

# MAINE STATE LEGISLATURE

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



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

# LEGISLATIVE RECORD

OF THE

*1st Special Session*

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

1974

Kennebec Journal  
Augusta, Maine

**HOUSE**

Thursday, February 28, 1974

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

Prayer by the Rev. Gene Gillin of Augusta.

The journal of yesterday was read and approved.

**Orders Out of Order**

Mr. Willard of Bethel presented the following Order and moved its passage:

ORDERED, that John Paul Feeney, Douglass Greenleaf and Robert James of Bethel be appointed Honorary Pages for today.

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

Mr. Farley of Biddeford presented the following Order and moved its passage:

ORDERED, that David and Scott Farley of Biddeford be appointed Honorary Pages for today.

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

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

ORDERED, that Bruce Strickland and Richard Michaud of Kennebunk 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 Becky Pare of Gardiner and Carolyn Heath of Randolph be appointed Honorary Pages for today.

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

The following Enactor was taken up out of order by unanimous consent:

**Passed to Be Enacted  
Emergency Measure**

An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 51. (H. P. 1978) (L. D. 2520)

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. 114 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.

**Papers from the Senate  
Reports of Committees  
Ought to Pass with  
Committee Amendment**

Committee on Transportation on Bill "An Act Relating to School Buses" (S. P. 722) (L. D. 2134) reporting "Ought to pass" as amended by Committee Amendment "A" (S-349).

Came from the Senate with the Bill passed to be engrossed as amended by Committee Amendment "A" (S-349) and Senate Amendment "B" (S-366).

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-349) was read by the Clerk and adopted in concurrence. Senate Amendment "B" (S-366) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

**Ought to Pass in New Draft**

Committee on State Government on Bill "An Act to Transfer the Chief Medical Examiner to the Department of Public Safety" (S. P. 839) (L. D. 2380) reporting "Ought to pass" in New Draft (S. P. 917) (L. D. 2529) under new title "An Act to Transfer the Chief Medical Examiner to the Department of the Attorney General"

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

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

**Divided Report**

Majority Report of the Committee on Veterans and Retirement on Bill "An Act Relating to Effective Date of Retirement Benefits for Retirees under

the State Retirement System" (S. P. 723) (L. D. 2135) Emergency reporting "Ought not to pass"

Report was signed by the following members:

Mr. HENLEY of Oxford  
-- of the Senate.

Messrs. PRATT of Parsonsfield  
THERIAULT of Rumford  
TWITCHELL of Norway  
LYNCH of Livermore Falls

Mrs. KELLEY of Machias  
-- of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass"

Report was signed by the following members:

Messrs. RICHARDSON of Cumberland  
DANTON of York  
-- of the Senate.

Messrs. BERRY of Buxton  
GAHAGAN of Caribou  
-- of the House.

Came from the Senate with the Majority "Ought not to pass" Report accepted.

In the House: Reports were read.

On motion of Mr. Pratt of Parsonsfield, the Majority "Ought not to pass" Report was accepted in concurrence.

#### Divided Report

Majority Report of the Committee on Public Utilities on Bill "An Act Providing for State Supervision of the Construction and Safety of Dams and Reservoirs" (S. P. 745) (L. D. 2157) reporting "Ought to pass" in New Draft (S. P. 916) (L. D. 2527) under new title "An Act Relating to Dams and Reservoirs"

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot  
Mr. CYR of Aroostook  
-- of the Senate.

Messrs. TRASK of Milo  
GENEST of Waterville  
MURRAY of Bangor  
MADDOX of Vinalhaven  
SOULAS of Bangor  
MULKERN of Portland  
LITTLEFIELD of Hermon  
CONLEY of South Portland  
-- of the House.

Minority report of same Committee on

same Bill reporting "Ought not to pass"  
Report was signed by the following members:

Mr. ANDERSON of Hancock  
-- of the Senate.

Messrs. KELLEHER of Bangor  
CHICK of Sanford  
-- 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. Soulas of Bangor, the Majority "Ought to pass" Report was accepted in concurrence.

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

#### 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 in the House as amended by House Amendment "B" (H-705) and House Amendment "C" (H-709) on February 26.

Came from the Senate with the Bill passed to be engrossed as amended by House Amendment "B" (H-705) in non-concurrence.

In the House:

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

Mr. SIMPSON: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves that the House recede and concur.

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

Mr. O'BRIEN: Mr. Speaker and Members of the House: I rise not to debate the motion of receding and concurring. I rise to question whether this bill is in its proper position. As I recall, this bill passed the House with a vote of 95 to 30, or some-odd vote like that, with House Amendment "C" on it. I ask, what has happened to House Amendment "C"?

The SPEAKER: The Chair would inform the gentleman that the other

body ruled it was not germane, and House Amendment "C" is not before us and will not be before us. The pending motion is the motion of the gentleman from Standish, Mr. Simpson, that the House recede and concur with the Senate.

Mr. O'BRIEN: Mr. Speaker, a parliamentary inquiry, sir. You state that House Amendment "C" is not before us, therefore it is not debatable.

The SPEAKER: The Chair would answer in the affirmative. It is not before us and it would take a separate bill relative to hitchhiking rather than have that attached to this particular bill. The other body has ruled it is not germane to the issue and it is not before us. In this legislature it takes two bodies to pass a bill, and I accept that as a fact.

Mr. O'BRIEN: Mr. Speaker, I believe this House ruled on the question of germaneness of House Amendment "C".

The SPEAKER: That is correct, but it is not before us at the present time. The other body ruled it was not germane.

Mr. O'BRIEN: To continue with my parliamentary inquiry, sir. The bill is then in the position, going before the other body in the same position we receive it now. They had the opportunity to reject or vote on that amendment, not to rule the germaneness, not to overrule our position of germaneness.

The SPEAKER: The other body ruled contrary to that.

Mr. O'BRIEN: Sir, my parliamentary inquiry is not being answered. I am trying to find out for a precedent for this House having to challenge, having the question of germaneness ruled on by this body. The only procedure that I know that would change the germaneness of a ruling of this body would be to challenge the Chair. And it is my understanding that no one in this body challenged the Chair.

The SPEAKER: The Chair would inform you that the other body has ruled this is not germane, and there are two bodies in the legislature. It is not a part of the bill now and will not be a part of the bill.

Mr. O'BRIEN: Mr. Speaker, for the record, I will rise in opposition to the motion to recede and concur, and I hope that this body would also vote against

the motion to recede and concur to bring back to this body the prestige and the position that it justly deserves.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The Chair is accurate in saying that each body is the judge of its own determination as to the germaneness of an issue. This body has determined that the amendment was germane. The other body, of course, did not. That is the prerogative of the other body, which, of course, I happen to disagree with on this particular issue. I happen to agree that the Speaker's germaneness ruling was correct.

I think it is very simple. If we believe the Speaker's ruling of germaneness was correct and we believe that our original position was correct, then we simply ought to vote against the motion to recede and concur and then the next motion would be made to insist. Then, if they want to decide that over there, that is up to them.

So I would simply ask for a division on the motion to recede and concur and ask you to vote against it.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I would also like to ask you not to recede and concur, because on this particular bill, we are doing just what I do not want to do, going to the demands of the other body.

My people need the amendment on there that I put on that allows us not to take off the points from the driver's license. In other words, I was willing to go along with the bill and these people should be fined if they went over 55. But my people travel so far to work, either to Millinocket, 50 some odd miles or Bangor, 36 miles. They are constantly exposed to losing their points. I, as a legislator, can't afford to stand here and let a bill like this pass that jeopardizes the people that I represent.

Besides that, I don't come down here to delegate any more authority to anybody to harass my people, to actually harass them, and this is what this bill will do. I am willing to punish them and I

am willing to cut the speed to 55, but I am not down here to harass people.

We passed this bill with the amendment to keep the point system as it now is by a large majority. It goes back into the other branch and comes back in non-concurrence. I would like to send this bill this morning to the other body in non-concurrence. So I hope you don't vote to recede and concur.

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

Mr. TALBOT: Mr. Speaker and Members of the House: I think I would be remiss in my duties if I didn't say a few words. I would like to say a whole lot of words, but I don't think I will.

I would hope that this body does vote against the motion to recede and concur so that I may make the motion to insist and ask for a committee of conference. I am under the impression that I think this bill is probably too important for us to just cast aside in that kind of manner.

I think this is the first real issue that would really benefit the working people, the college students, the young people, people without cars, people who can't afford to buy gasoline. I think this is the real gut-issue, that this is the first real issue that would directly benefit the people of the State of Maine. Therefore, I would hope that you would vote against the motion to recede and concur so that I may make my motion.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I think we are playing a lot of games here this morning, or in the last couple of days. I think we had better be awful careful how we play them.

In the regular session I voted for the hitchhiking bill. I lost at that time; I will accept that. I voted for it the other day, although I felt, as a matter of principle, that we were putting onto a bill something that was totally irrelevant to it.

I think we have a piece of legislation here before us that is too important to start playing games such that we get two conflicting views in the bodies and get antagonistic and the whole entire bill

goes down the drain. I think the bill is very important to us, it is very important to our highway system, it is very important to our courts and the defense of the people in this state who — I will put it this way. Right at the present time this body, the legislature, establishes the speed limits in this state and allows only the speed limits to be lowered for safety. Right at the present time the speed limits have been lowered not because of safety but because of the energy crisis.

I believe that anybody who wanted to challenge this in the courts would probably have justification to do it. I believe we should take the responsibility that is ours, and that is to make sure if we are going to allow them to be lowered because of the energy crisis, then let's do it and put some teeth in the law and not play around with amendments.

I personally believe if we don't recede and concur that there is a jeopardy of the entire bill being lost. If that is the way we want to go, fine, but I think it would be very bad if we decide to go that way.

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

Mr. TALBOT: Mr. Speaker and Members of the House: We are dealing with several elements here. I agree with the gentleman from Standish, Mr. Simpson, that the bill is that important. On the other hand, I think the amendment is that important. I think we are dealing with the emergency crisis. I think we are dealing with transportation, which is the main gist of the bill itself. I think we are dealing with travel, which is the main gist of the bill itself, and I think we are dealing with common sense for the people of the State of Maine. I think for us to stand here and play games — and I know who is playing games. It is not this body that is playing the games. I know who is playing games, but I think it just comes down to good, common sense that this is in the best interest of the people of the State of Maine insofar as the energy crisis is concerned. If we want to mince words and play games over what is germane and what is not, I think that is very unimportant.

I think it is germane to the question. I

think it has a lot to do with the energy crisis, a lot to do with people, a lot to do with common sense, so let's vote against the motion to recede.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Webber.

Mr. WEBBER: Mr. Speaker, Ladies and Gentlemen of the House: As you probably know, in the regular session I had a speeding bill in here and it was passed in this House and it was killed in the Senate. At that time, the ruling was that the Governor or the Commissioner of Transportation did not have authority to lower the speed limits. Since the energy crisis came about, they did lower it.

I agree with the gentleman from Standish, Mr. Simpson, that they did it exactly the way he says.

The gentleman from Portland, Mr. Talbot, talking about the people, the Federal Energy Highway Conservation Act says that we must comply with the federal regulations, and if we don't comply, you can lose some federal funds. They say you will lose federal funds if you don't comply.

I have a note here that comes from the Department of Transportation that says, "The Secretary of the U.S. Department of Transportation will not authorize any projects involving federal funds that do not comply with this act." Here it says approximately \$30 million could be involved. So I think this would affect the people quite a lot, so I will agree that we should recede and concur.

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

A vote of the House was taken.

Thereupon, Mr. Talbot 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 South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I think one of the main questions we should face on this during this debate is whether or not the House should stick up for its stand that it took the other day on, I think it was a 90 to 27 vote for this amendment.

In reading through a recent article in this week's Maine Times, I just kind of got my dander up a little bit when I read a story here that started in part, "During the present 106th Legislature, the Senate has run most of Maine's government. Faced with a weak House," et cetera, "the Senate has originated and implemented most of the legislation for which the 106th will be remembered."

I feel that tacking on the hitchhiking amendment was one of the best things that we have done in the legislature so far this session. I would like to see the House stick up for that amendment, and I would like to see us move to kill the recede and concur motion so that we can insist and can try to get this amendment on.

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

Mr. WHITZELL: Mr. Speaker, I would like to pose a question through the Chair. The question is, is there a precedence for this ruling that the Chair has just handed down? Were there other bills that we are helping that came before this House where the other body came in and said that the issue is not germane?

The SPEAKER: The Chair would answer in the affirmative, yes.

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

#### ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Binnette, Birt, Bither, Bragdon, Brawn, Briggs, Cameron, Carrier, Chick, Churchill, Conley, Cote, Cressey, Curtis, T. S., Jr.; Davis, Donaghy, Dunn, Dyar, Emery, D. F.; Evans, Farnham,

Farrington, Ferris, Finemore, Flynn, Gahagan, Garsoe, Good, Hamblen, Hoffses, Huber, Hunter, Immonen, Jackson, Kauffman, Kelley, Kelley, R. P.; Keyte, Knight, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McCormick, McKernan, McNally Merrill, Morton, Murchison, Norris, Palmer, Parks, Pratt, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Soulas, Stillings, Susi, Trask, Trumbull, Tyndale, Walker, Webber, White, Willard, Wood, M. E., The Speaker.

NAY — Albert, Berry, P. P.; Berube, Boudreau, Bunker, Bustin, Carey, Carter, Chonko, Clark, Connolly, Cooney, Cottrell, Crommett, Curran, Dam, Deshaies, Dow, Drigotas, Dudley, Dunleavy, Farley, Faucher, Fecteau, Fraser, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Hancock, Herrick, Hobbins, Jacques, Kelleher, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lynch, Mahany, Martin, Maxwell, McHenry, McMahon, McTeague, Mills, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, O'Brien, Perkins, Peterson, Pontbriand, Ricker, Rolde, Santoro, Sproul, Strout, Talbot, Theriault, Tierney, Twitchell, Wheeler, Whitzell.

ABSENT — Brown, Greenlaw, Jalbert, Sheltra, Smith, D. M.; Smith, S.; Tanguay.

Yes, 76; No, 67; Absent, 8.

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

### Messages and Documents

The following Communication:

The Senate of Maine  
Augusta

February 27, 1974

E. Louise Lincoln  
Clerk of the House  
First Special Session  
106th Legislature  
Dear Madam Clerk:

The Senate voted to Adhere to its action whereby it accepted the Leave to Withdraw, Covered by Other Legislation report on Bill, "AN ACT Transferring Responsibility for Post-Secondary Vocational Education from the Board of

Education to the University of Maine and Modifying Membership of the Board of Trustees" (S. P. 848) (L. D. 2417).

Respectfully,

(Signed) HARRY N. STARBRANCH

Secretary of the Senate

The Communication was read.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I have got a few comments I would like to make relative to this communication. I think they are going to apply not only maybe to some of the comments that were made a few minutes ago relative to the other issue we had before us. But here we see a communication whereby the other body has adhered to their action, which in essence, I think all of us know, for all practical purposes, it is completely dead.

However, I do feel here again that the other day this body did move. I think if it was a case of trying to keep something alive that I would stand here and I would realize what the other body did, and I would not be trying to fight to save it. But here is a matter of principle.

I believe our body the other day, in essence, said that when a bill was printed and accepted by us and referred to a committee that we felt that that bill should have a public hearing or at least it should have a public hearing before it is reported out "leave to withdraw," especially when it is placed on there as covered by other legislation, which I personally have not been able to find yet which covers that subject.

I might not totally agree with the contents of the bill, but I do feel that it should have been given its public hearing. Evidently there has been an attempt, at least by the other body, not to do so. I personally feel, as a matter of pride in this body, that I don't want to receive that type of communication and I would ask for a division on whether we should receive it in this body.

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

Mr. MARTIN: Mr. Speaker, a parliamentary procedure. This communication, the only issue we have



before us is whether or not we are going to place it on file. I have no objection as to whether or not we are going to place it on file or not, and I would just as soon not keep it in the files. But under the rules, it doesn't matter if we receive the communication. The motion remains from the other body, does it not?

The SPEAKER: The intent is that this would be returned to the other body if it is not accepted.

Mr. MARTIN: Mr. Speaker, I think we are playing games. I agree with the gentleman from Standish, because I share the same feeling. I am concerned with what the other body has done, but I am not sure that it is going to make one iota of difference at all. If we want to impress the Senate, maybe we should have used the other bill to do it, I don't know. But I think the point is, whether we go in and hand it to the Secretary of the Senate on his desk, the communication on the bill, it is not going to change the outcome from the other body unless the other body suspends the rules by a two-thirds vote, then who are we kidding?

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Partially in reply to the remarks of the gentleman from Eagle Lake, Mr. Martin, I agree with him completely that nothing is going to be accomplished, except I would say that the House does, for the record to the public, insist on our former action. I see no harm in doing that, and I hope that we will insist on our former action.

The SPEAKER: The pending question is acceptance of this communication from the Senate. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

15 having voted in the affirmative and 115 in the negative, the communication was not accepted.

### **Petitions, Bills and Resolves Requiring Reference**

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

### **Labor**

Bill "An Act to Simplify the Occupational Disease Law and to Conform with the Recommendations of the National Commission on State Workmen's Compensation Laws in Regard to Occupational Disease" (H. P. 1993) (Presented by Mr. McTeague of Brunswick)

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I am sure that all of you are being criticized by your constituents for wasting time and money in being here far too long. I say this because I personally know that I am being severely chastised by many of my good friends and staunch supporters. I can only reply to them that we must abide by the rules laid down by our Governor and leadership. I state also that the majority of us do not approve of this approach of handling a special session but that we really having nothing to say about the subject of cutting down the length of the session.

Ninety-nine percent of us are working as hard and as conscientiously as we can to do the best that we can within our limits. Their retort to me is that they certainly would think that after 18 years up here and once having held leadership positions that I would be able to do something to help expedite this session if I am truly interested in the way that the citizens of the City of Bath think about the way I am doing my job and the entire legislature is doing theirs. I still cannot do anything by myself, but at least I can try.

I may today be criticized as taking a stand against labor bills. This certainly is not so. I served on the Labor Committee for eight years and four years as its House Chairman. I always tried to be fair to both segments of our economy, business and labor. I personally have sponsored over the years over 20 bills dealing with employment security and workmen's compensation to help the working men and women of our state.

These three items may be very important. I understand that they were in the Governor's call, but I cannot see how they could be so complicated that

they would require all this time in their preparation. And if they are that complicated, I surely think they should not be rushed through here but taken up at the regular session next year. In trying to be fair and move things along expeditiously, I move now that the first item be indefinitely postponed.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that item one, House Paper 1993, be indefinitely postponed.

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

Mr. HOFFSES: Mr. Speaker, Ladies and Gentlemen of the House: As all of you know, I came into this body from the other end of the hall, and I resolved that I would be careful in my remarks, I would be limited as to the amount of debate that I would take in regard to the measures, because I did not care to have you ladies and gentlemen of this House accuse me of coming from the other branch and endeavor to impose upon you my influence, trying to make you think I had the answers to all of the questions and all of the problems facing this legislature.

I think perhaps the records will show that I have been limited in my remarks on many of the bills. Two days ago I believe I gave my longest speech in this body, but I had a firm conviction and I felt that I should exercise it. I have a firm conviction today, and I must arise and speak to you about my convictions and about the length of this special session.

We have in the regular session what is known as cloture. We obviously have forgotten about the word to the extent that I don't know as we even know how to spell it today, because each day we are having more and more of these bills coming in. And I facetiously mentioned the other day in a caucus that a colleague of mine and myself were preparing two bills that were quite comprehensive and I posed the question, "If we have these bills ready by the middle of April, will there be time to get them in?" And as I see us progressing here, I believe that that is not too far unreasonable. We are going to introduce bills, so perhaps we should pursue this, and the 15th of April we should have

these bills ready for introduction to this body.

Now, we have before us 282 bills and redrafts. Quite a number of them are old chestnuts which have been fully and completely debated in the regular session. They have been debated in past sessions, likewise, and have been defeated. I raise this question to you in all sincerity. Are we really concerned about the taxpayer back home? Are we concerned about the taxpayer? Another question I would pose to you. Is this the beginning of annual sessions? If it is, let's recognize it as such and let's go into annual sessions.

These three bills, I do not profess to be any expert on labor bills in any way whatsoever, but in the 11 years that I have been around here, I believe that labor bills are very comprehensive, that they are highly debatable and they require a great deal of time and consideration before they are acted upon.

The three bills which it has been suggested that they be referred to the Committee on Labor and printed, this is February 28, a Thursday, if we accept these bills, order them printed, they will go to the other branch tomorrow. They will be available for the legislature next week. Next week a public notice could be made of the hearings on these three bills, which is the week of March 11.

As the distinguished gentleman from Bath has just said, we have been chastised, and ostracized by our constituents back home, and rightly so, and we have been criticized by the news media, and rightly so. If we are going to progress towards any adjournment date, I believe that we should not consider any more legislation in this special session.

This is a special session, supposedly to take care of emergency measures, and we were told at the beginning that we were going to have emergency measures to grant the Governor extensive powers during the energy crisis. We have been discussing, to my knowledge, about the first and most important matter of energy crisis just a short time ago when we were discussing this bill of the Transportation Department.

Where are the bills which are supposed to be presented to this

legislature for emergency action to take care of the energy crisis? I think that we should lay the blame where it is justly deserved. The blame, in my opinion, begins in the Executive Office. It continues in both corners of this House in the front row and it extends to every row in this body, people who have introduced legislation which has extended the length of this session. The responsibility lies in no one place. It lies with every one of us who are continuing to extensively debate these bills, bringing in these old chestnuts and the length of time that it is taking to introduce bills for reference.

Now I say to you, let us act responsibly and let us get through the business which is before us that we can go home and that we can say that we have accomplished something besides spending \$15,000 of the taxpayers' money each and every day that we are in session.

Mr. Speaker, I would move, if it is permissible, that these three bills—

The SPEAKER: The Chair would inform the gentleman that we are discussing just one bill, taking them one at a time, and that the pending motion is the motion of the gentleman from Bath, Mr. Ross, to indefinitely postpone that one bill.

Mr. HOFFSES: Very well. I hope that this body will go along with the gentleman from Bath and that we can finally see light at the end of the tunnel for adjournment sometime the last of March or the first part of April.

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

Mr. BIRT: Mr. Speaker and Members of the House: I guess probably we all share equal frustration with the previous speaker as to the length and the problems that this session is faced with. And I am sure that there is no one on the floor of this legislature, and I am sure that my counterpart on the other side of the aisle, and he and I have discussed these bills extensively, are fully recognized of this and we have reconciled many of the problems relative to them.

But I do think that the previous speaker did bring out a couple of points that might require some clarification. He mentioned the point of cloture and the

possible inference that cloture was not being adhered to. I think that cloture is being very closely adhered to. About two weeks ago the Reference of Bills Committee came out with an order that required unanimous consent of all members before any bill could be introduced, except bills that were previously authorized for introduction.

The Reference of Bills Committee met yesterday, and they had an extensive discussion of all three of these bills. They felt that these bills were outside of the scope of that particular order and as a result had to be placed on the calendar this morning. At that time there were two or three other bills presented for consideration, and I think in every one of the cases one vote was all that was necessary to turn them down and they were turned down on account of that.

I think the problem that you have before you this morning whether you do or do not consider these bills is entirely an individual one. But I don't want to leave the impression that the Reference of Bills Committee is taking lightly the position of allowing bills on the floor of this legislature.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: After some of the remarks of the gentleman from Camden, Mr. Hoffses, I don't know whether I am supposed to defend the Governor, the Democrat leadership, the joint leadership, the citizens of Maine, or maybe just the people of Camden and Eagle Lake, I am not sure. But I am going to try to respond to some degree to at least give you an idea, following up what the gentleman from East Millinocket has started. As he well pointed out, cloture was in fact adopted by both of these bodies. And now, as he has already pointed out, it takes a unanimous vote of all of the members of the Reference of Bills Committee. Yesterday there were some objections to a number of bills that were introduced, one single objection on each one killed them all, and that was it.

Secondly, the last bill that was accepted, to my knowledge, by the Reference of Bills Committee for your

approval was L. D. 2520, which this morning we enacted which dealt with the ratification or authorization of the validation of SAD 51, and I believe it was introduced by the gentleman from Cumberland, Mr. Garsoe. That particular bill was approved unanimously and it was approved on the very day of cloture, and it was approved because it was an emergency. We felt that it was proper for it to come before the special session. I am sure there is no one in this body who would disagree with that approach.

I do think that these three bills, granted, could well have been here on January 1 if they had been ready, but unfortunately they were not. I am not going to discuss merits, because I don't know anything about the bills at this point.

To make one other point that I would like to make. We went through some of that the other day when the gentleman from Bath, Mr. Ross, indicated that he was protecting the public of Maine and that no other bill ought to be introduced. Let me just put it in this light. As long as we are citizens, as long as we are legislators, and as long as we are here to represent the people and we have legitimate concerns about some of the things going on back home and problems that exist because of pending laws and legislation, then I think we would be derelict in our duty if we did not attempt to correct those problems while we were in session.

There will be others before we adjourn. I know of some now that have come to our attention very lately that may very well need a bill or may well need an amendment to an omnibus bill in order to solve that problem. Are we in effect saying that we are going to forget those things and we are going to go home and tell the people, you just forget about it and you just wait seven months and you just wait as long as you can and maybe in January during the regular session we will solve that problem? I don't think the people deserve that type of representation. I happen to believe that if it is an emergency and if it is necessary and we are here, we might as well be doing something as long as we are here. Some of these things take very

little time. The bill of the gentleman from Cumberland, for example, is a perfect example. It hasn't delayed us one bit.

Mechanically, let's assume that we accept these three bills, excluding the fact that two of them have been around for awhile. Let's assume that we are willing to accept that today, these three bills. There is no reason to postpone this three weeks before a public hearing, as the gentleman from Camden points out. These could be sent forthwith today, or even if they appear on the calendar tomorrow, they can be advertised for hearing next week. And you may all be interested to know that it is something of a historical first, or maybe it is a third, that the Labor Committee is going to have a hearing next week and they will be in a position to hold the hearings on these three bills at the very same time that they hold the hearings on I believe three bills that they have. One of them happens to be one that I put in and it has been around for awhile, and the hearing is being scheduled for the first time.

Certainly, if we are talking about delaying the session one week, I know what I would be doing on these three bills, but I don't think that is necessary at all. I think they can be handled in a proper fashion. There is no reason for us to start debating whether or not they have merit or not. I don't know what the merits are. I guess at this point maybe we ought to stop attempting to lay blame on corners of the Houses and the plague on all the Houses maybe. Because if the plague begins, it ought to begin with all of us, and maybe it will end election day.

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

Mr. McMAHON: Mr. Speaker and Members of the House: Commenting on this issue in a light vein, I remember about two weeks ago the Republican leadership of this legislature was severely criticized by several members of the opposite party both in the press and on the floor of this House for so-called foot dragging of this session. Again in a light vein, I would say in light of that criticism Mr. Martin's comments are particularly refreshing and I enjoyed very much listening to him.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I rise along with my good friend Mr. McMahon. I don't get any particular pleasure out of listening to discord notes coming from the other corner over there, because I too remember what happened two weeks ago about our Republican leadership being blamed for dragging its feet, and we certainly are not hearing anything from the other corner that is in harmony with what was said here two weeks ago.

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

Mr. MARTIN: Mr. Speaker, I think I have to respond to both of those, also in a light vein. Some of the things I was talking about have nothing to do with whether or not we are dragging our feet. The issue that I was trying to get across two weeks was that many of the committees were not holding executive sessions and getting the bills out. Unfortunately, none of the chairmen happen to be members of my party, and I have no way of trying to influence how they are going to handle things. And until such time as that changes, I just have to take the facts of life, and I do hope — you know, this is the only type of way that I can try to get to any of these people. I am sure that the gentleman from Kennebunk will agree with that.

But as far as handling it, once we have it and it is out on the floor, I think we are doing it very well. I certainly never condemned the other corner or any other for handling it in that fashion. It is simply an issue of how are we going to do it once we get them? And once we have, we have worked at that problem very well.

Unfortunately, maybe my remarks should have been aimed at the other body. And when you make a blank accusation, most of the time it gets aimed at everyone. This may be unfortunate.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I think I have got

to remain consistent with the position that I have taken all along in this session, that we should give consideration to all bills that are properly before us. As far as I can see, these bills are properly before us and fall in the same category as all other bills that are in that position. And I have got to go along with the idea of giving these consideration.

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

Mr. BIRT: Mr. Speaker and Members of the House: Just to clarify a point in the discussion that has been going on here relative to what did happen a couple of weeks ago. I hope to continue the same vein that has been expressed by two or three of the previous speakers.

I think the big discussion that came up two weeks ago was due to the fact that we ran into the situation where several bills had to be tabled and we were severely criticized for that tabling action. I think in every one of the cases the tabling was necessary for additional work to be done on them. In some cases there were requests from members of the opposite party of my own.

Interestingly enough, the thing that I found the following day, after there was quite a writeup in the paper is that there were several bills tabled and about two thirds of those were tabled by members of the gentleman from Eagle Lake, Mr. Martin's, own party. I think this is what caused some of us to be upset, because we were trying to make sure that these bills were being put in proper form, and in that respect we were not holding up the session in any way but were trying to get good legislation, and we were severely criticized for it.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: About two weeks ago I had a very simple bill that I wanted to present, and I went to leadership and was refused. This bill wouldn't have taken but only a very short time, a resolve, and if we decide this morning to let these three through. I wish that I was a member of the other party.

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

Mr. HOBBS: Mr. Speaker and Members of the House: I don't think my constituents in Saco would chastize me for extending this special session to review bills such as this. They are of importance to the working people of the state.

I think we have held public hearings and had bills printed on such landmark bills as reimbursing someone for loss of beehives and many pet bills which could have been postponed to the 107th Legislature. But I would hope that this body this morning would see in its wisdom to allow these bills to be heard before the Committee on Labor and let them decide the fate. If we find in the Labor Committee that these bills are too complicated, we can ask to have them put out for study or postponed until the 107th Legislature.

So I urge you to vote against the pending motion to indefinitely postpone this bill.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to get away from the subject a little bit of just exactly what happened two weeks ago, three weeks ago or a month ago and get right down to where we are today.

I think we are talking about three bills here that all involve workmen's compensation. I have a couple of questions I would like to ask.

At the regular session an order went through to study the workmen's compensation laws in the State of Maine, and I believe that is before the Labor Committee right now and is being undertaken by them. As such, I would like to know whether these three bills are a part of that study, and if they were a part of that study, if they have been properly drafted and voted on by the committee and reported out, if they are not, I would like to know why these bills aren't made part of the study rather than coming in here during a special session with them when the pending study order is before us.

The SPEAKER: The gentleman from

Standish, Mr. Simpson, poses two questions through the Chair to anyone who may answer if he or she wishes.

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

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: Before attempting to answer the questions, I would like to thank the gentleman from East Millinocket and the gentleman from Perham for their positions on this.

The questions that are raised this morning, which are legitimate questions to be raised, were originally raised to me by the gentleman from East Millinocket, Mr. Birt. I would like to, in attempting to answer the question posed by the gentleman from Standish, Mr. Simpson, to recount to you how these bills came about, because he has touched on their origin.

There was a study commission set up. Due to the fact it was beyond the control of the people involved, the study commission did not operate as such. There was contact with the Senate Chairman of the Joint Standing Committee on Labor, and he was advised that there was another body which had formed, not a legislative body, I should say, but a body having representatives of the three interest groups involved in workmen's compensation legislation; namely, the employer interest of the state, the labor organizations of the state and the insurance industry. There were approximately five meetings in Augusta which were all attended by members of the legislative staff, who in essence acted as secretary to this group and who did, I think, a wonderful job and has devoted many hours since about mid November of last year in the drafting of these bills.

It would be misleading to tell you that these bills are not complex; they are. But we do not believe that complexity will mean delay, because we have with the three groups involved; namely, again, the employers, the labor organizations and the casualty insurance industry writing workmen's compensation insurance worked out, in accordance with national guidelines, these bills. The preliminary work, the

spade work has been done, and I think you will find it has been done well.

The reason that we face these bills in the latter part of February rather than in the latter party of January is this. A member of the legislative staff who has worked long and hard and who has worked on weekends, I know, in regard to these bills has another committee assignment. That committee assignment is the State Government Committee, probably one of our busiest committees during this legislative session. It is a matter of priorities. There were a tremendous number of bills before State Government, many of which were related to the so-called Longley Report. It is a matter of the availability and the time of this gentleman to draft the bills.

Mr. Speaker, I would hope that the House would allow these bills to go to the Committee on Labor. If it turns out that anything I have said is inaccurate, if there is not agreement that these are contentious or controversial bills, that committee has the authority to report the bills to the 107th or take whatever action is necessary. My impression, and I have worked rather closely with the bills, is that this will not be the case, that we will have a quick and I think unanimous, or close to it, and I don't mean to be presumptuous regarding the Labor Committee matters, but when they see that the employer interest, the labor interest and the insurance company interest that worked together on these things, I think they will move on them.

What's the hurry? Why now, why not next January or next June? Well, there are two reasons for the concern. Number one, the man that is hurt, whether he be in Bath or Camden or Brunswick or any other town, he is hurt this year and the bills don't pass until next year, it is too late. How do we justify ourselves to that man?

Secondly, there is agreement within the State of Maine among all the interest groups involved of the desirability of retaining state jurisdiction and state administration in this important field of workmen's compensation. We are under time deadlines, and in a sense we are under the gun because of a bill pending

in Congress right now called the Javitz-Williams bill which this week the Wall Street Journal, and by the way that bill would preempt state jurisdiction to a very considerable extent. The Wall Street Journal, in a front-page article this week, has predicted congressional passage of this bill.

We think we have a fairly decent, and one that is getting better, workmen's compensation system in Maine that is getting better. We would like to be able to keep it. We think these are important. We think they can go to hearing next week and we think the committee would act expeditiously on them, and they would not, in fact, extend the session.

Mr. Speaker, I know, based on the comments of the assistant majority leader and based on the comments of the gentleman from Perham, Mr. Bragdon, that the vote on this bill would not be a partisan vote. Of course I ask every Democrat to vote to give these bills a hearing, but I ask every Republican, too. This is one of those days, and it is a strange thing for me because I am very devoted to my particular party, that I wish one of two things. I guess to be honest, I wish we were in the majority, but number two, on this particular day for this particular vote, I wish I could talk to you as a Republican to Republicans and let these go for hearing.

There is one more wish I would like to express today, and it is a personal one, and I hope I don't bring down my own caucus on my head by saying this. I guess sometimes it is a disadvantage to be a Democrat and sometimes it is a disadvantage to be in the corner on either party, Democratic or Republican. I may find that out today, and these bills may not be referred for hearing. But, my friends, the question is not what particular position do I hold today, the question is whether, number one, are the bills worthwhile? I think they certainly are. Number two, will they extend the session, and I assure you they will not.

Mr. Speaker, I would appreciate the courtesy of the yeas and nays when the vote is taken.

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

MR. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Within the last

two days. I have talked with a representative of Labor; I have talked with a representative of the Industrial Accident Commission. Both of these gentlemen seemed very surprised that these bills were being introduced. Neither of them indicated whether they were for or against them, but they were just surprised. So I now have a question to the gentleman from Brunswick, Mr. McTeague. Did these three have the approval of the three segments that you mentioned; namely Labor, Industrial Accident Commission and the Insurance Commission?

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

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

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentleman's question in regard to the Industrial Accident Commission, after talking with the Chairman of the Labor Committee, we decided to invite all of the members, not only the chairmen but all of the members of the Industrial Accident Commission to participate and to advise in regard to the study. They expressed interest, but they felt that because they had a quasi-judicial post that there might be some appearance of impropriety for them to participate in the formation of legislation. So the Industrial Accident Commission was not in on it. Although they were invited, they felt they, as a part of the state bureaucracy, they shouldn't be.

If I may mention some of the gentlemen that were involved for the other groups involved, yes, I can answer, yes definitely the labor movement has been involved in the formation. I have gone over with one of the legislative agents to the labor movement the particular bills. In regard to the industry side of things, we have had a gentleman from the firm of Pierce-Atwood, who is legislative counsel here for certain employer interests, particularly in the paper industry who participated in every meeting, was a member, went back to

his organization, got feedback and changes were made, incidentally. Does that answer the gentleman's question?

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that House Paper 1933 be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

### ROLL CALL

YEA — Ault, Baker, Bither, Cameron, Dunn, Farnham, Hamblen, Hoffses, Kelley, MacLeod, Parks, Pratt, Rollins, Ross, Shaw, Simpson, L. E.; Trask, Trumbull, White, The Speaker.

NAY — Albert, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Boudreau, Bragdon, Brawn, Briggs, Brown, Bunker, Bustin, Carey, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Dam, Davis, Donaghy, Dow, Drigotas, Dudley, Dunleavy, Dyar, Emery, D. F.; Farley, Farrington, Faucher, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Hancock, Herrick, Hobbins, Huber, Hunter, Immonen, Jacques, Kauffman, Kelleher, Kelley, R. P.; Keyte, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, O'Brien, Palmer, Perkins, Peterson, Pontbriand, Rolde, Santoro, Sheltra, Shute, Silverman, Smith, D. M.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Talbot, Tanguay, Theriault, Tierney, Tyndale, Walker, Wheeler, Willard, Wood, M. E.

ABSENT — Deshaies, Evans, Greenlaw, Jackson, Jalbert, Knight,



Norris, Ricker, Smith, S.; Webber, Whitzell.

Yes, 20; No, 119; Absent, 11.

The SPEAKER: Twenty having voted in the affirmative and one hundred nineteen in the negative, with eleven being absent, the motion does not prevail.

Thereupon, the Bill was referred to the Committee on Labor, ordered printed and sent up for concurrence.

### Order Out of Order

Mr. Brown of Augusta presented the following Joint Resolution and moved its adoption:

WHEREAS, Jack S. Atwood, Executive Vice President and General Manager of the Maine Broadcasting System has announced his retirement; and

WHEREAS, Jack S. Atwood has served his industry as a pioneer beginning as a radio Announcer-Engineer in Bangor in 1928, Station Manager of WRDO, Augusta, in 1936 and Station Manager charged with the establishment of WCSH-TV in 1953, and Executive Vice President and General Manager of the Maine Broadcasting System's three radio and two television stations in 1961; and

WHEREAS, Jack S. Atwood served as Chairman of the Founding Committee of the Maine Broadcasters Association and currently serves as its President; and

WHEREAS, Jack S. Atwood has served his State as a member of the Highway Safety Committee from 1959 to 1973 and as Chairman from 1967 to 1969; and

WHEREAS, Jack S. Atwood has served his Nation as a Marine, winning two Battle Stars and the Navy Commendation Ribbon for his 19 months Pacific area duty during World War II; and

WHEREAS, Jack S. Atwood rose to the rank of Lt. Colonel and served as Chairman of the Founding Committee of the Maine Legionnaire;

WHEREAS, Jack S. Atwood pioneered radio and television coverage of the Maine Legislature and has served his industry, his State and his Nation above and beyond the call of duty; now, therefore, be it

RESOLVED: That the Maine Legislature commend Jack S. Atwood for his devotion and excellence to his industry, his State and his Nation; and be it further.

RESOLVED: That the Maine Legislature proclaim February 28, 1974 as Jack S. Atwood Day and that a suitable copy of this Resolution be presented to Jack S. Atwood with our thanks. (H. P. 1998)

The Resolution was received out of order by unanimous consent and read.

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

MR. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I wish to just express my enthusiasm for having the opportunity to present this order. The gentleman that was going to present it was the gentleman from Lewiston, Mr. Jalbert, who because of illness is unable to be here and the pleasant task fell upon me. I have known Jack Atwood for a long, long time. He not only has been a great guy, he has done a great many things for the good of his community, whether it be in Augusta or down around the Portland area, as well as for the State of Maine. It is a real pleasure to present this order.

Thereupon, the Resolution was adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

### Petitions, Bills and Resolves—cont'd.

Bill "An Act to Amend the Workmen's Compensation Law and to Conform with Certain Recommendations of the National Commission on State Workmen's Compensation Laws" (H. P. 1994) (Presented by Mr. McTeague of Brunswick)

Committee on Labor suggested.

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

MR. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: The last vote was 20 for my motion and 119 against it. This is a coincidence. The first bill that I ever sponsored in this House of Representatives was a bill entitled The Monday Holiday Law. It was my first debate, the opponents tossed in against me the flag, the Bible, patriotism et al.,

and I was defeated 120 to 20. Consequently, I became used to defeat very early in the game, and if this is indicative of the feelings of this House on these three bills, it is your prerogative. I certainly hold no ill feelings and I will make no motions on the other two.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I just wanted to say that I sat here and watched Rodney do the same thing in 1957. It was a long while ago; I didn't ever think he would come up to be as good as he is now. I thought then he might be a hard man, but I find he is about the best man in the House to work with.

Thereupon, the Bill was referred to the Committee on Labor, ordered printed and sent up for concurrence.

#### **Labor**

Bill "An Act Relating to the Commutation of Payments in Workmen's Compensation Law" (H. P. 1995)

(Presented by Mr. McTeague of Brunswick)

(Ordered Printed)

Sent up for concurrence.

#### **Orders**

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

WHEREAS, the cost of contractual printing services provided by the Kennebec Journal for the Regular Session of the 106th Maine Legislature amounted to \$210,520; and

WHEREAS, it is in the best interest of Maine taxpayers to secure the best possible printing services at the lowest possible cost for legislative sessions; and

WHEREAS, all firms which engage in the business of supplying printing services commercially should have the opportunity to bid competitively on an equal basis with other firms for the legislative printing contract; now, therefore, be it

ORDERED, the Senate concurring, that upon expiration of current contractual obligations, all contracts for

printing services for regular and special sessions of the Legislature shall be awarded on the basis of public bid in accordance with existing policies of the Bureau of Purchases. (H. P. 1997)

The Order was read.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: All of you have a copy of the order and I hope that you have an opportunity to read it. Basically, after I am through my brief remarks I am hoping someone will table it for a day so that you can go out and find the facts for yourself and not take my own and simply assume that is the gospel truth.

During the regular session we did expend over \$200,000, which we paid to the Kennebec Journal here in Augusta for printing purposes of basically the L. D.'s, the proofs that we get every day, and a few other things, but that is about it, and of course the daily journal calendar. Those three items amount to about that total cost. That, of course, was done not without any bid being given whatsoever and it has never been handled in that manner. It seems to me that we now have to take the bull by the horn, so-to-speak, and say that if we are going to require every state department to put their items out to bid, we are going to attempt to save money, then we, the Maine Legislature, should attempt to do the same.

I am fully aware that this order would not carry and does not carry force of law. The next legislature could choose to disregard it. Seems to me the moral commitments will have been made for the leadership of the next legislature to in fact move and, in fact, follow up on this order.

In talking to people in printing business across the state, the figure seemed rather high. It may well be that if it goes out on bid that you may end up with saving forty or fifty thousand dollars. It may well be that it could create some problems. But something I believe has to be done at this special session to try to protect some of the money which we are spending. And certainly whatever we spend, and if we

spend \$15,000, for example, in attempting to cut down the costs of printing, that means one day in terms of legislative session.

And so I would ask all of you tonight to go out and seek for yourself information on this particular problem and see if we can act on it in the very near future.

Thereupon, on motion of Mr. Simpson of Standish, tabled pending passage and tomorrow assigned.

### **House Reports of Committees Referred to 107th Legislature**

Mr. MacLeod from Committee on Natural Resources on Bill "An Act Relating to Forest Fire Protection" (H. P. 1901) (L. D. 2409) reporting that it be referred to the 107th Legislature.

Report was read and accepted, the Bill referred to the 107th Legislature and sent up for concurrence.

### **Ought to Pass with Committee Amendment**

Mr. Susi from Committee on Taxation on Bill "An Act to Collect the Tax on Insurance Premiums Quarterly" (H. P. 1873) (L. D. 2372) reporting "Ought to pass" as amended by Committee Amendment "A".

Report was read and accepted, and the Bill read once. Committee Amendment "A" (H-715) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

### **Ought to Pass in New Draft New Drafts Printed**

Mr. O'Brien from Committee on Business Legislation on Bill "An Act Relating to Fees Charged by the Department of Public Safety" (H. P. 1891) (L. D. 2401) reporting "Ought to pass" in New Draft (H. P. 1989) (L. D. 2533) under same title.

Mrs. Clark from Committee on Business Legislation on Bill "An Act Amending the Insurance Laws" (H. P. 1893) (L. D. 2403) reporting "Ought to pass" in New Draft (H. P. 1990) (L. D. 2534) under same title.

Mr. Stillings from Committee on State Government on Bill "An Act Relating to Standards for Selection of State Auditor and Duties of the Office" (H. P. 1888) (L. D. 2398) reporting "Ought to pass" in

New Draft (H. P. 1996) (L. D. 2538) under same title.

Reports were read and accepted, the New Drafts read once and assigned for second reading tomorrow.

### **Divided Report**

Majority Report of the Committee on Taxation on Bill "An Act Relating to Payment of Gasoline Tax" (H. P. 1894) (L. D. 2404) reporting "Ought not to pass"

Report was signed by the following members:

Messrs. WYMAN of Washington  
COX of Penobscot  
FORTIER of Oxford

— of the Senate.

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

— of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass"

Report was signed by the following members:

Messrs. FINEMORE of Bridgewater  
DRIGOTAS of Auburn  
DOW of West Gardiner

— of the House.

Reports were read.

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

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

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: First, I want to thank the gentleman from Auburn, Mr. Drigotas, and the gentleman from West Gardiner, Mr. Dow, for supporting me on this bill.

It seems rather odd, ladies and gentlemen of the House, that lobbying can do such a good job on a bill. We passed out an insurance bill where we set the insurance premiums paid, the tax on the insurance premium paid to the State of Maine on a monthly basis rather than a yearly basis. We are also bringing

a bill out of Taxation to change the telephone tax in the State of Maine to be advanced by six months, which means quite a lot of income to the State of Maine. Yet, through a lot of lobbying, this bill has come out "Ought not to pass." I believe since this bill has come out, some of the members that signed it "Ought not to pass" have changed their mind and are in favor of it. I hope they are.

This morning I would just like to say a few things to you and tell you they are facts taken from the state. When I get down to my own figures I will tell you they are my own, and they might be a little off.

But right now the licensed gasoline distributors in this state are collecting gas tax revenue at the rate of \$4 million per month. That's a fact, \$4 million per month; \$1 million per week; \$142,800 per day; \$5,900 per hour. At the present time, under the present law, they are paying this on the last day of every month. All we are asking for is moving it back 15 days to the 15th of each month. And that isn't asking quite as hard as we are asking on some of the other big corporations and companies in the State of Maine.

We also are figuring it on a — just checking this, a tax relief bill put in by the gentlelady from Bath, Mrs. Goodwin, and the gentleman from Calais, Mr. Silverman. Now, these two bills differ some \$200,000. Before I check them up; between two hundred and two hundred twenty thousand. This is tax relief to the elderly, some who need it the most. By putting this bill into force we can collect over half what we need for that bill alone. I don't mean it to be dedicated revenue, because it won't. But it could go into the General Fund. And this going into the General Fund means a lot to these two bills. As I have stated, the Silverman bill would cost between two hundred and two hundred and twenty thousand more than the Mrs. Goodwin bill. And it is just simply giving the elderly people something they need in the worst way.

This tax right here alone would bring you in some \$120,000 a year additional to the state, figuring on a 6 percent basis. But the state is able, through short-term

investments, to get more than six. But I figure on a minimum of 6 percent would give them \$120,000 a year.

I think we are doing a poor job with some companies and a good job with others. We thought in our committee. I think it was unanimous both bills, the insurance bill to collect, to put them down monthly rather than yearly, which means a lot of money to the insurance companies, and we, as I stated, we put the telephone, we advanced them by 5 to 6 months. We have advanced them ahead to collect their tax, which means a lot of money. I believe the telephone tax a year is around \$7.8 million. And I can't remember off-hand what the insurance was.

But we have a treasurer, who at the present time, the Honorable Norman Ferguson, who does a wonderful, wonderful job on reinvesting this money. I dare say he possibly will bring us in more than \$120,000. I think it isn't any more than fair this morning.

I would like to see this bill, no doubt it will be killed in the all powerful other body, because the three Senators signed against it, but I would very much this morning appreciate it if you would go along with me in turning down the "Ought not to pass" report and accept the "Ought to pass" report, and give it its first and second reading, and pass it to be engrossed.

And when the vote is taken I would appreciate very much if we could have it by the yeas and nays.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I would like to explain briefly the position of the majority signers as I understand it. I don't believe it has been made clear that this is one of the Longley Commission recommendations, and it is one similar to others that have been made and which our committee has heard and which already has been mentioned, one having to do with the telephone and telegraph tax payments to the state. In that instance, the committee approved the moving up of the due date from June to February, gaining three months that the state would have the use of money. You approve this legislation, and it is in

process of enactment. Another one you have just approved which moved up the payment of insurance taxes.

What I am trying to establish is that the committee is not prejudiced against these recommendations. And where, in the opinion of the majority of the committee, we felt it was possible for the state to have the use of these funds earlier and thus make fiscal gain, we have approved it. But in this instance we felt that to move the due date up from the 30th of the ensuing month to the 15th was too stringent, and it would be extremely difficult for some of the gasoline distributors to meet this time schedule. So it is the judgment of the majority of the committee that this would be unworkable and that it would lead to problems and we would have to, in our opinion, forego this assumed benefit in the interest of orderly process.

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: I want to lend support to Mr. Finemore's reasons and arguments for accepting the minority report. And one particular one is the fact that a lot of people are under the idea that this would impose a hardship on the gasoline dealers. It will not. This merely means that the distributor will forward the money 15 days sooner to the state. And to repeat what has been said, it will mean a matter of over \$100,000 benefit to the state if that money is invested, which our State Treasurer has been so ably doing.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: This bill has been before us for quite a while. We should explain, I think, that it is the distributors to your ordinary retail gasoline stations who is asked to put up this money within 15 days. Now the whole system of gasoline merchandising has changed. Credit cards have come in and they are used extensively. And the distributor doesn't have a chance to get the money in fifteen days. And we are the only state in our area who would go on a basis like this. Then, too, you have

got a computerized system. And this item would have to go through a great big computer which handles many things. I think the gasoline business for the dealer and for the distributor is suffering a great deal right now, and I don't think this is the time to go into this situation.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Today we are asking little stores and big stores who haven't any computers, who have the equipment the gasoline distributors have, to pay their sales tax on or before the fifteenth of the following month or be penalized. If one of them misses, if he only owes ten or fifteen dollars, he is fined ten dollars; if he owes five hundred he is fined fifty dollars.

Here we are turning around and asking a company, that is not the gasoline stations, it's the distributor, who has probably the best cash flow of money of any people doing business in the State of Maine. I am not excepting any. Because now that credit cards have been brought up here. There is not a cash flow in the State of Maine, not even the dollar bill is a better cash flow than a credit card. Because you go into a filling station and give them a credit card today, tonight if he wants to he can fill his underground tanks up, he can pay for them with his credit cards, which gives him a 100 cents to the dollar. He could turn around after he gives it to the distributor; the distributor can turn it over to the bank or turn it over to his dealer; and he automatically becomes cash. Their business is the most cash there is. Now I have heard some distributors make statements to me that they are not paying. I have some purchasers and some distributors making the statement I should say, that they are not receiving their pay until the tenth of the following month. Which may be true. But that would give them five days to file. There is not an outfit in the State of Maine that we are allowing to use our money, \$4 million a month, without any tax. And I don't think this morning it is justified. They can stand up here and talk as long as they want to, I

think it is very unfair. And as far as the computers are concerned they can do it much quicker than a little small store out here can do it, and pay his tax on the fifteenth of the month. I think this morning we should put our shoulders to the wheel and vote this in.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I guess I have a couple of comments and a couple of questions I would like to add relative to this. First, it is my understanding that the tax on gasoline is paid by the distributor and that the filling station operator has to pay that particular tax prior to the gas being sold to you the consumer. That when the gasoline is delivered it is figured right into his particular price. Now, knowing most of the large gasoline companies or oil distributors and the way they operate, there is very few filling station operators in this state that are on any type of a credit. It is usually pay as you are delivering; and you get it before you dump it. If not, at least it is one load that you are entitled to and after that usually you have no credit. There are darn few filling stations that do. I have had some experience along these lines and that is why I feel as though I am accurate as to what I am stating there. Therefore, why isn't it, if the money is in the hands of the distributor, why can't he, within fifteen days, turn that money over to the state.

Secondly, one of the things that was brought out in our meeting in Boston last Friday was a concern that if we could have gone back to 1972 as to the amount of gasoline that was sold in this state, that very easily we could have gone to the State Tax Assessor's office and taken the amount right directly off the tax rolls instead of having the oil companies tell us how much they delivered.

Under the present guidelines or instructions out of Washington, beginning February 1, the allocation is going to be checked monthly, primarily due to the tax revenues that they received. I, personally, kind of look at this thing now as a good means of getting an additional fifteen day notice relative to how much gasoline actually came into

this state during February. Let's take, for an example, during the month of February if those reports have to be in the State Tax Assessor's Office the fifteenth of March, then we, as of the fifteenth of March, would know whether the amount of gasoline delivered in this state actually met the allocation requirements based on the 1972 figures. As it is right now, we would have to wait until the end of March, then they would say they would have to have an additional fifteen days to pick it up. I would like to know whether the committee considered this; and I would like to know just exactly what kind of credit rating the oil companies are giving; and really is this in fact, giving them just an additional fifteen days to play with our money?

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 legislator from a family that has a few oil sellers, gas sellers, gas tanks, I know that the questions that have been made or raised about the credit card is one which I think I would just like to respond to.

First of all, as the gentleman from Standish points out, the dealer pays for the gas when it is delivered at the time of delivery which includes the price of the gas tax as well. Now, when they fill up weekly, when they come in, they take the credit cards and they deduct it from the amount of the bill. So I don't see this problem of credit cards that apparently Mr. Huntington seems to indicate that there is a problem. It seems to me that, I would like to have it explained as to what is the problem, if there is a problem with credit cards. Because I know from the way I see it, I don't see a problem.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Trumbull.

Mr. TRUMBULL: Mr. Speaker, Ladies and Gentlemen of the House: Speaking as a merchant, I am quite upset over the fact that all the small stores throughout the state who have no help at all have to pay this tax on the fifteenth and these giant oil companies, with all the help that they have, and the

fact and all the profit they are making to pay for the day, can use that extra money an extra fifteen days. I consider it is very unfair and strongly urge passage of this measure.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: To answer the question of the gentleman from Standish in connection with getting the reports in earlier, which is of some interest to me, considering one of the bills that I have introduced in this session. That particular point was not discussed as to whether it was a good idea in connection with this bill in the Taxation Committee. The issue in this bill, ladies and gentlemen, is just whether or not you feel as though the cash flow of the state versus the cash flow of the distributors is what you should vote for.

Now we talk about the huge oil companies. I want to remind you, these are not all huge oil companies who have to get up this cash. They are people who do business in your community, they may have a one-truck distributorship or they may have a dozen-truck distributorship, but they are relatively small, medium sized businessmen in the State of Maine as well as the big energy companies who have to pay this.

The hearing yesterday on credit policies for oil companies was very revealing and the only thing that I would like to bring up here in connection with that was, that -- I learned for the first time that all of these oil distributors are under federal regulations. And I find that they are -- well, I don't know just exactly how to say it in connection with this bill. But they are unable to pass through any of their increased cost of business operation. The only thing they can pass through to increase the price of the fuel they sell, and this is gasoline at the particular hearing, is the actual cost of the product itself. And whether or not their trucks cost them more money or their labor cost them more money or any of the other things that they have to do business on, they can't pass it through.

One very articulate small distributor was there and he pointed out that he is

carrying his customers with the maximum credit that he can get from the banks. If he is forced to come up with any more money any faster it will be impossible for him to get the money because he is at his maximum credit limit. So you do have a class of business people here who are being pushed pretty hard under the present regulation that they have to work under. I urge you to take that into consideration as you vote on this bill.

They have had thirty days for many, many years. Now you are asking to cut it down to fifteen. I am not sure that it is a big enough deal to be that concerned with, and that is one of the reasons why I voted for it in committee. And since I heard what I heard at the hearing yesterday I am more convinced I voted the correct way.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Webber.

Mr. WEBBER: Mr. Speaker, Ladies and Gentlemen of the House: I am a gasoline distributor and I am not one of those big fat cats I hear about.

I answer to credit cards, I would like to clarify that a little bit. When my truck goes to a gasoline dealer and delivers gas, the dealer will pay him in cash and credit cards. The cash I can take and I can use it any way I want. The credit cards, I accumulate them to save postage. They have to be forwarded to Oklahoma City, Oklahoma, and there they are processed. It is probably ten days, at least, before they are returned from Oklahoma to have the check back so that I can use it.

Another thing on this thing I would like to say, is the paper work we have to do on this collecting this gas tax to reporting it, is quite extensive. This morning I had my allocation mailed to me from Shell Oil Company for my March quota. This month, February, I was cut fifteen percent, March I have been cut thirty percent, so I think this touched on my cash flow quite a bit. But as far as the credit cards, my credit card business is probably fifty per cent right now of my business. Fifty percent when they pay, when they come in, fifty percent in credit cards. Well, these credit cards it is probably two to three weeks before I have this cash to use.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I think that the evidence that was just given is, from a practicing distributor, is very typical of the evidence that we heard over a very long hearing on this topic, and I believe now, you have heard it right from the horse's mouth. I think it is unreasonable to ask that these reports be given in fifteen days. I can understand how each of us every day is having experiences in the field of gasoline that would aggravate us greatly. And if we could hit anyone we certainly want to but I hope that you don't strike out this morning on this bill because I think you would be making a mistake.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: It should be emphasized that this is just a one month saving. It is \$100,000 and that is the end of it. For that \$100,000 we put all these dealers into a totally no system.

Mr. Finemore of Bridgewater was granted permission to speak a third time.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Portland, Mr. Cottrell, I know has made the statement he didn't intend to make. Because this \$100,000 goes over and over year after year. This has nothing to do with setting it up earlier to collect it earlier. Because every month we are going to be collecting it earlier. Therefore we would have \$100,000 to \$120,000 each and every year.

I admire the gentleman, Mr. Webber, very much in his speech, and I understand what he means. Especially on this, I don't know what kind of gasoline he uses, but on his own card and his own company that is true, the words he has said. But I can't see why he would want to accumulate them.

Now, for example, I have some real experience with giving these things up and holding on to them. I buy diesel fuel from Smith's at Blaine. I have seen it go six months before I get the slip back, which is good for me, I don't have to pay it.

Again I do some business with Travelers out of Houlton. I have got slips that have been five days, just five days from the time I would get the gas or the diesel until I would get the slip back. I believe if he wants to turn his slips in faster than can do it.

The gentleman from Farmington, Mr. Morton, has stated of small distributors. I am agreeing with small distributors, and I don't want to hurt them, I don't want to see anybody hurt. Industry and labor are two things that I don't want to hurt. But if a man as most of them are doing 500,000 gallons a month or more, 500,000 gallons a month, I don't know if you realize it or not, is \$45,000 tax. \$45,000 tax, to give them the use of that money for an extra fifteen days, is quite a thing for the state of Maine. I am not going to stand here and say that I want to criticize people like Representative Webber by any means. I think he has got a good argument. But I think he is one of the very few. Because these big distributors are collecting it, and they are collecting it before the fifteenth of the month even if they are going to the tenth of the month. I don't believe there is any company that is going beyond that. As far as the computers are concerned, I will say right here, definitely, that they can do it much better than the little stores can do it undersalestax.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: You probably noticed that I am one of the signers of the "Ought not to pass" report on this particular bill. And I feel very definitely that it hadn't ought to pass. I think it is putting an extreme hardship on the people that don't deserve it.

For example, I wonder how many people in this House pay as I do. I pay on the tenth of the month for the prior month. Well, this doesn't give them too much time to accumulate that money. I think it is that simple.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I have got to take issue with Mr. Finemore. You move it up fifteen days, the payment, and then



the payments come in every 30 days. So it is just a one punch for \$100,000.

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 not to pass" Report on Bill "An Act Relating to Payment of Gasoline Tax," House Paper 1894, L. D. 2404. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Baker, Berry, G.W.; Berry, P. P.; Berube, Bither, Boudreau, Brown, Bunker, Bustin, Cameron, Carrier, Clark, Conley, Cote, Cottrell, Crommett, Curran, Curtis, T.Š., Jr.; Dam, Davis, Deshaies, Dunleavy, Dyar, Emery, D.F.; Evans, Farnham, Farrington, Faucher, Ferris, Fraser, Gahagan, Garsoe, Genest, Good, Goodwin, H.; Hamblen, Hancock, Herrick, Hobbins, Hoffses, Huber, Hunter, Immonen, Jackson, Kelley, Kelley, R.P.; Kilroy, Knight, LaCharite, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McKernan, McTeague, Merrill, Mills, Morton, Murchison, Najarian, Norris, O'Brien, Parks, Pontbriand, Ricker, Rollins, Santoro, Sheltra, Shute, Silverman, Smith, D.M.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Tanguay, Theriault, Tierney, Trask, Twitchell, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M.E.

NAY — Binnette, Birt, Bragdon, Brown, Briggs, Carey, Carter, Chick, Chonko, Churchill, Connolly, Cooney, Cressey, Dow, Drigotas, Farley, Fecteau, Finemore, Flynn, Gauthier, Goodwin, K.; Jacques, Kauffman, Kelleher, Keyte, LaPointe, Lawry, McHenry, McMahon, McNally, Morin, L.; Morin, V.; Mulkern, Murray, Palmer, Perkins, Peterson, Pratt,

Rolde, Ross, Shaw, Simpson, L. E.; Talbot, Trumbull, The Speaker.

ABSENT — Donaghy, Dudley, Dunn, Greenlaw, Jalbert, Littlefield, Smith, S. Yes, 98; No, 45; Absent, 7.

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

Sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Taxation on Bill "An Act to Increase the Cigarette Tax and Provide Funds for Catastrophic Medical Expense" (H. P. 1812) (L. D. 2293) reporting "Ought to pass" in New Draft (H. P. 1991) (L. D. 2535) under same title.

Report was signed by the following members:

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

Messrs. MAXWELL of Jay  
SUSI of Pittsfield  
MORTON of Farmington  
DRIGOTAS of Auburn  
FINEMORE of Bridgewater  
DOW of West Gardiner  
— of the House.

Minority Report of same Committee on same Bill reporting that the Bill be referred to the 107th Legislature.

Report was signed by the following members:

Messrs. DAM of Skowhegan  
MERRILL of Bowdoinham  
IMMONEN of West Paris  
COTTRELL of Portland  
— of the House.

Reports were read.

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

Mr. SUSI: Mr. Speaker, I move we accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves the House accept the Majority "Ought to pass" Report.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: You will see that I signed a report to refer it to the next legislature. My reason at the time was

because there was a new draft given us, a three-page new draft of this bill, just about 20 minutes before we were asked to get this bill out; "Let's get his bill out." I had not had a chance to read the new draft, and I had reservations before reading the new draft, finally, and discussing the draft with the author, on several accounts.

The federal government now has five bills on catastrophic insurance. And it is quite certain that they are going to do something about health insurance this year. I also had the privilege of listening to Senator Kennedy on Face the Nation concerning his bill, and Mr. Weinberger, an hour later, on Meet the Press, by NBC, interviewing Mr. Weinberger, who is presenting the administration bill. They both assured the listeners that they were going to pass a bill this year.

Well, since I had to vote on this I have had an opportunity to talk with Dr. Fisher. I find out that he is the framer of this new draft. I went over it with him sentence by sentence, and I found out that there is a clause in here that if the federal government enacts a catastrophic insurance bill, that this one will terminate. And I also found out that there are very sensible restrictions as to who will be liable and when, according to their total assets, their insurance, so forth and so on. So this morning I am going to vote for this bill.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: Being one of the signers of the report to refer to the 107th Legislature, I would like to try to explain to you my reasons for doing this.

I think if you recall, the members that were here in the last session, the regular session, when I spoke about misleading titles and putting these on so that they would be actually doing just the reverse of what people think they do, that was the reason I opposed a certain bill having to do with horseracing. What the bill actually expanded the racing instead of limiting it in regard to Sundays.

That same argument is one of my arguments on this bill, An Act To Increase The Cigarette Tax and Provide Funds for Catastrophic and Medical Expenses. Had there been two separate

bills, I would have had no objection whatever, one being an act to increase the cigarette tax. Being a smoker myself I do not object to this, and another bill to provide funds. But tying the two together to make people think that this money is needed to provide the funds, I do not believe in.

And as Mr. Cottrell stated a few minutes ago, he says it says right in the bill that should any similar act be enacted on a federal level, then this act would terminate. Well, it doesn't say that the act will terminate. It says that "Any assistance under this act will terminate." But we will still have the two-cent increase in the cigarette tax regardless of what the federal government does.

I have always objected to a two-cent cigarette tax, because I have always felt a three-cent tax would be more realistic. Because when we go up two cents on a tax, the vending machines automatically go up five cents on a pack. So why don't we get the extra penny and get 50 percent more income for the General Fund if this is what we are looking for.

I did receive a communication a while back; I am sure that other members of the Taxation Committee in my party received the same, from the Governor's office saying that this was not dedicated revenue. But it also says here, "Any balances of funds appropriated for medical expenses under this section shall not lapse but shall be carried forward from year to year to be expended for the same purpose." There is a doubt in my mind as to whether we are actually creating another dedicated income funding method or not.

The other thing that greatly disturbs me even more than any other previous arguments I have heard here this morning that I have made is that they are going to require over to Health and Welfare eight new employees. That is \$62,245. Now, they have all the employees they need. They don't need any more. Maybe they need about eight less instead of eight new ones. Because I have never felt that that department has been doing what they should be doing. I think many of the various agencies within the department have been dragging their feet. And I don't think it is

necessary to give them any more money either. I think that the same thing holds true today that I said a year ago in regard to one of their agencies, that in 14 years one of their bureaus, or agencies, departments, whatever you want to call it, under Health and Welfare, has never been in my town to inspect trailer parks. They license them through the mail and over the telephone. So I don't think even giving them any more help is going to make them any more efficient.

I would have liked to see the bill come in two parts. I could have supported both parts very easily, but I do not feel I want to support this bill in its present form. And that was the reason for my signing to refer to the 107th. I do think that the catastrophic illness part, something should be done and that has merit. I also think that when we vote for tax spending, for money to be spent, that we should also be responsible to vote for methods of funding it. But I don't feel it is right to tie two of these things together.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: On this bill I doubt that I should claim that I can represent the consensus of the committee, because it was my observation that the committee had varying attitudes on this. I think that we all recognize individually that this is a very important bill, that we are dealing with an issue that is extremely important. I think that we feel somewhat frustrated in that we all recognized that we are limited in our ability to do anything about it. There are some things that we all know to be so. The bill does provide for a two-cent increase in the cigarette tax. If I were to make an assessment of that portion of the bill, I would say that that is the least controversial portion of the whole bill. I have heard less discussion of it than any other parts.

Now, it would produce \$2.8 million, and it proposes that of the \$2.8 million, \$800,000 would be committed to catastrophic illnesses. \$2 million of the \$2.8 million in round numbers would be allocated to meeting the medical expenses of the medically indigent. It is

also the understanding of the committee that there would be matching funds in the amounts of several millions of dollars to go with the — I got a signal — \$4 million to go with the \$2 million, making a total, apparently, of around \$6 million, which could be made available for the medically indigent.

Again, I don't think there is any question in any of our minds of the urgency and the need in the area of either the medically indigent nor those who are suffering catastrophic illnesses.

The discouraging part of this whole proposition is the estimates that we receive as to the number of dollars that would be required to anywhere near adequately deal with the problems in the field of medical indigency and catastrophic illnesses. We hear estimates of medical indigency and catastrophic illnesses. We hear estimates in excess of \$200 million per year to deal with these problems in the State of Maine. And we are working with a bill here which even with maximum funds would produce less than \$10 million. So the inadequacy of our effort is quite obvious.

As the previous speakers mentioned, this Congress now in session has publicly committed itself to work diligently towards dealing with catastrophic illnesses. Some project that action will be taken during this year. Others doubt that it can be done in that time. But at any rate, they are working with it, and they certainly have greater capability to deal with the problems of this scope than we as a legislature have. The bill would barely scratch the surface.

However, I think that were we to enact it, it would call for applications from those in Maine who felt that they would be eligible under the bill. I have no doubt that the number of applications would run into the thousands. I have no doubt, either, that recognizing the limited capabilities of this legislation, that a high percentage of them would have to be turned down. The evidence would be overwhelming a year from now as to the needs in this area, and should Congress fail to act on this in the meantime, then I think the burden would be squarely on the Maine Legislature to fund a reasonable program which we would be getting into by the passage of this.

I know I am sounding inconsistent. I signed an "ought to pass" on it. But I certainly recognize that those who signed to refer to the 107th have a very reasonable basis for taking this position. I did sign "ought to pass" because the urgency of the problem overwhelmed my reasoning. So I am not apologetic for taking this position. I think whether it is the state or the federal government, this is one of the most urgent needs in our society today, and should be met. So I think you have the basic information, and the judgment is yours.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: During the regular session, and I sit on the Committee on Health and Institutions, we heard a similar bill. As a matter of fact, I think it was the exact bill except for the title being a little changed. During that session this bill received favorable comments and also received unanimous "ought to pass" from both parties. It went all the way through to the Appropriations Table. And as you know, at that time it died.

So all we are asking today is the exact same bill, except for the change in the title, and that is to fund it. So I think if we sit here and support a bill, and then send it to the Appropriations Table, and then find it can't be funded, and now we have an opportunity to fund it, I think we should take action and fund it today. And I hope you will support the "ought to pass" report.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Maybe I ought to make some comments about the bill and also the way it was handled.

As you may remember, it has been pointed out by the gentleman from Bangor, Mr. Soulas, there was a bill introduced during the last regular session by the gentlelady from Old Orchard, Mrs. Morin, which basically attempted to deal with catastrophic illnesses. The bill, as has been pointed out by the gentleman from Bangor, died on the Appropriations Table for lack of funding. The Governor made a serious

attempt at the end of the session to find additional funds to make this a reality, and that did not occur. So when this came about this time, he felt very strongly that the way to get the legislation through was to also have a funding mechanism on it. And this is the reason the bills appear together. That is the reason why you have a program and the money to be raised as a result of it in an attempt to try to make sure that when the legislation goes through these two bodies that we can either vote for or against it, based on the knowledge that when we do there is sufficient funds to handle the program should we enact it. I think that was an important consideration.

Now, let me just for a moment talk about the federal problem. Many of us have stood on the floor of this body and indicated our concern or contempt or just plain being upset with the way the federal government was doing or not doing something. This is an area where the federal government has been talking for years of doing something and has not done much. It is well true that it is in the President's program now. It has been introduced by a number of members of Congress of both political parties.

I spoke with members of both political parties in Congress and they informed me that even if Congress should deal with this issue this year, which they doubt, that they would have it effective only for fiscal year 1975. Which, in effect, would take and be in operation on July 1, 1976. That is even assuming that they do anything with it. Of course, all of us know how long it takes, at least it appears that way, to get action favorable in Washington on some of these programs. There is, of course, an unbelievable amount of discussion in Washington as to which direction to go. There is one thing which they are playing around with now, and I frankly don't know which side they are going to come down, is that those states that have such a program as we would initiate they would not attempt to come in and do like they did with SSI, because maybe they have learned their lesson. But they would fund it and they would let the state administer the program. Now, I don't know how many of you are aware of

some of the programs that the Federal Government has taken over. Some of you were members of the Legislature when we decided, for example, that we were not going to take care of the inspection of beef and packing houses, that is now funded jointly by the Federal and the State Government. And the price of that is going up substantially. We would have been much better off, I suspect, if we had done it on our own, even though in its entirety, and not worried about Federal Funds. SSI and Old Age Security and Old Age Assistance programs, you know what has happened there. We are going to have to appropriate millions of dollars simply to continue a program at the present level that we have.

Now, let's not use as an argument that we ought to wait on the Federal Government because that is the last thing that we ought to be doing. And maybe as a liberal I shouldn't even be saying that because usually, they say anyway, liberals are for letting Washington run it all. But I don't believe in that philosophy and I assure you that I am sure that most of you don't either because of the problems that have been created.

Let me talk specifically about this legislation. There is a mechanism into the bill which would make sure that people do not simply drop their insurance and attempt to have the State pick it up. That is not the purpose of it. It is an attempt to try to get to the person who has an insurance policy, who has a program, and then all of a sudden he reached an illness that he can no longer help himself. Now, those of you who are members of the committee were present at the hearing when this lady from, I believe, Portland came in that has to have oxygen every single day, and it is literally piped into her nostrils; and that the cost of this alone exceeds \$200 a week. Major Medical, of course, has long since expired. And you figure out \$200 a week and multiply it by 52, and you figure out the cost. The husband is making \$10,000 a year, roughly. And according to the assistance of the Department of Health and Welfare could give them was zero. And the only advice that they could get from lawyers and

otherwise as to where else they could get help was to suggest that they get a divorce. OK. They get the divorce. And then, of course, the wife became, legally, not a responsibility of the husband; that she was then medically indigent; and the State would automatically, under the AFDC program, pick up the entire cost. And that is the law. And that is what we are living under. Now, can you imagine, when, literally, people are driven to the decision or to the possibility of making a decision that that is what they are going to have to do in order to survive? That they are going to have to get a divorce. And that has occurred in the past. And this, hopefully, this Legislation would attempt to prevent that very thing. Now, granted, the amount of money isn't that much. With Federal Funds and total, we get somewhere around \$7 million for one year. But it is a start. We will be able to handle the major problems. There are some illnesses, for example, and I know of personal instances, where an illness alone, a cancer, for example, operation and the problems that result thereafter wipe out the total assets of a family that literally make them indigent and destroy them. Not only destroys them financially but also morally, emotionally and everything else. And this is an attempt to help that situation. And I do not believe that we can wait on the Federal Government to see whether or not we are going to do it. We have got to attempt to get to that situation now. And this will allow us the vehicle to do it. I would ask you to vote for the majority report.

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

Mr. Martin of Eagle Lake requested a roll call vote.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I think that the gentleman from Pittsfield, Mr. Susi, has been very fair and very enlightening in his explanations of the bill and some of the problems involved.

If I might, I would like to pose one or two questions, perhaps, that he might choose to answer. Number one; whether or not I am correct that this bill

originally came out as a bill to take care of catastrophic illness? I think Mr. Martin may have touched on that, and probably the answer I got pretty near from him. It appears now that the committee has changed it so it has now become a bill to take care of medically indigent. So I understand Mr. Susi, or the bill, something, that \$2 million goes for medically indigent and \$800,000 for catastrophic illness. Now, if I am wrong on this, I am simply posing these questions to see whether I am right and I want to get the picture of why this change. I recognize the need of something to take care of catastrophic illness. I think I was opposed to it in previous talks that we have had on this, perhaps privately and otherwise, because I felt it was something that was so terribly difficult to define. And if we come up with something we have got to have a tremendous amount of money. So here we have \$2.8 million if we pass the cigarette tax. Then the committee comes around and turns it around this way, so that we only have \$800,000 to start off with on the catastrophic illness part of it.

Now, I think this is terribly inadequate. I don't think it will any more than scratch the surface.

You know that my past record on this type of a procedure has been to be against it. I am very reluctant to see us establish a program that is going to cost millions of dollars with only \$800,000 earmarked to take care of it.

Now, the other thing that I notice, I believe in the bill. Over the years it has been considered by Maine Legislators that it was almost useless to pass a taxation measure without making it an emergency measure. I believe that I am correct; that this is not an emergency measure, and if passed will not take effect immediately but it will be 90 days giving the tobacco companies or anybody else a lot of opportunity if they wish to attempt to overturn the tax.

I guess perhaps I have touched on some of the things that bother me. Perhaps after these questions are answered I might wish to have other comments with your permission, Mr. Speaker.

The SPEAKER: The Chair recognizes

the gentleman from Eagle Lake, Mr. Martin.

MR. MARTIN: Mr. Speaker and Members of the House: I would like to answer the question posed by the gentleman from Perham because I think they are very substantial.

First of all, the issue of when this becomes effective. This is, in fact, true. It becomes effective only 90 days after we adjourn. Of course, I would doubt very much that the so-called tobacco industry would go out and get a referendum question on this particular issue knowing full well what the emotional impact would be. Because of the title of the bill, and of course the whole bill would be going to referendum and not simply the cigarette tax. And I doubt very much whether they would make that decision. As a matter of fact, they have already indicated more or less a, not approval, but I might say a lack of interest, in actively publicly fighting against this particular legislation.

Now, let me just respond to that \$800,000, because I think that is an important issue. In the original bill there was a break down of \$800,000 for catastrophic and then the rest of it for something else. The redraft calls for the one lump sum. I would like to explain why, and I think this is most important. Under Federal Laws that \$800,000 figure would not have been matchable under existing Federal Law. The intent, and maybe I ought to explain the two programs that we now have in Maine. We now have Title 18 and Title 19. Title 18 deals basically with the — one of the programs deals with the aged, blind and disabled category; and the other one deals with the AFDC category. You have 100,000 people on each of these categories. So in other words, you already have 200,000 people in Maine that are covered either Title 18 or Title 19 of the Social Security Act.

Now, what you are in effect talking about is roughly 750,000 people that are not covered by any Federal Legislation dealing with medical care. By putting the \$800,000 in the lump sum the entire figure then becomes matchable for Federal Dollars. Which then will give us approximately \$8 million to do the job. And, as the gentleman from Perham

well points out, \$800,000 wouldn't even begin. Because eight illnesses could just about wipe out that \$800,000, depending on the type of illness that you happen to be assisting. So by combining the two and then the State will then be in a position to write the guidelines according to the legislation which is very strict. It will then be in a position to write guidelines in order to get these people assisted that would not have been covered under either the Title 18 or Title 19; aged, blind, disabled, AFDC categories. And by doing it in this fashion, by the lump sum, we then become eligible for that federal dollar. And they have already indicated that if we change the wording of the bill the way it had originally been done. That is the reason why we have had the change.

I do not dispute the fact that you could very well not have enough money with \$8 million. I don't know that. Because it depends on the guidelines you attempt to write.

Now, there is another reason for not having an emergency on here. If there is an emergency it automatically would be assumed effective tomorrow morning and people would be demanding that somehow we start taking action.

The reason it was delayed in a sense was an attempt to get in a position to work out the details of the Federal Government and the State; to work out guidelines that would be workable and reasonable and so that we don't get ourselves involved in a real tangle and a mess that we can't get out of later. Because I think this is most important.

There is one other important consideration. The other thing that the department can do under the Federal Guidelines with this legislation is to take some of the monies that are presently going to the individual towns for general assistance programs and shove that over into this program for the Federal dollars. As you know the State of Maine has picked up the local costs of welfare beyond that .006 percent of 1 percent, and this will also assist so that the towns will then be in a different position to solve that problem.

The gentleman from Bangor tells me to shut up so maybe he is right.

If I haven't made the point, please ask the question.

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

Mr. DYAR: Mr. Speaker and Members of the House: Mr. Martin brought out some figures here of 100,000 and 200,000 people and he mentioned the SSI which I think ties into this bill quite closely. Now the figures on SSI which we are holding in our committee waiting for the Federal options to be determined shows that the minimum option will be applicable to 13,657 people as of June 1 of this year, and the minimum plus will apply to 7,160 people. We are talking in terms of 20,600 people under aid to the aged, blind and disabled. In the regular session, when we heard this catastrophic medical bill, what we tried to do was to set up a formula so it would take care of the people who needed the coverage for a catastrophic illness, because we felt at that time that the department possibly could take advantage of Title 19 funds and use up most of the \$1.9 million which was in this particular piece of legislation.

I think that possibly the figures being tossed around are a little cost to carry out the program may be prohibitive. But here again, it has been mentioned the Federal Government should be handling the programs, yet under the SSI program the only feasible way to handle that program is to have the Federal Government administer it. If they handle that on this case alone we will save 27 employees in the State office and \$150,000 in cash. But the whole thing behind the present bill is the fact that it has been discussed that there are several bills in Congress on National Health Insurance and there is also the Health Maintenance Organization bill in Congress of which I have a copy of the conference committee report of Senator Kennedy's Committee which again ties with the catastrophic illness.

I would like to just cite one section, this is Senate 14, Section 1301, Subsection C, where they speak to Health Maintenance Organization when they say that they have to be physically sound operation to have adequate provision against risk of insolvency which is satisfactory to the secretary.

The second part says they have to assume full responsibility risk on a

perfected basis to the provision of basic health services except the Health Maintenance Organization may obtain insurance or make other arrangements for the cost of providing any member basic health services in an aggregate value of which exceeds \$5,000 in any year." So, the H.M.O. Bill presently before the United States Senate, the Committee of Conference bill came out back in December, this bill also speaks to catastrophic illness.

So, basically, what we are faced here with this morning is a bill before the State of Maine on catastrophic illness. We are also talking of a national health insurance program, which I believe there are at least five bills in. And we also have Senator Kennedy's health maintenance organization bill. So, it would be pretty darned hard to tell anybody right now how to vote. But I certainly feel that possibly the members of the committee who signed the report to refer to the 107th may have had some justification in their thinking. Because I think it is too important to be thrown out and it is too important to be set up incorrectly.

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

**MRS. MORIN:** Mr. Speaker and Members of the House: I would like to answer Mr. Bragdon.

Last year when I had the bill it could not cover anyone under any type of welfare, local, state or federal. And what bothers me in this bill is the word "indigent." As far as Health and Welfare is concerned, they consider indigent anyone under welfare. But I have been told that by using the money, say the two million for a matching fund under this social security, they would get back six to eight million, and if I understood correctly the explanation, the two million would go back into catastrophic illness. But I wonder if one item that Mr. Martin mentioned, the insurance, would they have to have insurance to be able to qualify for this catastrophic illness? He said something about insurance; they would have to use their insurance. Then there was a formula somehow. Would they have to have insurance?

And another thing, last year we asked for a formula and it came up. The first formula was including people in welfare. So we refused to accept that one, and it was brought up that it would be on a scale with your assets figured, and then a percentage after that. I don't remember exactly what it was. But it did not cover anyone at all that was already on welfare. And I was just wondering, that is the part that bothers me more than anything.

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

**MR. KAUFFMAN:** Mr. Speaker and Members of the House: In reading this bill I think there is an error on page 3. It says at the top here that a tax shall be imposed at the rate of eight mills per cigarette. And then down in Section 4 it says they have to be stamped at the rate of seven mills. And then it comes down again and says they have to be stamped at eight mills.

I would like to pose a question, what would be the tax on a pack of cigarettes under this formula?

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

**THE CHAIR:** recognizes the gentleman from Lubec, Mr. Donaghy.

**MR. DONAGHY:** Mr. Speaker, after reading this bill a little bit, I wonder if anybody knows anything about any part of the bill. I happen to sell major medical insurance, and I am sure the gentleman in the corner over there that did a lot of the explanation. Anything like this is very complicated. It takes years to work out to be of any benefit at all. It is extremely expensive.

For example, the gentleman from Eagle Lake mentioned one girl that needed \$200 worth of oxygen a day. I feel sure that she has other problems besides that if she needs \$200 worth of oxygen. That comes in a year to \$73,000. Now, this is one person with one part of her illness. Where are we going to get enough money to provide a balanced program for all of the citizens of the State of Maine? Now, this is something that must be worked out, whether we are going to spend all of our money for this,



or whether we are going to spend a little bit for education and other people that have problems around the state.

I think this whole thing should be indefinitely postponed before it gets any further, and I so move.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves for the indefinite postponement of this Bill and all the accompanying papers.

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

Mr. MORTON: Mr. Speaker, and Ladies and Gentlemen of the House: I would reply to the gentleman from Lubec, Mr. Donaghy, that this bill is not designed for the general population of the State of Maine. It has been designed to take care of people who are in real trouble.

Just another word in connection with the question of the gentleman from Perham, Mr. Bragdon's, question in connection with that. The reason that this has come out the way it has, as explained in some detail by Mr. Martin, was that if some of these so-called catastrophic illnesses can be funded in Title 19, which has no top limit, then that will relieve the number of cases that have to be handled as catastrophic illnesses outside of those eligible for Title 19 and would make more money available there. It is a matter of balancing it out and getting the most out of the money as far as the department is concerned.

I think, in talking to the remarks of the gentlewoman from Biddeford, Mrs. Morin, that the information in the first paragraph of the bill, which only appeared on your desk for the first time and which gives the details of the catastrophic illness eligibility, will tell her what happens in connection with insurance. And I would like your indulgence for just a minute to go into this.

This will be only in behalf of specific individuals who are not eligible for aid through federally matched medical care programs, which I think is what we are looking for here. It is on a year to year basis. So it must be reapplied for and reapproved each year. And only after full applications to the cost of medical care, and I think this is what addresses

Mrs. Morin's question, of all applicable health care insurance benefits, other third-party benefits legally provided for, or liability benefits identified as being for medical or rehabilitative care. Now, that means that all the third-party coverage that someone may presently have comes in before the state moves in on this particular catastrophic illness. So, if a person has enough medical insurance presently, and does not otherwise qualify under this bill, they would not be beneficiaries of any of the funds.

In addition, the net income of the people responsible for this care must assume that at least 20 percent of that has been applied to this illness before the state comes into it. So a person with a \$50,000 income would have had to put \$10,000 of his own money in a given year into this program, into the care before this program would become eligible. And another thing, if he had a net worth in excess of \$20,000, then at least 10 percent of his net worth has to be applied to these medical expenses. So if anybody is worth a couple hundred thousand, they would have to put \$20,000 into the program before they would be eligible for any money.

Finally, if the expenses are less than a thousand dollars, no remuneration is going to come from the state; only that amount in excess of a thousand dollars is going to be paid.

Now, my colleagues on the Taxation Committee, the gentleman from Pittsfield, Mr. Susi, whom I hate to disagree with, and I am not really disagreeing with him this morning, has come down hard on the possible extension of this program once it gets on the books. I agree that I don't think that any of us know how many cases this will cover. But my point is, it is a step in the right direction. It is a step towards helping a few or perhaps many of the cases that are real serious problems, cases that wipe out a family, that wipe out the assets that a family may have accumulated over many years. And anything we can do, it seems to me, that will help the most serious of these, which is, of course, limited to the amount of money available, and future legislatures will have to face up to how much they

want to put into this sort of thing, is to me a step in the right direction. And I hope that you will support the majority committee report.

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

Mr. MARTIN: Mr. Speaker, just one response to the question posed by the gentleman from Kittery, Mr. Kauffman. In reference to the bill on Page 3, the new mill rate would be eight. The section 4 that talks about seven is simply a process through which the Commissioner deals with the waiving period that is required in the stamping period. The present tax is 14 cents. Multiplying seven by two, it would go up two additional cents. And I hope that this responds to his question.

I would also request a roll call on the motion made by the gentleman from Lubec, Mr. Donaghy, on indefinite postponement.

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

Mr. DONAGHY: Thank you for the motion relative to my motion, Mr. Martin.

After listening a little bit more, I wonder if there has been any actuarial study made in reference to this at all. Because in looking through the bill again, I can see no definition of what medical is. There is psychiatric aid involved in this. This is one of your major problems with catastrophic illness.

On a positive note, our President has gone along a great ways in having this type of thing covered under federal law. I would propose that you write to your Senators and see that they do something about his and not keep it dragging along. There is far more money involved here, far more problems, and the State of Maine at this time isn't in any position to do anything about. I think it would be just a drop in the bucket and wasted money. We need this money for other programs, whether it be for retarded children or education, or repair to our highways. Let's let the federal government handle this. They are already doing a pretty good job of working on it, except that it isn't getting

through our Congress. Let's write to our Senators.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose the motion of the gentleman from Lubec, Mr. Donaghy. If we vote to indefinitely postpone this bill, then we have no opportunity to make corrections that may be needed in the bill. Now, the gentleman from Eagle Lake has correctly answered the objection raised by the gentleman from Kittery, Mr. Kauffman, that there is no error in the tax.

So I urge all of you not to vote to indefinitely postpone and not give those who feel there are changes needed an opportunity to submit the proper amendments.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: I, too, would ask you to oppose the motion of indefinite postponement, because I do feel that we do have the bill before us. And, of course, I disagreed with the previous speaker who just spoke, Mr. Farnham of Hampden, that we can amend this and bring it into the proper light. And this was my reason for signing the refer to the 107th Legislature with the hope that during the time we do get out of here, whenever that will be, and the time the 107th comes back, that a bill could be drawn up that would spell out the problems that we are going to have with this bill. I would hope that we would not indefinitely postpone it because if it cannot be referred to the 107th by a vote, then I am sure that we can stay here long enough to get some amendments through. This will be rather lengthy, but after all, I guess nobody is in any hurry to get home.

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

Mr. BRAGDON: Mr. Speaker, Ladies and Gentlemen of the House: I, too, oppose the motion to indefinitely postpone at this time. I recognize that this is a very important matter, and I

think it needs more discussion. We have given it a lot of discussion this morning, and I think it needs still more. I think the way I am looking at it now, I would feel that it might be desirable to table it. Such a motion would obviously be in order if we defeat the motion to indefinitely postpone, and discuss it a little bit in the corridors.

I am bothered considerably by the fact that the major part of this fund that will be derived from this bill, this tax, has gone to take care of, as I see it, general relief cases.

Now, I know there is another thing that has not been mentioned. Many of these problems we are discussing in this session all tie in together, whether you believe it or not. This SSI program has a tremendous effect on this, how it happens to be administered. And, as the gentleman from Eagle Lake mentioned, we are embarking on a totally new general relief program.

I consider this one of the major matters before this session of legislature. Now, if anybody here would agree with me that it would be feasible to table this today pending the acceptance of either report, I would suggest that that might be a good method of handling it.

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

Mrs. MORIN: Mr. Speaker, Ladies and gentlemen of the House: I would like to reply to Mr. Donaghy. There is no study on it. Well, what they told us was that there was no program like this in any other states they could check on. That was the reason there was no study made on it.

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 Lubec, Mr. Donaghy, that L.D. 2293 and all accompanying papers be indefinitely postponed. All in favor of that motion

will vote yes; those opposed will vote no.

### ROLL CALL

YEA — Bunker, Churchill, Donaghy, Dunn, Ferris, Hamblen, Hunter, MacLeod, Pratt, Ross, Sproul, Trumbull.

NAY — Albert, Ault, Baker, Berry, G.W.; Berry, P.P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Brown, Bustin, Cameron, Carey, Carrier, Carter, Chick, Chonko, Clark, Conley, Connolly, Cooney, Cottrell, Cressey, Crommett, Curran, Curtis, T.S., Jr.; Dam, Davis, Deshaies, Dow, Drigotas, Dunleavy, Dyar, Emery, D.F.; Evans, Farley, Farnham, Farrington, Finemore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Hancock, Herrick, Hobbins, Huber, Jacques, Kauffman, Kelleher, Kelley, Kelley, R.P.; Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Parks, Perkins, Peterson, Pontbriand, Ricker, Rolde, Rollins, Santoro, Shaw, Sheltra, Shute, Silverman, Simpson, L.E.; Smith, D.M.; Snowe, Soulas, Stillings, Strout, Susi, Tanguay, Theriault, Tierney, Trask, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M.E.

ABSENT — Cote, Dudley, Faucher, Fecteau, Greenlaw, Hoffses, Immonen, Jackson, Jalbert, Keyte, Littlefield, McCormick, Smith, S.

Yes, 12; No, 123; Absent, 14.

The SPEAKER: Twelve having voted in the affirmative and one hundred twenty-three in the negative, with fourteen being absent, the motion does not prevail.

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

Mr. MARTIN: Mr. Speaker, procedurally, I would like to suggest something, if we could accept the majority report today and then tomorrow be in the position for amendment purposes, it would also give us additional time for study. But in

terms of moving it along, I would suggest that we accept the majority report.

I wish to withdraw my request for a roll call on the acceptance of the majority report.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, withdraws his request for a roll call.

The pending question now is on the motion of the gentleman from Pittsfield Mr. Susi, that the House accept the Majority "Ought to pass" Report.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I doubt that I have ever been involved in any legislation that in my opinion is any farther reaching than this would be. The Taxation Committee, by a majority vote of "ought to pass" on this bill, is, in effect, recommending to this legislature that this state embark on major health care programs. I have no argument with this. I will support it all the way. I think is tremendously important, but there has been only the vaguest references to what the cost implication of this program is in the future. I have made very limited references in this regard and others similarly.

When this legislation was before us another time, I think that it resulted in being referred to a study committee. I was under that impression that it has been the subject of a study. If not, there are people in this legislature who have close connections with the insurance industry who perhaps prior to debate another day, in case it isn't available to us today, can learn for us what sort of fiscal obligations we will be imposing on the State of Maine by enacting this legislation.

This is not an attack on the bill, but I would like to see injected into the record prior to the enactment of this legislation a clear indication of this portion, which to me is a very important part of what we are considering so that some ensuing legislature can't say that this irresponsible legislature enacted legislation without giving an indication of what the road led to.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: This is a complicated bill. I have wrestled with it. I think it has just come on our desks this morning, and I think that this should be tabled. It seems to me rather hasty and imprudent to expect someone to absorb all this bill in just a few minutes here, because we haven't have a chance to read it. We have been debating it, but I think it takes a little more deliberation.

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

Mr. BRAGDON: Mr. Speaker, I move this bill lie on the table pending acceptance of either committee report, tabled for two days.

Thereupon, Mr. Martin of Eagle Lake requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Perham, Mr. Bragdon, that this matter be tabled pending the motion of Mr. Susi of Pittsfield, that the House accept the Majority "Ought to pass" Report and specially assigned for Monday, March 4. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

49 having voted in the affirmative and 63 having voted in the negative, the motion did not prevail.

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

Mr. ROSS: Mr. Speaker and Members of the House: Strange as it may seem to the gentleman at the far left of me this morning, I agree wholeheartedly with the gentleman from Eagle Lake, Mr. Martin.

There is no harm in accepting this committee report and having its second reader tomorrow. That is the same thing as tabling it for one day. So with no further debate, I think we should do that.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: I really don't want to hold this bill up, but last year we had this bill in Health and Institutional Services Committee. There is less language in this bill than there was in the original bill. We do have some notes and some remarks and some work that we

have done on the bill when we have tried to sit down and make up some kind of a guideline as to who would receive the benefits under this act. We were working on that when we reported out. The bill was passed, you know, the bill that we had sent out of committee before, but it wasn't funded. I don't know, I think it is true, we can table it until tomorrow and it would have the same effect, but I don't agree with Mr. Martin that there is any great rush in getting this thing out of here today. I would make the motion that we table it indefinitely, just let it lie on the table indefinitely so that we can have a couple of days to go back over our earlier bill.

Thereupon, the Majority "Ought to pass" Report was accepted, the New Draft read once and assigned for second reading tomorrow.

#### **Consent Calendar First Day**

(S. P. 856) (L. D. 2425) Bill "An Act Amending the Responsibility of the State Planning Office" (S. P. 856) (L. D. 2425) Committee on State Government reporting "Ought to pass" as amended by Committee Amendment "A" (S-362)

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

#### **Passed to Be Engrossed**

Bill "An Act to Transfer Authority for Watercraft Registration and Safety to Commissioner of Inland Fisheries and Game" (H. P. 1987) (L. D. 2531)

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

Bill "An Act to Increase the Authorized Bonding Indebtedness of the Maine State Housing Authority" (H. P. 1804) (L. D. 2284)

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

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This bill was debated at great length

yesterday. I would hope that the House would reverse its position and not give the additional money that is requested, bonding funds that are requested, for the Maine Housing Authority.

I move that this bill and all accompanying papers be indefinitely postponed, and when the vote is taken, I request it be taken by the yeas and nays.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves the indefinite postponement of this bill and all accompanying papers.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I would inquire of my good friend, the gentleman from Bangor, Mr. Kelleher, if he has obtained any additional information overnight which would lead us to believe that the House should reverse the position it took yesterday? I would ask him basically to state how the facts are any different today than they were yesterday.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman from Brunswick for the opportunity to speak, seeing how there hasn't been much debates going on in the House this morning. Basically, my reason is the same as it was yesterday, that this House in its wisdom last year gave the Maine Housing Authority \$40 million for issuing new bonds. I think that we should act, as I said yesterday, in a very prudent manner. I am not against building homes in this state; I am not against the construction industry in this state, but I do believe that we ought to have some thorough business principles as far as this body is concerned and the Authority that was created here in 1969. That is my reason, Mr. McTeague, and I hope the House will support my motion.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I thank the gentleman for his explanation. As I understand it, and I know he will correct me if I am wrong, he is saying that his

position is the same as it was yesterday and no new facts have come to light over night. Therefore, Mr. Speaker, I would ask the members of the House to vote as it voted yesterday, to vote against indefinite postponement and for the extension of the bonding authority, that they remain constant in their position today.

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

**MR. CURTIS:** Mr. Speaker, Ladies and Gentlemen of the House: I don't have any new information, except in the process of reading over the debate yesterday, I noted in my remarks I incorrectly referred to full faith in credit bonds. My people might have read it to indicate that, and it is not true. The bonds that we are talking about are moral obligation bonds. I am still opposed to extending the limit to a hundred million dollars. I did want to correct the record.

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

**MR. ROLDE:** Mr. Speaker, Ladies and Gentlemen of the House: I believe I do have some new information on this bill and another reason for voting against the motion of the gentleman from Bangor. I don't believe this was brought into the debate yesterday, which is the economic impact of what this \$40 million increase of bonded indebtedness could provide, because that money is to be used to buy permanent mortgages on newly constructed buildings. And if the entire \$40 million were used for new construction, the estimated economic impact would be as follows. There would be 2,000 year-long construction jobs, 3,400 year-long secondary service jobs, and increased property tax base for the State of Maine of \$40 million, increased sales tax revenue of a million dollars, increased tax revenues on \$20 million of income. The assumption here is that \$20,000 is the average per unit cost, and there would be one man-year of labor for every house built, 1.7 service jobs for every construction job.

I know that we have had a lot before our Committee on Natural Resources on the idea of considering the economic impact, and I think this is something

that should be brought into the debate, particularly at a time when there is a great deal of worry about unemployment when we will be dealing with the gasoline tax, which some of us have strong feelings about, which may have another impact on the state's job situation.

I do hope you will consider the job possibilities that this added \$40 million may bring and that you will vote to defeat the motion for indefinite postponement.

**THE SPEAKER:** A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and 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 Bangor, Mr. Kelleher, that Bill "An Act to Increase the Authorized Bonding Indebtedness of the Maine State Housing Authority, House Paper 1804, L. D. 2284, Indefinitely Postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

**YEA** — Ault, Baker, Berry, G. W.; Birt, Bither, Bragdon, Cameron, Carey, Chick, Churchill, Cote, Cressey, Curtis, T. S., Jr.; Dam, Donaghy, Dunn, Farnham, Farrington, Ferris, Finemore, Flynn, Garsoe, Good, Hamblen, Herrick, Huber, Hunter, Immonen, Kauffman, Kelleher, Lawry, Lewis, E.; Littlefield, MacLeod, Maddox, McMahon, McNally, Merrill, Murchison, Palmer, Perkins, Pratt, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Stillings, Trumbull, Walker, White, Willard, Wood, M. E.; The Speaker.

**NAY** — Albert, Berry, P. P.; Berube, Binnette, Boudreau, Brawn, Briggs, Brown, Bunker, Bustin, Carter, Chonko, Clark, Conley, Connolly, Cooney, Cottrell, Crommett, Curran, Davis, Deshaies, Dow, Drigotas, Dunleavy, Dyar, Emery, D. F.; Evans, Farley, Faucher, Fraser, Gahagan, Gauthier, Genest, Goodwin, H.; Goodwin, K.;

Hancock, Hobbins, Jackson, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, LeBlanc, Lewis, J.; Lynch, Mahany, Martin, Maxwell, McHenry, McKernan, McTeague, Morin, L.; Morin, V.; Morton, Mulkern, Murray, Najarian, Norris, O'Brien, Peterson, Pontbriand, Rolde, Sheltra, Smith, D. M.; Soulas, Sproul, Susi, Theriault, Tierney, Twitchell, Tyndale, Webber, Wheeler, Whitzell.

ABSENT — Carrier, Dudley, Fecteau, Greenlaw, Hoffses, Jacques, Jalbert, McCormick, Mills, Parks, Ricker, Santoro, Smith, S.; Strout, Talbot, Tanguay, Trask.

Yes, 56; No, 77; Absent, 17.

The SPEAKER: Fifty-six having voted in the affirmative and seventy-seven in the negative, with seventeen being absent, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed 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 Property Tax Exemption of Health Care Institutions" (S. P. 910) (L. D. 2519)

Tabled — February 26, by Mr. Bustin of Augusta

Pending — Passage to be engrossed

Mr. Carey of Waterville offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-710) was read by the Clerk.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: What the amendment does in effect, it puts an effective date on the bill which may or may not be needed. Since this is not an emergency piece of legislation, the effective date truly would not be until the first of April, 1975, anyway.

But the second part of it says in effect that the tax loss to the communities, and Mr. Finemore from Bridgewater the other day mentioned to us that it wouldn't amount to more than a tenth of a mill. Well, in the City of Waterville it amounts to quite a considerable amount

over a half a mill. What we would hope to do is have the state treat us like they would stock in trade and inventories.

We have been sitting here for some time, not only the regular session but this session, we are raiding, in effect, municipal treasuries, and it is awfully important and extremely difficult to try to get a budget put together that means anything at all.

I may be speaking on both sides of this bill while I present this amendment, because we have one hospital in Waterville, for instance, that charges \$57 per day for a semi-private room and \$70 a day for a private room, and they pay a personal property tax.

There is another hospital in town that is charging \$50, \$7 less for a semi-private room and \$61, or \$9 less, for a private room, and they have been getting away for some time under the impressions — the assessor had the impression that they owned all of that property that they have in the hospital. So in effect they have been showing that if you don't get taxed you don't add it to the room rate.

There is still a third hospital in Waterville that gives us \$24,000 in taxes, and their rates are \$55 a day for semi-private and \$65 for a private. But they would not have any deduction. I talked to all of these administrators today. They would not have any deductions in the room rates because they in effect have been running at a deficit, so if the tax is written off, they would only use that to hopefully pay off some deficits that they have.

I have checked into some of the leases that were brought up, like Mr. Finemore says, that we didn't have a guarantee. Certainly we had hoped that leases would be rewritten. Most hospitals in the state have a standard lease which is what is called the net lease, in that people pay for the leased piece of equipment, and if there are taxes to be added onto it, they pay that themselves so that the leasing company does not, in effect, pay that.

It is written directly into the lease that they will prevent any liens from falling onto the property by the nonpayment of taxes. But it does mean about a half a mill to the City of Waterville, and I don't know how much it would mean to

Portland, Lewiston, Bangor, places with hospitals, and we would like to see this particular provision go on which would protect the municipalities from losing this income, because in effect what you are doing, you would be just passing it on to those people who may or may not be using the hospital services that live in that community. You are also providing a little bonanza, as Mr. Curtis from Orono said the other day, to those people who don't even live in the community but do use the services.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I think the state, this legislature, has been very kind to the municipalities last year and this year in their proposed budgets that we have before us.

I move the indefinite postponement of this amendment. I think that the cities are probably a little better off than the state is right at this moment financially, and I am not so sure that there would be that much available money to underwrite this for the good gentleman from Waterville.

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

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the motion for indefinite postponement. State of Mainers have always been extremely frugal. The majority of our individuals in the state never used to buy anything on time. Few even had to mortgage their homes. They believed in the basic principle, "pay as you go." This also applied to companies and other organizations like hospitals. However, times have changed a great deal in the last 20 years, for new machinery now in plants and equipment for hospitals probably cost at least 10 times as much as it did 20 years ago. So they have all been forced to change their entire philosophy and now rent both real and personal property because they must have new and modern equipment if they are going to keep up to date.

The best method of enticing new and substantial residents to a community is having up-to-date schools and hospitals. The hospitals realize and appreciate this as a fact of life. They want to keep abreast of the most modern technologies, and the most responsible and best recognized hospitals will definitely do this one way or another. The property which they own is now exempt, but for financial reasons, they are now leasing things which they do not own. And if they can't get these leases exempt, by one way or another they are going to buy this equipment, and if they do, it will be exempt. So the cities and towns will really get the same amount of money in either case.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I too rise to oppose Mr. Carey's amendment. I have always looked upon a hospital, especially in my community and I am sure in the other communities, as being a sort of industry. If we would look at these hospitals, how many jobs they create in the community, we would find that the people working there spend this money in the community and this does help in effect to lower taxes.

As far as any tax loss to the community through this lease arrangement, I feel it would be very minimal. I don't think it would hurt any community. If this would allow the hospitals to upgrade their equipment or their facilities on a limited budget or a new method of financing, then this is the break that we should give to the hospitals.

I know what has happened in my town over the last three years. We built a new addition to the hospital and already within this three-year time, it has only been opened a little over a year, the addition has, we have attracted a much higher caliber or class, whatever you want to call it, of doctors coming into Skowhegan to serve in the facility. They too have decided that instead of commuting 20 or 30 miles, they will build new homes in the community, and these homes are not in the low price category; they are in the high tax category. So I



think that is one way the loss to the community will be offset, by new homes being built by these people coming in to serve the hospitals. And already because of the expansion in my area there is right now a new medical complex going up almost directly opposite the hospital which will be taxable because of the nature of the setup that they will be operating under.

So I think to stand here and argue that we are hurting communities by taking away this minimal tax, I do not think this is a valid argument and neither do I think the amendment of Mr. Carey is.

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

Mr. MacLEOD: Mr. Speaker and Members of the House: Very briefly, I rise in support of the six hospitals, including two medical centers which are in Hancock County that have urged support and passage of L.D. 2519. I never know quite when to take on my good friend the Mayor of Waterville, but this morning I would like to disagree with him and support Representative Kelleher in the indefinite postponement of the amendment which he is trying to throw a smoke screen around this bill at this time.

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

Mr. SILVERMAN: Mr. Speaker and Members of the House: I would like to rise and support Mr. Kelleher's motion to indefinitely postpone. In an area such as mine in Washington County, we try our best to have the most modern equipment available for what we can afford, and one of the ways, of course, is leasing this equipment. If this is denied us, that means hospitals such as ours in our area are going to be denying our patients many of the health needs which we would hope to be able to provide them. I would hope you would support Mr. Kelleher's motion for indefinite postponement.

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

Mrs. LEWIS: Mr. Speaker and Members of the House: I think we should be clarified a little bit on this. The

hospitals and the health care facilities can continue to lease any kind of equipment they want, and the company that is leasing the material can charge anything they want. I fail to see why they need a tax exemption too. However, as we have voted that they should get that tax exemption, I think the very least the community should be is reimbursed. So I support Mr. Carey's amendment.

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

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

Senate Amendment "A" (S-359) was read by the Clerk and adopted in concurrence.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I have prepared an amendment to offer to this bill. I had also made commitments that if we had no other amendments I would not introduce it. I will, however, look for some other jewel to attach this amendment to. It has to do with registration and the licensing of non-profit ambulance service, on their vehicles. I think where we have provisions for fire departments and other exemptions in the same field, that we should try to attach this in the future, but I will not offer the amendment at this time.

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

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

Bill "An Act Increasing Salaries of Various County Officers" (H. P. 1982) (L. D. 2525) (H. "B" H-708)

Tabled -- February 26, by Mr. Birt of East Millinocket

Pending -- Passage to be engrossed

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

House Amendment "A" (H-707) was read by the Clerk.

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

Mr. CROMMETT: Mr. Speaker

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker and Members of the House: I would feel that I was letting down my constituents and many county employees if I didn't oppose this amendment.

This bill received considerable debate the last time, about two or three weeks ago here in this House, and we passed it. Due to the fact that two counties wanted to amend the bill to death, we recommitted the bill. Through this, we are right back where we were about two weeks ago or more.

The only reason this bill was submitted this year, I have heard said from this floor that the bill wasn't necessary to increase county employees pay in the special session. This wouldn't have happened if we had let the counties receive the increase which they had requested last time of 11 percent, but due to the IRS ruling that we would have to limit them to 5.5 percent or a reasonable increase across the board, we limited them to 5.5 percent, with the exception of my county, which received a little more percentagewise and Cumberland County, as I remember it. This is only to bring them up the other 5.5 percent which was already included in the county budgets.

I am not saying one way or the other, but I do think we should leave it alone because the state employees are going to receive their added 5.5 percent, which was brought into this debate on another day here. They are looking for just the same treatment as everyone else, the total of 5.5 for each year, and they would have received this, according to our bill we passed last time which started it as of July 1 of last year. We wouldn't have had to submit this bill if it hadn't been for the confusion of the IRS.

I hope that we don't adopt this amendment.

The SPEAKER: The Chair recognizes

the gentleman from Millinocket, Mr. Crommett.

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: I was hoping I wouldn't have to talk on this bill, but circumstances compelled me to do so.

I refer you to an amendment by my good friend Mr. Farrington that he is anxious to introduce as soon as possible and I have no objection to it. The remarks of the previous speaker are wholly unsatisfactory to me. I would think that my amendment should be adopted, then go ahead and work on Mr. Farrington's amendment.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: First off, I would like to make a motion that the amendment before us be indefinitely postponed so that I might offer an amendment making the effective date of these pay increases July 1. I think this is most acceptable, at least more acceptable by most of you in the House, and it is certainly a fair compromise. If you proceed to vote on the motion to indefinitely postpone the pending amendment, then I will offer this amendment so that we can consider it.

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

Mr. LaCHARITE: Mr. Speaker and Members of the House: As the sponsor of this bill in the last session, I support the motion to indefinitely postpone this amendment. I will also make a motion, if no one else does, to indefinitely postpone the next amendment, because it was the intent of this legislation in the last session that these employees of the counties get their pay which the counties had recommended. Due to the IRS regulations, as Mr. Churchill stated, we could not give those increases. Therefore, I feel that they should be entitled to those increases this session, and I hope that you do vote to indefinitely postpone this amendment, and if the other amendment is introduced I will move the indefinite postponement.

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

Mr. McMAHON: Mr. Speaker and Members of the House: I agree wholeheartedly with the gentleman from Brunswick, the gentleman from Orland, Mr. Churchill. In signing the committee report on the redraft bill that is before us, I did so because if it had not been for the federal pay guidelines last year, this bill would not even be here. This bill generally does give a second 5.5 percent increase this year. As to the retroactive feature, it is necessary because without the federal guidelines, which were imposed upon our actions last year, the increase that would have been granted for this year would have been at least 11 percent and perhaps more.

The SPEAKER: The Chair recognizes the gentlelady from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: It is my understanding that county pay raises started the second year of the biennium for the past six or eight or ten years possibly. Last year, somehow or other, the pay raise became effective July 1 in the middle of the first year of the biennium. And the increase was, true enough, based on the 5.5 guideline.

I am opposed to retroactive pay raises. I think if we pass a retroactive pay raise for county employees that we are establishing a precedent. If one or the other of these amendments are adopted, the pay raise that is mentioned in this L.D. will go into effect July 1, and that is a year after the previous one. I think that is perfectly fair. Probably it would be better if it were January 1, 1975, but I am going to compromise and go along with July 1, 1974.

I want to call the attention to the House that we have a bill pending to give the state pay raise retroactive, and I am sure that you had better think about it if you do that with county salaries.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: Very, very briefly I believe a man is worthy of his hire, and for this reason I believe these

people knew what the job paid when they run for it and I don't think there should be pay changes in the middle of a term. Now, if we are going to pay it for the incoming ones, that would be another thing. Because I feel so strongly on this, I support Mr. Crommett's amendment. Like they also say, Mr. Crommett for many years has served on this committee, Towns and Counties, and I am sure he is aware of what is going on and all the raises they have got in the past. I support Mr. Crommett's amendment.

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

Mr. DYAR: Mr. Speaker and Members of the House: I would like to point out just one bill we passed this session, and this was increasing the salary of what was a former county official. I am referring to the county attorneys. The county attorneys, we have already increased their salaries this session to an extent which is more than at least five of the counties will be paying if we make their county pay bill retroactive to January 1.

I didn't hear a soul in this House get up and object to the county attorneys being increased. The money is in the majority of the county budgets, the majority of the counties have met in this special session and reviewed it; there has been two public hearings on this bill and the bill has come out of committee unanimous "ought to pass" on two occasions.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I rise to urge you to reject the amendment of Mr. Crommett from Millinocket for the simple reason that his does not set any time. If we are here until July 1, the increase couldn't become effective until 90 days later, and it looks now like we will be here celebrating the 4th again.

I then would hope you would adopt the amendment that the Representative from China, Mr. Farrington, proposes to make it effective July 1. Now much has been made of the fact that these people were limited as to what they could get last July. Well, I would point out to you

that every private employee in the State of Maine was so limited last year, and without the wage regulations, he might have gotten 10 percent instead of 5.5 percent. So we are not asking you to treat the county employees any differently than we are treating employees in private industry. I will go along with the amendment of Mr. Farrington if he has an opportunity to present it.

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

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: I realize that other employees in the state, they were limited to the 5.5 percent. But let me reiterate; it was the county delegation that recommended the salary increase that were not granted. So I can't understand why these same county delegations, and they have requested increases as pertains to this bill, but why some of these people don't want to give them the increase that they wanted to give them last session. All we are doing, we have delayed them six months because of the 5.5 percent. Let's give them that increase that we intended to give them. That is the point of this bill.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: I would like to make one point to the gentleman from Strong, Mr. Dyar, that in case he didn't remember and maybe I didn't have enough of an impact on the county attorney's bill the last time, but I did oppose the bill very vehemently and there were many others who did also.

I have opposed every one of these bills that provide for a retroactive pay raise. The pay raise the county officials got last year, the 5 percent pay raise, was effectively killed when that bill came here by a good majority of the people in this House. I am sorry I lost my friend Mr. Henley who didn't agree with me on many things, but on that one item we did. I would have to agree with the lady from Orrington, Mrs. Baker, who said that we are willing to make a compromise, I am willing to make the compromise. I think either one of these two proposed amendments, either Mr.

Crommett's amendment or Mr. Farrington's amendment, is acceptable to the people in county government here in Kennebec County. When I spoke, as a matter of fact, to the people in county government here in Kennebec County. When I spoke, as a matter of fact, to the county commissioners, one of those commissioners in fact said that he didn't believe in any retroactive pay raises; yet the pay raises were put in.

Now, let's get to the real problem, and that is, you know, that these are political offices and they run and they know what the salary is before they take that position. It is unfair that some of them possibly are doing more work than they are being paid for, but is it also fair that it is an elective office and we are willing to make this one particular concession and allow them to have the pay raise by July 1.

I figure it isn't going to matter whether we accept this amendment of Mr. Crommett's or the one that Mr. Farrington is going to offer next, because I figure that we are all going to be out of here by April and that pay raise will be effective by July 1 anyway. I think that is a worthy compromise. Because what the proponents of the retroactive pay raise will be doing is putting the entire bill in jeopardy, and rather than do that, we realize that some people are not being paid their just due, and this will be a method of paying them fairly.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, if this amendment is adopted, it will probably lock county officials into another abnormally low increase for the next biennium.

To answer the gentlelady from Orrington and the gentleman from Gardiner, Mr. Whitzell, the County Government Committee wanted to allow the normal increase which would take place in the second year of the biennium. We asked the Internal Revenue people this, and we were told that no more than 5.5 percent increase could be granted on that basis. So the question was, do we grant 5.5 percent increase for the two-year period, or do we attempt to

allow it for each of those two years. And the bill you see before you is an attempt to follow that latter course of action.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker and Members of the House: We have heard the same debate several times, in the last session also, in regards to people knowing what they are running for when they ran for this office, what salary they were going to receive. Now these people — the town officials and city officials were all notified by their county commissioners at the time the budget was prepared, and if they didn't attend, this was their fault. But they all or partially agreed that they would request an 11 percent increase for the county officials across the board. Now this also is another reason why I feel that everyone knew that they were requesting this.

I haven't served as many terms as has been stated that Mr. Crommett has on this County Government Committee, but I have served two terms and I do know that the county officials always request a great deal more than they receive. Some requested as high as a 17 percent increase and I am almost positive some more than that. We have always cut them down about one half what they were requesting. But we did feel that this was quite minimum, 5.5 for each year. This is the only reason that I will stand up and fight for this, because I think it is no more than fair. Because all the towns and everyone knew at the time this budget was submitted that they were requesting 11 percent increase across the board.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: I don't want to belabor the point and I will only make just one more comment. The fact of the matter is that many, many working people in Maine did not even receive a 5 percent increase in the last two years, and that is the only issue that you have to keep in mind. These are politicians that are elected to political office.

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

Orland, Mr. Churchill, that House Amendment "A" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

59 having voted in the affirmative and 28 having voted in the negative, the motion did prevail.

Mr. Farrington of China offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-716) was read by the Clerk.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: There is a point in considering any measure before us of reality. And although I voted for the bill as it is written to have pay retroactive for county officers, I feel at this time that we would not get that vote and this is the reason I am asking for this compromise. I hope you go along with the amendment.

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

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to debate this any longer. I think we have been debating this quite a bit. I do move the indefinite postponement of this amendment.

Thereupon, Mr. Whitzell of Gardiner 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 Brunswick, Mr. LaCharite, that House Amendment "C" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bunker, Churchill, Conley, Cooney, Cote, Crommett, Curran, Curtis, T.S., Jr.; Dyar, Hamblen,

Hancock, Kelley, LaCharite, MacLeod, Maxwell, McMahon, McTeague, Morin, L.; Mulkern, Najarian, Sheltra, Shute, Theriault.

NAY — Ault, Baker, Berry, G.W.; Berry, P.P.; Berube, Binnette, Birt, Bither, Boudreau, Brawn, Briggs, Brown, Bustin, Cameron, Carey, Carrier, Carter, Chonko, Clark, Connolly, Cottrell, Cressey, Dam, Deshaies, Dow, Drigotas, Dunleavy, Emery, D.F.; Farnham, Farrington, Faucher, Ferris, Finmore, Flynn, Gahagan, Garsoe, Good, Goodwin, H.; Goodwin, K.; Hunter, Immonen, Jackson, Kauffman, Kilroy, Knight, LaPointe, Lawry, LeBlanc, Lewis, J.; Littlefield, Lynch, Maddox, Mahany, Martin, McHenry, McKernan, Merrill, Morin, V.; Morton, Murray, Norris, O'Brien, Parks, Perkins, Peterson, Rollins, Shaw, Simpson, L.E.; Smith, S.; Snowe, Soulas, Sproul, Stillings, Talbot, Trask, Tyndale, Walker, Wheeler, White, Whitzell, Wood, M.E.; The Speaker.

ABSENT — Albert, Bragdon, Chick, Davis, Donaghy, Dudley, Dunn, Evans, Farley, Fecteau, Fraser, Gauthier, Genest, Greenlaw, Herrick, Hobbins, Hoffes, Huber, Jacques, Jalbert, Kelleher, Kelley, R.P.; Keyte, Lewis, E.; McCormick, McNally, Mills, Murchison, Palmer, Pontbriand, Pratt, Ricker, Rolde, Ross, Santoro, Silverman, Smith, D.M.; Strout, Susi, Tanguay, Tierney, Trumbull, Webber, Willard.

Yes, 23; No, 83; Absent, 44.

The SPEAKER: Twenty-three having voted in the affirmative and eighty-three in the negative, with forty-four being absent, the motion does not prevail.

Thereupon, House Amendment "C" was adopted.

The Bill was passed to be engrossed as amended by House Amendment "B" and House Amendment "C" and sent to the Senate.

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

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

Tabled — February 27, by Mr. Martin of Eagle Lake.

Pending — Motion of Mr. Martin of Eagle Lake that the House reconsider failure of final enactment

Thereupon, the House reconsidered its action whereby this Resolve failed of final passage.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: As you recall, there was quite a bit of debate as to what the purpose was, et cetera. I want to assure those of you who voted with me that we have checked not only with the Department of Education but with the Public Utilities Commission and also with the Executive Department to make sure that all requirements would be followed. We have also been assured by Central Maine Power Company that they will make every effort to make sure that when it is laid out this summer they will do it at the same time, keeping in mind, of course, that they cannot lay it in the same channel, but they will do it at the same time.

The other consideration is that the Commissioner of the Department of Education has also indicated that he will supervise the entire operation, making sure that all of the precautions are taken into effect and that adequate lines are left open in such a way that if they want to tie in that they will be able to do so underground at a later date.

One other point that ought to be made. If nothing else, I think that this bill outlines one of the problems that we face, and that is that very often we are either giving easements or giving rights of way to state property, and we do not have a mechanism with which to do it. I would hope in the future we might develop something along this line.

So I would ask you to vote for final enactment, realizing, of course, that we need 101 votes.

The SPEAKER: The pending question is final passage of this Resolve. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Resolve being finally passed will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Simpson of Standish 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 final passage. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Resolve being finally passed will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Brown, Bunker, Bustin, Cameron, Carey, Carrier, Carter, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Cressey, Crommett, Curtis, T. S., Jr.; Dam, Deshaies, Dow, Drigotas, Dunleavy, Dyar, Emery, D. F.; Farnham, Farrington, Faucher, Fecteau, Ferris, Finemore, Flynn, Gahagan, Garsoe, Genest, Good, Goodwin, H.; Goodwin, K.; Hamblen, Hancock, Herrick, Hunter, Immonen, Jackson, Kauffman, Kelley, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McHenry, McMahon, McTeague, Merrill, Morin, L.; Morin, V.; Morton, Mulkern, Murray, Najarian, Norris, O'Brien, Parks, Perkins, Peterson, Pontbriand, Rollins, Shaw, Sheltra, Shute, Simpson, L. D.; Smith, S.; Snowe, Soulas, Sproul, Stillings, Talbot, Theriault, Trask, Trumbull, Twitchell, Tyndale, Walker, Wheeler, White, Whitzell, The Speaker.

ABSENT — Chick, Curran, Davis, Donaghy, Dudley, Dunn, Evans, Farley, Fraser, Gauthier, Greenlaw, Hobbins, Hoffses, Huber, Jacques, Jalbert, Kelleher, Kelley, R. P.; Keyte, Lewis, E.; McCormick, McKernan, McNally, Mills, Murchison, Palmer, Pratt, Ricker, Rolde, Ross, Santoro, Silverman, Smith, D. M.; Strout, Susi, Tanguay, Tierney, Webber, Willard, Wood, M. E.

Yes, 109; No, 0; Absent, 41.

The SPEAKER: One hundred nine having voted in the affirmative and none in the negative, with forty-one being absent, the motion did prevail.

Thereupon, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

Mr. McTEAGUE: Mr. Speaker, is the House in possession of L.D. 2111, H. P. 1718?

The SPEAKER: The Chair would answer in the affirmative. The House is in possession of 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.

Mr. McTEAGUE: Mr. Speaker, I would move that the House reconsider its action of yesterday whereby this bill was passed to be enacted.

Thereupon, on motion of Mr. Simpson of Standish, tabled pending the motion of Mr. McTeague of Brunswick that the House reconsider its action whereby it voted to recede and concur and tomorrow assigned.

#### (Off Record Remarks)

On motion of Mr. Simpson of Standish,  
Adjourned until nine o'clock tomorrow morning.