in trade any way you figure it; traded in property should be properly included in Section 13, Sub-Section I of Title 655 of Title 36, which provides for state reimbursement of tax monies by the municipality through the phasing out of stock in trade.

If a reimbursement provision is added to this bill, I would have no objection to its passage." Signed, John M. Lockhead, Tax Assessor, City of Auburn, Maine.

I don't know whether I have clarified the thing to you, but in essence, this means that Auburn suffered a tax loss of \$16,000, and this is the reason why I am opposed to passage of this bill. I hope that you vote against the majority report.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I signed the report "ought not to pass" and I did it on the advice of the legislative committee of our city council in Portland. The members of our delegation from Portland received a notice of their disapproval of this bill.

I would like to perhaps simplify what the story is. Last winter, Mr. Morton introduced a bill to exempt trade-ins. Previous to the meeting of our 106th Legislature, there had been three interim taxation committees, and each one recommended the exemption of all inventory taxes. Mr. Morton's bill, on that assumption, went ahead and introduced this bill exempting trade-ins. That was passed and it was to go into effect October 2, 90 days after the closing of the legislature. But in the last few days of the legislative session, we passed a bill exempting all inventories to be phased out gradually in a three-year period, ending in 1977. So now, the purpose of the bill that we have here before us is to advance the total exemption of trade-ins by next April. Because of the passage of the total exemption of all taxes on inventories in a

phase-out period to end in 1977, the trade-in tax on inventories is included in that phase out.

The City of Portland was concerned because the first year they will lose \$39,000 in taxes, and I simply want to explain my feelings.

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

Mr. MORTON: Mr. Speaker and Members of the House: I know the hour is late. I regret having to be up here, but I think it is only right that I explain to you this bill.

First of all, I would like to address myself to the remarks of the gentleman from Auburn, Mr. Drigotas. I will say flatly that the letter he received from his tax assessor is misleading. The intent of this bill, the one we are dealing with here, 2111, which does nothing more or less than bring us back to the position we were in after we passed L.D. 886 in the regular session, which went into effect on October 3, was to exempt completely this class of property. He says in his letter that this bill does not identify these things. I would like to read it. I believe it identifies them rather accurate.

"Property constituting stock in trade obtained as a trade-in for property sold in the regular course of business." That is pretty clear to me. You have made these transactions. Every one of you in this House has made these transactions. You know that when you go to buy a bid ticket item, be it a boat, an automobile, possibly even an airplane, sometimes a refrigerator or snowmobile, that you frequently and probably more than half of the time pay part of that as a trade-in.

So what this says, it must be obtained as a trade-in as the result of property sold in the regular course of business and as an additional condition, it must be kept in a separate inventory so that the record is correct.

I submit to you, ladies and gentlemen, that the letter from the tax assessor in the City of Auburn shows a rather dismal ignorance of the contents of this bill and also of the problems of the businessman. In other words, he is just doing his job when he comes here to a hearing or when he writes that letter. He is a tax collector. We had them—well for the last 2,000 years they have been talked about.

So he has got a job, and I don't blame him for doing his job. But this House, this legislature is the one who decides where the proper equities in taxation belong, not the tax assessors. We are the ones who decide whether something is fair and just or whether it is inequitable.

This is a part of the property tax which did become exempt under the bill that we passed at the very tail end of the session. But prior to that we had addressed ourselves to L. D. 886 and exempted this special class of property. Now that is no great big deal. If you will notice, in the regular session this came out under letter "O" under exemptions, if you want to add up "O", I don't know how far up the alphabet it is, but it is quite a way. So exemptions do exist in the property tax law. They have come into the business over the years as necessary.

I would just like to point out to you what this particular class of property represents. To the merchant in this kind of business it represents nothing more or less than cash. He wishes in many instances that he had cash rather than this piece of tangible personal property, but by the nature of the business, in order to serve you the public, is necessary for him to take in trade the vehicle that you want to get rid of to get a newer one, a better one, or that sort of thing.

Now the tax laws on personal property have been on the books in this state since its inception in 1820. They didn't change much for 130-odd years until into the '50's. I would just like to read to you what the original law contained, because perhaps many of you don't realize it. But it included money and effects, obligations for money, money and interest, public stocks and securities, shares, that sort of thing. That was on the books but it never got taxed because nobody could find it. So after 130 years they decided, well, let's get rid of it so it isn't against the law not for the tax assessors to assess it. So they dropped it. And I submit to you, ladies and gentlemen of this House, that a trade-in on a transaction is nothing more or less than property in lieu of money. If a dealer takes a stock certificate in exchange for part of the cost of a new boat, then he doesn't have to have that

taxed as inventory, but if he takes another boat, then he doesn't have to have that taxed as inventory, but if he takes another boat, he does have to have it taxed. Is this fair?

Traded in articles were never considered inventory until the tax assessors in this state became more sophisticated along about 1960. Prior to that, trade-in inventories were never taxed. But they went up to the University of Maine, and I have no quarrel with the University of Maine, but they were trained that this was legally something that was a taxable item under the law. Then, correctly, they went ahead and tried to find it. Immediately, in some years some dealers inventories were taxed and their local taxes jumped seven hundred, eight hundred, fifteen hundred dollars from the previous year. So I call that pretty inequitable tax.

This is what the bill is all about, ladies and gentlemen. People of the State of Maine are the ones who decide these things through you. I submit that this is inequitable tax; it should be removed from the rolls. It will be in three years, anyway. I realize that everyone says why don't you wait for the three years. Well, I am pretty interested in being fair all the way through. And this particular item should be removed from the books as it was during the regular session. All this bill does is continue that removal and I hope you will support the committee report and see this through.

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

Mr. CAREY: Mr. Speaker and Members of the House: I have a hard time understanding why the gentleman doesn't want to wait the three years like everybody else does. It would appear under stock and trade, the merchant on the street can come in at the regular session and say "Look, the used car people didn't wait, why should we wait?" The people who are in the inventory and mills and stock and trade have you, and this would mean some 411,000 total to the City of Waterville. I supported this bill when it came up in the last session of the legislature because I thought it was the way to go and it would try to generate some new industries in the State of Maine. But unfortunately,

this is just the start of raid against the whole picture, and I would certainly hope that you don't accept the "ought to pass" report.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Taxation Committee, and as a member that signed the "ought to pass" report, I hope that you can go along with my friend Mr. Morton of Farmington this morning and accept the "ought to pass" report. It is that simple. It is just and fair and this is the way we ought to do it.

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

Mrs. LEWIS: Mr. Speaker and Members of the House: First, I think I should defend Auburn's tax assessor, John Lockhead, who I think does a very commendable job.

My objection to this bill is that there is no reimbursement. Now there is a reimbursement on the new inventory that has been removed from taxes. Presently the state tax, the state personal property tax, which is lower in most cases, at least it is in Auburn, than the Auburn personal property tax is, the difference is reimbursed to the city. There will be no reimbursement to the city if this bill passes. And automobiles are taken in trade but they are sold again, so they do amount to a sizeable inventory. It isn't so with many refrigerators and washing machines, really. It is more of a sales gimmick than anything else to have those traded in. But automobiles are different, automobiles are taken in in trade to be resold. I don't know how many cities would be affected. Certainly any city that has any number of automobile dealerships would be affected by this bill adversely.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: It is late and I will be very brief. You have heard just a few minutes of hours of testimony we have heard on this two times in the Taxation Committee. The previous speaker has said automobiles are different. They certainly are, automobiles and boats. There is a case

for special treatment for it. It is an extremely cumbersome tax to administer and has resulted in a great many inequalities around the state. It is true that, in my opinion at least, the Auburn assessor is an especially capable gentleman who runs a tight ship in his city. He apparently has managed to solve these problems, but it is a problem around many parts of the state and two times now the committee has given a majority "ought to pass" report on this bill and I think it deserves support today.

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi, that the House accept the Majority "Ought to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Carey of Waterville requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi, that the House accept the Majority "Ought to pass" Report on Bill "An Act to Correct an Error in the Effective Date of the Law Exempting "Trade-in" Property from the Stock in Trade Tax," House Paper 1718, L.D. 2111. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Binnette, Birt, Bither, Bragdon, Brown, Churchill, Clark, Conley, Cote, Cressey, Crommett, Curran, Davis, Donaghy, Dunleavy, Dunn, Evans, Farley, Farnham, Farrington, Finemore, Fraser, Garsoe, Good, Hamblen, Hancock, Haskell, Huber, Immonen, Jackson, Kauffman, Kelleher, Knight, LeBlanc, Littlefield, MacLeod, Mahany, Martin, Maxwell, McKernan, McMahon, Merrill, Morin, V.; Morton, Mulkern, Murchison, Najarian, Parks, Peterson, Pratt, Rollins, Shute, Silverman, Simpson, L.

E.; Smith, D. M.; Soulas, Susi, Tanguay, Trask, Twitchell, Tyndale, Walker, Webber, White, Willard, Wood, M. E.

NAY — Ault, Baker, Berube, Boudreau, Brawn, Bustin, Carey, Carrier, Carter, Chick, Chonko, Connolly, Cooney, Cottrell, Curtis, T. S., Jr.; Dam, Deshaies, Dow, Drigotas, Emery, D. F.; Faucher, Flynn, Gahagan, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Hoffes, Hunter, Jacques, Kelley, R. P.; Kilroy, Lawry, Lewis, E.; Lewis, J.; Lynch, Maddox, McCormick, McHenry, McTeague, Mills, Morin, L.; Murray, Palmer, Perkins, Pontbriand, Rolde, Shaw, Smith, S.; Snowe.; Sproul, Stillings, Strout, Theriault, Tierney, Wheeler.

ABSENT — Albert, Berry, G. W.; Briggs, Bunker, Cameron, Dudley, Dyar, Fecteau, Ferris, Gauthier, Herrick, Jalbert, Kelley, Keyte, LaCharite, LaPointe, McNally, Norris, O'Brien, Ricker, Ross, Santoro, Sheltra, Talbot, Trumbull, Whitzell.

Yes, 67; No, 57; Absent 26.

The SPEAKER: Sixty-seven having voted in the affirmative and fifty-seven in the negative, with twenty-six being absent, the motion does prevail.

Thereupon the bill was read once. Committee Amendment "A" (H-695) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

Joint Order (H. P. 1976) relative to compensation of the House Apportionment Commission.

Tabled—February 19, by Mr. Martin of Eagle Lake.

Pending—Motion of Mr. McMahon of Kennebunk that a roll call be taken on passage.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I am going to back off a little bit from the stand I took yesterday on this particular order. We went out and took a look at the original order creating the Legislative Reapportionment Commission, and in the order it definitely stated that they

shall serve without Commission, and in the order it definitely stated that they shall serve without compensation but shall be reimbursed for expenses.

There was \$6,000 appropriated for the commission. Late in the activities of the commission, it was determined that their expenses, primarily for their travel expenses and lodging plus their expenses for the two staff people had eaten up the \$6,000 or was about to. Therefore, the Legislative Council did take it under advisement and authorized the payment of the remainder of their expenses during their term out of the Legislative Account.

Having looked at some other commissions that we have had in the past, including two or three that we have right now, they also are working under an order that they shall serve without compensation. We have heard a lot this morning about precedents being established. Well, I honestly believe that if this order were to pass right now it would open up Pandora's Box that we might just start to look for some compensation from some other commissions that are presently active or have been active in the past.

I do think, however, that is an unwise position for this body to pass orders or create commissions through acts that have been serving without compensation. I would hope that in the future whenever any of these come through that we take a good look at it and make sure all these orders or commissions, kickbacks for commissions, do have the appropriate language that they will get paid for their services.

I will not ask for the indefinite postponement. A roll call has been asked; I would just ask that you vote no on the order.

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

Mr. O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House: I see a lot of seats are vacant this morning. I had hoped that when a roll call was taken that they would be filled. People asked my why I presented an order which could have potentially embarrassed myself, and why I did not have somebody place this order into the

legislative file. It has also been suggested that perhaps I should withdraw the order. None of these things I intend to do.

Usually when Jack O'Brien does something, he does it with very definite intent. I waited a long time to put this order in, because I object to recognizing the fact that the order, the original House Paper, called that this commission serve without compensation, that no funds were appropriated for the compensation of those serving during the summer on this particular reapportionment study. I also recall that a number of bills and orders were passed here without appropriations. I assume that we have passed a bill without appropriation as legislative intent that there would be no money available for these types of appropriations.

Now during the last days of the regular session, we passed a Legislative Council, a new committee and new leadership committee without money, without appropriation. This leadership committee or this leadership council, in my opinion, was to serve without compensation. But they didn't. They got paid for their summer here. They got paid for the days they served here.

I presented my order only to emphasize this fact, that too often the reform packages with the beautiful sounding words, legislative reform, sounds great for the constituents back home, but it is nothing more than a political maneuver for political power invested in a few within this body. And now that I think I have made my point — now, Jack O'Brien has changed his mind, he is not going to withdraw the order. Now that I have made my point, they want a roll call. Let's have those people who received compensation here for their duties in the summertime go on record how they feel this House should vote.

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

Mr. KELLEHER. Mr. Speaker and Members of the House: I would like to pose a question to the leadership in the House. Is Mr. O'Brien accurate in the remarks he just made here this morning about serving here without

compensation and you ended up paying yourselves when we came into session?

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

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Portland is partially correct. The legislation that we enacted under the so-called reform package, the Legislative Council was created, and it did not provide for a method of funding for salaries. As a result of that, it was the recommendation of the Attorney General's Office and some other people that what we do, in effect, was sort of circumvent that and simply call ourselves the Reference of Bills Committee when we were meeting. And so in effect the gentleman from Portland is right. There was some back pay for at least two meetings that I recall, or at least the payment was postponed until that issue was resolved, and salary was made to the members of leadership that attended the meetings.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: The reason I opposed this order yesterday is that the members of the commission originally agreed to serve without compensation. And as Mr. Simpson has said, I think it would be highly irresponsible on the part of this legislature to change this order after the fact.

Regarding the question of the leadership that the gentleman from Bangor raised, the leadership did not specifically agree to serve without pay. So the comparison of Mr. O'Brien's I think is rather a poor one.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: I might remind the gentleman from Kennebunkport that in my opinion when that order was to create the Legislative Council and the intent for the reason that it was passed, the leadership was going to serve without pay. I take difference to the

position he has taken. And in my opinion, humble it may be, if we can turn around — and I am not disagreeing that they shouldn't be paid. They shouldn't be serving here and not being paid, neither should any commission that we pass an order through here, they should get duly compensated. And if we can do it for our own leadership or own legislative leaders, we certainly can do it for commissions that we enact both in this body and in the other.

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

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to anyone that might answer. I am wondering, after the two back payments to the leadership council, how that was resolved? I believe Mr. Martin said that situation was resolved, I would like to know how it was resolved.

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

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I will be happy to respond to the question of the gentleman from Augusta, Mr. Sproul. As I recall, and maybe the gentleman from Standish, Mr. Simpson, recalls it differently than I do, we, in effect, have not changed the law. The members of the committee that are here when we are meeting as a Legislative Council, those that are not part of the Reference of Bills committee are paid in behalf of the committee on which they serve.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: There were many times that when we have met, including days when the Legislative Council met, that Representative Martin was also down here as a member of the Reapportionment Commission and therefore would not be receiving pay there anymore than I receive pay on days when the Public Lands Committee met on the same day as the Council, because that is what we got paid under, the Public Lands.

I would also advise you that within the creation of the Legislative Council, we also have the authority to approve salaries of per diems for any of you who we call into session or anytime that you are in session or requested, we could also actually, if we wanted to, pay per diems on any particular — if we sent your committee to a hearing or what have you. We have within the statute the right to order per diem to be paid to members of joint committees or any members of select committees within the legislature, but not commissions that have outside people serving on them, and that is where your difference comes in.

The SPEAKER: The Chair would like to state that the Legislative Research Committee members were paid in the past. Legislative Council took the place of the Legislative Research Committee, so to speak. And that under the law, as the Chair remembers it, the law that we passed last session setting up the Legislative Council, it does provide for payment of joint standing committee members that attend meetings and joint select committee members that attend meetings.

For example, Friday the day after tomorrow, there will be no session of the regular session. However, if any joint standing committee does meet in executive session or work session, the members that attend that joint standing meeting will be paid a day's pay under their expenses, \$25 a day and their expenses. It is hoped that some committees will meet this coming Friday, and I believe at least one, the Committee on State Government, has scheduled meetings or a meeting for this coming Friday. Under that basis, the members of the leadership council can be paid.

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

Mr. SPROUL: Mr. Speaker and Members of the House: I am just wondering with that explanation, you know some of the members of the standing committees were paid. Were the other members of those committees paid for those days or just these people that came in making up this particular one?

The SPEAKER: The gentleman from Augusta 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, Ladies and Gentlemen of the House: In answer to the gentleman from Augusta, Mr. Sproul, all the committee members were paid if they attended.

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

Mr. O'BRIEN: Mr. Speaker and Members of the House: I would like to pose a question to the gentleman from Standish.

The SPEAKER: The gentleman from Portland, Mr. O'Brien, may pose his question.

Mr. O'BRIEN: Were the rest of those committee members invited?

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

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

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

Mr. MARTIN: Mr. Speaker, under Rule 19, I ask permission and leave of the House not to vote on the issue.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, asked to be excused on the grounds of a possible conflict of interest, and the gentleman may refrain from voting.

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

Mr. MURRAY: Mr. Speaker, I also make the same request.

The SPEAKER: The gentleman from Bangor, Mr. Murray, may also be excused from voting for the same reason.

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

Mr. O'BRIEN: Now that I have made my point, Mr. Speaker, is the motion to withdraw the order in order.

The SPEAKER: The Chair would answer in the affirmative.

Thereupon, Mr. O'Brien of Portland withdrew his Order.

The gentleman from Stonington, Mr. Greenlaw was granted unanimous consent to address the House.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: Before we adjourn today, I think there has been a question raised here on the order that the gentleman from Portland, Mr. O'Brien, has issued today, which I hope the leadership and the Legislative Council would take under advisement. It seems like we have had a variety of policies pertaining to compensation of leadership, of commissions, and of legislative committees. And I would like to request of leadership and of Legislative Council that they sit down and examine this whole matter and perhaps come up with a set of definitive guidelines from which we all know that we will be operating under.

Mr. Simpson of Standish was granted unanimous consent to address the House.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer the gentleman from Stonington, Mr. Greenlaw, because we are about 15 steps ahead of him already.

We have undertaken a complete study of the operation of the legislature. And if you ever wanted me to stand here on this floor and tell you just exactly what you have operated under for the last few years, it would make your head just swim right around in circles, because it is sickening; it really is. Right now we are planning to hold — I hope, anyway, as the Chairman of that Council, when I leave it in December, that we will have an operating manual to the point that we have a management manual for this legislature so that we know just exactly what we are paying in salaries. Because that could be a baby that you could open up that would go right from this floor all the way right through your staff and right through everything else.

I think many of us know just exactly what took place last time about the purchase of some furniture. We brought that under control and into line right now. We have tried to neutralize things and stabilize things and try to be fair and equitable with everybody but yet hoping to set out some guidelines in a policy in a policy manual that legislatures in the future will operate with for a long time to come.

Mr. Greenlaw of Stonington was granted unanimous consent to address the House.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank the gentleman from Standish, Mr. Simpson, for his response. I think probably you will agree that it is long overdue. May I suggest that perhaps before the manual is completely redrafted that members of this body and the other body have a chance to look at it and make suggestions. It could be that we could add a lot to it.

I would like to raise another issue, too. We have been informed by the Speaker here this morning that members of this House who stay here for executive sessions on Friday will be reimbursed for their time and effort. But I am sure, Mr. Speaker, that there are many members of this legislature who will be staying here Friday to deal with matters that pertain to constituents and perhaps work here all day long. Might it also not be fair that those members be considered for compensation for their efforts here on Friday?

The SPEAKER: The Chair would respond that as the Chair reads the present law it is members of the committees, joint standing or joint select committees, and I don't believe there is provision for individual members. Perhaps this is something the gentleman from Standish, Mr. Simpson, was referring to.

Mr. Finemore of Bridgewater was granted unanimous consent to address the House.

Mr. FINEMORE: Mr. Speaker and Members of the House: In regard to on Page 2 of the House Advance Journal and Calendar, under Non-Concurrent Matter, Item 1. Quite a few have asked me to prepare an amendment and ask reconsideration. But I have taken a few minutes during the session to contact the Secretary of State, and he says that neither one of these amendments, Amendment "A" or the amendment that I would present would be workable. So, therefore, I hope you will go along with this bill when it comes along at next meeting.

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

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

Education

Bill "An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 51." (H. P. 1978) Emergency (Presented by Mr. Garsoe of Cumberland)

(Approved by the Reference of Bills Committee pursuant to Joint Order S. P. 899)

(Ordered Printed)

Sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Simpson of Standish,
Adjourned until one o'clock tomorrow
afternoon.