

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

1st Special Session

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

1974

Kennebec Journal
Augusta, Maine

ERRATA:

**The header on page 1119
in the First Special Session**

should read

“HOUSE, MARCH 5, 1974”

instead of

“HOUSE, MARCH 4, 1974”

HOUSE

Tuesday, March 5, 1974

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

Prayer by Bishop Edward C. O'Leary of Portland.

The journal of yesterday was read and approved.

Orders Out of Order

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

ORDERED, that Judy Simpson and Barbara Russell of Kennebunk 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 Suzanne Faucher and Brian Hodge of Biddeford be appointed Honorary Pages for today.

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

**Papers from the Senate
Reports of Committees
Ought Not to Pass**

Committee on Public Utilities on Bill "An Act to Eliminate the Position of Assistant Secretary, Public Utilities Commission" (S. P. 842) (L. D. 2383) reporting "Ought not to pass"

Committee on Appropriations and Financial Affairs on Bill "An Act to Adjust Certain Salary Provisions of the State Officers and Officials" (S. P. 847) (L. D. 2416) reporting "Ought not to pass"

In accordance with Joint Rule 17-A, were placed in the legislative files.

Leave to Withdraw

Committee on Transportation on Bill "An Act Authorizing the Governor to Increase Size and Weight of Trucks Because of the National Energy Crisis" (S. P. 738) (L. D. 2150) reporting Leave to Withdraw

Came from the Senate with the Report read and accepted.

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

**Ought to Pass with
Committee Amendment
Later Today Assigned**

Committee on Taxation on Bill "An Act Providing for a Credit in Maine Income Tax Law for Investment in Pollution Control Facilities" (S. P. 737) (L. D. 2149) reporting "Ought to pass" as amended by Committee Amendment "B" (S-374).

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (S-374).

In the House, the Report was read.

On motion of Mr. McTeague of Brunswick, tabled pending acceptance of the Committee Report in concurrence and later today assigned.

Order Out of Order

Mrs. Knight of Scarborough presented the following Joint Order and moved its passage:

WHEREAS, the Clippers of Yarmouth High School have dominated the Triple "C" Inland Division in soccer with 7 league championships in the last 8 years; and

WHEREAS, ably coached and inspired by Ken Roberts, this soccer dynasty has constantly displayed a winning spirit and high degree of sportsmanship; and

WHEREAS, these activities and attitudes reflect great credit upon the individual players and their coach and have brought honor to their school and families; now, therefore, be it

ORDERED, the Senate concurring, that the House of Representatives and Senate of the 106th Legislature of the Great and Sovereign State of Maine does hereby commend and congratulate the players and coach of Yarmouth High School Soccer Team and express our appreciation to the students and supporters of this exceptional team for the credit they have brought to the school in capturing the State Class "C" Soccer Championship for 1973. (H. P. 2009)

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

Ought to Pass in New Draft

Committee on State Government on

Bill "An Act Authorizing the Commissioner of Mental Health and Corrections to Convey a Sanitary Easement at the Bangor Mental Health Institute to the Northeast Psychiatric Institute, Incorporated" (S. P. 771) (L. D. 2218) reporting "Ought to pass" in New Draft (S. P. 921) (L. D. 2546) under same title.

Came from the Senate with the Report read and accepted and the Bill 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 Committee on Public Utilities on Bill "An Act Relating to Fees Charged by the Public Utilities Commission" (S. P. 873) (L. D. 2441) reporting "Ought not to pass"

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot
Mr. ANDERSON of Hancock
— of the Senate.

Messrs. GENEST of Waterville
MADDOX of Vinalhaven
LITTLEFIELD of Hermon
KELLEHER of Bangor
SOULAS of Bangor
MULKERN of Portland
CHICK of Sanford
TRASK of Milo

— of the House.

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

Report was signed by the following members:

Mr. CYR of Aroostook
— of the Senate.

Messrs. CONLEY of South Portland
MURRAY of Bangor

— 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. Soulas of Bangor, the Majority "Ought not to pass" Report was accepted in concurrence.

Non-Concurrent Matter

Joint Order (H. P. 2002) Relative to Transportation Committee to report out

a bill on hitchhiking, which was passed in the House on March 1.

Came from the Senate indefinitely postponed in non-concurrence.

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

Orders

Mr. McHenry of Madawaska presented the following Joint Order and moved its passage:

WHEREAS, so long as there are mountains to climb there will always by those with reason to climb them; and

WHEREAS, a California High School coach recently initiated hopes of crossing the San Bernardino Mountains and the country beyond by bicycle to stimulate Heart Association interest; and

WHEREAS, Joe Page achieved his goal upon reaching Madawaska, Maine in thirty-five days, completing a 4,101-mile journey through 14 states across the United States; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the House of Representatives and Senate of the One Hundred and Sixth Legislature of the State of Maine pause momentarily in the deliberations of this first special legislative session to recognize and commend Coach Page upon completion of his unique journey by bicycle from southern California to Maine and for the great cause for which it was accomplished; and be it further

ORDERED, that suitable copies of this Order be transmitted forthwith to Mr. Page and the California Heart Fund Association to commemorate this inspiring event. (H. P. 2010)

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

House Reports of Committees

Leave to Withdraw

Covered by Other Legislation

Mr. Carter from Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Lapsing of Dedicated Funds" (H. P. 1878) (L. D. 2388) reporting Leave to Withdraw as covered by other legislation.

Report was read and accepted and sent up for concurrence.

Ought to Pass with Committee Amendment

Mr. Bradgon from the Committee on Appropriations and Financial Affairs on Bill "An Act to Transfer Certain Unexpended Dedicated Funds at End of Fiscal Year" (H. P. 1895) (L. D. 2406) reporting "Ought to pass" as amended by Committee Amendment "A".

Report was read.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would hope that the Committee Report would be accepted. However, there is an error in the bill and an amendment is being prepared now, so if we accept the report of the committee, I will present the amendment tomorrow.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-726) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Consent Calendar First Day

(S. P. 765) (L. D. 2196) Bill "An Act to Correct Errors and Inconsistencies in the Fish and Game Laws" — Committee on Fisheries and Wildlife reporting "Ought to pass" as amended by Committee Amendment "A" (S-372)

(S. P. 833) (L. D. 2374) Emergency Bill "An Act Relating to Custody of State Trust and Retirement Funds Securities" — Committee on Veterans and Retirement reporting "Ought to pass" as amended by Committee Amendment "A" (S-375)

(H. P. 1788) (L. D. 2260) Bill "An Act to Correct Errors and Inconsistencies in the Motor Vehicle Laws" — Committee on Transportation reporting "Ought to pass as amended by Committee Amendment "A" (H-727)

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

Passed to Be Engrossed

Bill "An Act Relating to the Real Estate Commission" (S. P. 841) (L. D. 2382)

Bill "An Act Establishing a Full-time Administrative Assistant for the State

Parole Board" (S. P. 892) (L. D. 2494) Emergency

Bill "An Act to Establish Better Interlocal Cooperation in Preparedness for Civil Disasters and Emergencies" (S. P. 828) (L. D. 2362) (S. "A" S-368)

Bill "An Act to Repeal the Corporate Franchise Tax and Recover Losses by an Adjustment in the Annual Report Fee" (S. P. 915) (L. D. 2536)

Were 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 Establishing the Office of Energy Resources" (S. P. 832) (L. D. 2375) Emergency (C. "A" S-361) (S. "A" S-376)

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

On motion of Mr. Simpson of Standish, the House reconsidered its action whereby Committee Amendment "A" was adopted in concurrence.

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

Mr. SIMPSON: Mr. Speaker, I now move the indefinite postponement of Committee Amendment "A" and would speak briefly to my motion.

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

The Chair recognizes the same gentleman.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: When the Bills in Second Reading Committee started to put these two amendments together, they discovered a conflict in the two amendments, and rather than try to take care of it by amendment or send it back to the other body so that they could, actually the Senate amendment actually accomplishes what was hoped to be done, and therefore by killing the committee amendment we can do it.

Primarily, it is on the back page of the Senate amendment where the nine members to be appointed by the Governor includes now the one representative of the public utilities and

one representative of the oil industry and two representatives of the general public.

Thereupon, Committee Amendment "A" was indefinitely postponed in non-concurrence.

On motion of Mr. Cooney of Sabattus, the House reconsidered its action whereby Senate Amendment "A" was adopted.

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

House Amendment "A" to Senate Amendment "A" (H-728) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker and Members of the House: Before I begin, I would like to apologize to my House Chairman, Representative Curtis, because yesterday I said there was no limitation on the salary of the director of the department, but there was one. It was my mistake. That limit, however, was \$18,000, and the amendment that I am offering puts the director into the next lower classification, which gives him a salary limitation of \$16,500, which is not necessarily a massive cut.

The amendment does a couple other things to the appropriation on this bill. It reduces the number of employees in this new department from five to three for the one year and two or three-odd months that we would have left in this funding period, which I think is more than reasonable for a brand new department that really has to develop a direction and a purpose. And I have cut the All Other account by about 30 percent. What this means is that the appropriation on the bill of \$162,500 has been reduced to \$96,000. It is my view that this will not harm the initial effectiveness of this new department, and I hope you will give the amendment passage.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I appreciate the comments that have been made by the gentleman from Sabattus, Mr. Cooney. The committee in executive session did

discuss the matter of the salary for the executive director of this office, and it was the opinion of some of us at least that an appropriate place would be in the same category in which the director of Civil Defense could be found, \$18,500. However, I don't think that is a terribly important situation, especially when the office has not been created yet.

Generally speaking, in committee what we tried to do was to put out the legislation which we think is worthy of enactment and let some other appropriate organization, generally people who concern themselves with the Appropriations Table, consider how much money may be available for new programs. So under the circumstances, I don't think this is too terribly important either one way or another, so I have no objection to the amendment as presented by the gentleman from Sabattus.

Thereupon, House Amendment "A" to Senate Amendment "A" was adopted. Senate Amendment "A" as amended by House Amendment "A" thereto was adopted in non-concurrence.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

Order Out of Order

Mr. Curtis of Orono presented the following Order and moved its passage:

ORDERED, that Donald MacNeill and Crystal Hamilton of Veazie and Sue Lucas and Marshall Smith of Orono be appointed Honorary Pages for today.

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

Bill "An Act Relating to Foreign Trade Zones" (H. P. 2003) (L. D. 2547)

Bill "An Act Granting Energy Emergency Powers to the Governor" (H. P. 2005) (L. D. 2549)

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

Second Reader

Later Today Assigned

Bill "An Act Relating to Pilots for the Port of Portland" (H. P. 2007) (L. D. 2550)

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

(On motion of Mr. Simpson of Standish, tabled pending passage to be engrossed and later today assigned.)

Second Reader Tabled and Assigned

Resolve, Providing for the Replacement of Babb's Covered Bridge in Windham and Gorham (H. P. 2004) (L. D. 2548)

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

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

Passed to Be Enacted Emergency Measure

An Act Relating to Hospitalization of the Mentally Ill (S. P. 908) (L. D. 2512) (S. "A" S-360) (H. "A" H-711)

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. 105 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.

Orders of the Day

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

Bill "An Act Relating to School Buses" (H. P. 722) (L. D. 2134) (C. "A" S-349) (S. "B" S-366)

Tabled — March 1, by Mr. Simpson of Standish

Pending — Passage to be engrossed

On motion of Mr. Martin of Eagle Lake, retabled pending passage to be engrossed and specially assigned for Thursday, March 7.

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

Bill "An Act Relating to Dams and Reservoirs (S. P. 916) (L. D. 2527)

Tabled — March 1, by Mr. Simpson of Standish

Pending — Passage to be engrossed

Mr. Norris of Brewer offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-725) was read by the Clerk and adopted.

Mr. Huber of Falmouth offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-721) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

Bill "An Act to Increase the Cigarette Tax and Provide Funds for Catastrophic Medical Expense" (H. P. 1991) (L. D. 2535)

Tabled — March 1, by Mr. Martin of Eagle Lake

Pending — Passage to be engrossed

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

House Amendment "A" (H-729) was read by the Clerk.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly. This particular amendment solves some of the objections that were raised in view of the fact that there was some talk of a national catastrophic illness bill being enacted by the Federal Congress.

This amendment would designate and would specify that when such a program were in fact enacted, not only would the program terminate but so would the tax. Both of these decisions would be by proclamation of the Governor, and it was felt very strongly that this particular issue ought to be left to an elected individual rather than to an appointive individual that would sort of be hidden from public pressures.

There is going to be, in three or four years from now, a bill enacted on the national level, and it is important that someone be in a position, if it comes in the middle of a period when we are not in session, that such action can be taken

that state funds can be terminated. The people who obviously are affected by the increase in the tax felt that they also ought to have the same protection, and that is why the amendment calls for these two items to be inserted into the bill at this time.

Thereupon, House Amendment "A" was adopted.

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

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: I don't know of any bill that has been introduced to the special session that has given me more personal anguish than this one has. I approve most highly of what it is attempting to do. I have had a very real and very personal experience with what the high cost of illness can do to a family, and I can appreciate that a great deal.

However, this morning I am going to be voting against this bill, and I feel that in fairness to you and in fairness to my people back home, that I should explain my position a little bit.

First, I campaigned on an issue of no increases in taxes, and I am sure I don't have to tell anyone of you that my word is good. The things that concern me about this bill are several, but primarily it is what may be the total and eventual cost. I can see us coming into a position where we can be almost put into a state of bankruptcy because of this bill and because of other measures that this legislature has passed.

The other day when this bill was being debated at considerable length on the floor of the House, there was a figure mentioned, I believe, by the gentleman from Pittsfield, Mr. Susi, and if I misquote him, I hope he feels free to correct me. I believe that he mentioned the figure of an impossible cost of \$200 million annually. Now, I don't believe that anyone can project what the entire cost of this program might at some time be. But if it is continued, and if we do an adequate job, the cost is going to be tremendous.

This amendment that was offered this morning stipulating that when the federal government steps into this area and comes out with a program, this tax and that this program will be

determined by proclamation of the Governor, I am perfectly sure it was offered with the very best of intentions. However, I would question whether it is going to be effective or not, because most certainly, whatever the federal program is, the wording and the total purpose of their program could be somewhat different from ours. So it would be up to the Governor to decide, whoever the Governor might be at that time and whatever political party he might be at that time, whether or not to issue that proclamation to terminate this tax and this program. I don't believe this amendment offers us any guarantee that the program would be stopped when the federal program comes into effect.

Another reason for voting against this at this time, is that the 107th Legislature is going to need every access it can to taxable revenue. Due to programs that we have passed such as our old friend 1994, which I am proud to say that I voted against, the incoming legislatures, the 107th, the 108th, are going to have to have access to every cent that they can possibly lay their hands on. I suggest that we, at this time, do not impose any taxes and wait and see what the effects of some of these programs are going to be and how much revenue is going to be needed.

I agree, of course, that we do have the power, 106th does have the power to tax, but I suggest that we bequeath this power to the 107th, because they are sure going to need it.

Mr. Speaker, at this time, I am going to move that this bill will be indefinitely postponed and when the vote is taken, I ask for the yeas and nays.

The SPEAKER: The gentleman from Casco, Mr. Hancock, moves the indefinite postponement of this Bill and all accompanying papers, and requests a roll call.

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

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

The SPEAKER: The Chair recognizes

the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think this gentleman has raised a number of questions which I do not have answers to, basically because many of them are suppositions or assumptions and they are very difficult to try to respond to and try to give answers to. I do not believe that any of the facts that we discussed last time have changed, and I do not believe that we can assume that we are going to get caught in a situation where we are not going to be in a position to fund it.

I quite agree with those of you who have campaigned on a basis that there would be no tax increase. I can well understand that. I do not think that this is that type of a thing. I want to reiterate that point that I made earlier, that this bill last time was on the Appropriations Table and, in fact, would have been funded if there had been monies available. But because of the funding problems when we arrived at the end of the session, the monies were not there.

Some of you may argue very strongly that the Governor has said that he is opposed to all taxes and that he is opposed to tax increases and that as a result you are going to go along that line. The one point that I think we have to remember through all this debate is that we are attempting to help people who need the help. The point that I made about ways and methods that can be used for people to get themselves on relief in order to qualify under Title 18 and 19 ought to be incentive enough for us to vote for this legislation.

If we support divorces, we support that divorces ought to be continued and we support divorces in the belief that they can be in a position to get the funds from the federal government through Title 18 and 19, then by all means vote against this legislation, because this is the way it is going. If you believe that you want to attempt to keep families together so that they can make a go of it, so that the families can stick together, then I think you ought to vote against the motion of indefinite postponement. If you had sat in on that hearing of Taxation and a hearing of Health and Institutions two

years ago or last year, then you have seen the real need for this particular legislation. I ask you and I beg you to vote against the motion of indefinite postponement.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 2535 in the first paragraph adds one clause to the first paragraph of the original document that was offered last year by the lady from Old Orchard Beach, L.D. 679, and in my opinion vastly changes the entire thrust of the bill. The \$2,840,000 requested would not be used for the purpose of catastrophic illnesses but instead would be used as seed money to obtain matching federal funds.

I have heard it said that the Commissioner of Health and Welfare would then use the \$2 million for catastrophic illnesses after having obtained the matching federal funds. I don't believe such action would be legal or ethical.

I agree with the gentleman from Casco, that this legislature will need all its financial resources next session to pay L.D. 1994 already enacted. I think it's going to take a great deal of courage on the part of us here today to vote against this bill and for the motion to indefinitely postpone, but until I can be convinced that this is a bill that will, in fact, aid the people who need the aid and not to do something other than it says, I intend to vote for the motion.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I am speaking very unofficially now. I am speaking as an individual who wants to put a few things in the record.

I think I feel very strongly about what the representative from Casco stated when he said there probably is not a bill before us here that gives us more political anguish. Yet, I remember back in the 105th one day when we were in a position just like we are now, the bill was in second reading when a motion was made to indefinitely postpone the aid to the elderly. Although I felt that another

bill was a better bill, I felt that the bill before us was totally unworkable and left so many doors open, that maybe things were going to be so confusing that the bill would never get off the ground. There were seven of us that voted against that bill or particular piece of legislation, and about ten days after we adjourned the Attorney General's Office and the Governor's Office came out and almost quoted verbatim the arguments against the bill. I can remember then the majority floor leader, the gentleman from Pittsfield, Mr. Susi, as being quoted in the paper as saying that we were dealing in an area of great unknowns but that we were trying to do something and yet I guess we did not accomplish what we were hoping to do. I kind of felt better about my vote then, and I don't know but what I feel the same way as we are looking at this thing right now.

I hate to see the newspapers in this state come out with headlines and editorials saying that they want us to take and pass this piece of legislation — it's good legislation, I would be the first one to say that the philosophy behind this was excellent. We have a commission now set up that is studying health insurance for the people of the State of Maine. There are three of us in this particular body on that commission. At one of the very first meetings we had, we were told that it would cost us in the neighborhood of \$245 million a year to set up some type of health insurance program for the people of the State of Maine.

I believe that most of the people on the hill in Washington feel that during this particular year a health insurance bill will not come out of Congress. Yet, I believe that most of the people on the hill feel that this will be one of the first issues that will come out of Congress in the next session, which will be a year from now. I hope that when that bill comes out that it can do something for the medically indigent and the catastrophic illnesses in the State of Maine.

However, I think that one of the things that the papers have not been fair and honest with us is that they are looking at this thing and they have been telling the people that this is a dedicated revenue.

Let's be fair and honest, it is not a dedicated revenue. It is an increase in the cigarette tax of one cent which is going into the General Fund — now keep that in mind, it is going into the General Fund. I can see that the Commissioner of the Health and Welfare Department in the next session is coming back to us, and saying, "You know the \$800,000 you put into catastrophic illnesses was eaten up by about eight cases in the State of Maine. I now need about twenty to twenty-five million dollars." There is nothing in this bill that says it will be tied to the cigarette tax, although I would like to see an amendment put on the bill that would tie into the cigarette tax, forever and a day. But it won't be; it will be a General Fund expenditure and we then will have to find the tax revenues to pay for it. I have looked at this particular bill, I have read it and read it and read it. I am not convinced that the guidelines placed in it, I am not convinced that catastrophic illnesses can be adequately defined. What is a catastrophe to you might not be to your neighbor, or it might be to someone else. We then have to determine each and every single one of these particular instances as to what is a catastrophe.

As I said before, I honestly believe that the concept of this thing, the philosophy of it, I think all of us agree with. We like to help people, but I basically believe that the catastrophic illness portion of it is not what is really bothering hospital administrators. I just in good conscience cannot vote for this bill for those reasons. I wish there were a way that we could adequately fund it and define it and somehow we could help these people, but I don't believe this is the answer. I think it is putting something on the books that we are going to regret forever and a day if we do it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Through the graciousness of our lovable clerk, I was privileged in getting a marked record of the legislature in the days that I have not been able to be here. I noticed when the bill first came out that it had passed and I immediately did the same thing that

others have done, I read the bill over once or twice, although I had made up my mind on the measure anyway.

I am sure that the gentleman from Standish, Mr. Simpson, made merely a slip of the tongue when he said that this was a one-cent cigarette tax. This is actually a two-cent cigarette tax.

This measure, the money would go into the General Fund. The gentleman from Standish, Mr. Simpson, also mentioned that he wished that the measure would be amended so that the monies would be tied to the cigarette tax forever and a day. That being so, he could get himself ready, if that was going to continue, to keep adding five or ten cents every two years, because that is exactly what would happen.

As far as the bill ending when the federal government appropriates money, it could possibly end. But the question arises, in what condition would it end? What would be the guidelines that the federal government put on it? We are now in the position in Health and Welfare where some areas we cannot accept money because of the guidelines in Washington. We are in a position in Maine where we can't have money because of our own guidelines that we have set here in Maine.

I am also reading from the budget document of his Excellency, Kenneth M. Curtis, Governor of Maine, as of January, 1973, in which he stated on page 11, "I am pleased that for the first time in 20 years a Maine Governor is able to recommend a General Fund budget that does not require any new or increased taxes." Had we not funded only one year of the biennium, this measure, Part I and Part II of both years would have been passed without even any thought of putting on a tax, and that is not a supposition, it is a fact.

It might be well to note that it is true that this bill might have gone to the Appropriations Table two years ago along with some hundred others and they went by the board because of the fact that we had no funds. I am not going to go into a long dissertation. I agree wholeheartedly with the remarks made by the gentleman from Casco, Mr. Hancock, and I could go into a long dissertation as to what this measure of

hospital, drugs and other bills can do to a person's income. I think possibly I might give you a little dissertation that would shock you.

As far as I am concerned, the words that impressed me more than anything else, I am pleased for the first time in 20 years a Maine Governor is able to recommend a General Fund budget that does not require new or increased taxes. That was the budget message as submitted to us by the Governor of Maine for the ensuing two years. I believed him then, I believe him now. I am delighted that a roll call is called for, because I wouldn't vote for a tax increase if it meant giving me hundred dollar gold pieces.

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

Mrs. MORIN: Mr. Speaker and Members of the House: Even though I sponsored the catastrophic illness for the department last year, this replacement is not what it was meant to be, at least not the way it was explained to me.

As I said previously, it was meant not to cover anyone under welfare of any kind, local, state or federal. As far as the tax is concerned, after the bill was passed last year and not funded, I went to Mr. Jalbert, who had been here quite some time, because I was a freshman legislator, and asked if he could suggest a way of funding. And he is the one that suggested the cigarette tax, incidentally.

Getting back to this bill here, the method of matching funds I don't believe would be legal, using catastrophic illness funds to get Title 19 funds and then having the seed money returned to catastrophic illness.

There is a letter from some agency in Boston saying that it is all right to do, but it seems Dr. Fisher does not want it released as it might put them in bad with the federal government.

As much as I hate to do this, I agree with indefinitely postponing this bill and working with a new one next session.

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

Mr. JALBERT: Mr. Speaker and Members of the House: If the lady from

Old Orchard, Mrs. Morin, said that I suggested something to her, certainly I am not going to doubt her word, and I believe that she said exactly that. The fact that I suggested something didn't necessarily mean, and I think she will agree with me, that I would vote for it. I might suggest that one way for anybody to get rid of me is to try to pass a bill to hang me. That doesn't mean that I would vote for it. The fact of the matter is, I am not voting for this bill today or any tax bill at this special session or any other special session that will be called.

We had \$43 million of surplus money when we came in here two years ago. We had \$38 million of revenue sharing money when we came in here last year, and we have spent it. And I could give you now the position where we are financially. Believe me, it isn't good. And some of that money that we have spent is money that is not going to come back to us. We certainly are not going to have any \$43 million of surplus next year and the \$38 million of revenue sharing money which was for three years comes down automatically to \$26 million. Somewhere along the line we have got to start saying no.

I suggest; I give advice. That doesn't necessarily mean that I take my own suggestion or I take my own advice.

THE SPEAKER: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Members of the House: I would like to go on record in opposition. Things that I would like to say have already been said. I would like to remind people that this is not the same bill that we had last year, as Mrs. Morin has pointed out. This gives the department a big lump-sum of money to work with and a few more workers that may have been looking around to see how they could get it. I am very much opposed to it. I think that a cigarette tax is a good way to raise money, but I am opposed to this particular legislation.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I have recently been told that if I do not vote for the cigarette tax with the accompanying

catastrophic illness section, I will lose votes in the next election. Perhaps this is so. In 1955, I sponsored the first bill aimed at aiding the medically indigent. So certainly I have proven sympathy in this respect. But in this present bill, there are too many ramifications in the final analysis. The purpose, of course, is very commendable, but the eventual price tag of approximately or even over \$200 million per biennium is not at all realistic for the State of Maine.

Certainly a yes vote would be a popular vote, but in my opinion, it would not be a responsible vote, so I am going to vote against the bill and for indefinite postponement.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I don't think I have to reiterate that I have expressed concern previously on the floor of this House in regard to this bill. I did speak on it when the divided report came out and I think at that time I expressed the idea that I had several reservations with regard to the bill as it came out.

I think that the gentleman from Casco, Mr. Hancock, has spoken very well and very wisely. One thing that he did bring out I want to emphasize. I think we want to face up to the fact that the next session of the legislature is going to come in and go down in history as the taxation legislature. We over the past two or three sessions have gone wildly along, merrily along our way passing measures without providing sufficient revenue to carry them on. This is another bill that goes on in that same vein, continuing to pass legislation without properly taking care of the financing, leaving it to future legislatures to do it, and we have many many of such bills.

The point that the gentleman from Casco brought out was that we had better save every possible taxation measure for the next legislature, because they are going to have one heck of a time attempting to straighten out some of the things that we have done, not only in this session, but in the regular session and previous sessions. I applaud him very highly for the stand which he has taken.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have been making a few notes as we went along this morning, and I think the first one I would like to address myself to is the gentleman from Lewiston, Mr. Jalbert.

I agree with him that in the Governor's call he said exactly what Mr. Jalbert said he did, that he was grateful to be able to present the Maine people with a budget balanced without a tax increase for the General Fund. But I would also point out to that gentleman that in this same budget message, in his other legislation, he says as follows:

During the regular session of the 106th Legislature the catastrophic illness bill was introduced but no money was available to fund the program. As a way of helping those who have suffered too much already, I propose this bill be funded by the two cent increase in the cigarette tax. This increase will raise approximately \$2,840,000. State funds for this program will be matched in time by federal dollars." Now there is the outline, ladies and gentlemen, for L.D. 2535, as appears before you today. It was in the Governor's call. I would like to speak about this figure of \$200,000 or \$240,000 that has been tossed out — I think somewhere, even this week, I think I heard \$400 million. I have no quarrel with any of these figures, but I would point out to you, ladies and gentlemen, that they do not refer to the attack that this bill is making on a problem as far as catastrophic illness is concerned. These figures are funding figures for a total health care program for all the people of the State of Maine from dollar one. We are not talking about that here, we are talking about those things which are catastrophic illnesses. Now it is said that the top cost cannot be controlled. Well, of course, one of the controls on it in this bill, is the limitation of the 2.8 (million) in this particular bill and the amount that can be appropriated for it. The paragraph at the bottom of page 2 says as follows: "The Dept. of Health and Welfare shall adopt and promulgate the additional rules and regulations which may be necessary for the proper,

equitable, and executive administration of this session." That is where this can be controlled. There can be, in the medical and disease area, certain deductibles, certain requirements put in for eligibility and it will be the responsibility of The Department of Health and Welfare Commissioner, to balance the available funds against the cases that they will get so they will come out even at the end of the period when the money is available. The Commissioner informed me yesterday afternoon that there are approximately 100 to 150 cases that they get requests for which would fall into the catastrophic illness area. He feels as though with the guidelines written into the bill, as it now reads in the paragraph on page one and top of page two, that that can be adequately handled. A question was raised by some of the gentlemen that I have talked with about, — "Does this create a new class of people who are eligible for help?" And the answer to that is, yes. If you will look at the third paragraph from the bottom on page two, you will note that the income factor of eligibility will be met and it goes on to read, "up to 133 percent of an amount equal to the amount of public welfare standards applicable to the applicant. In other words, standards for public welfare recipients are set up under payroll guidelines by the Department. This will reach 33 per cent above that, or 133 per cent of the base, and will create a class of people who will become eligible. Now, the Commissioner talked with me yesterday afternoon in connection with this and he drew an illustration of how a family with a father, mother and four youngsters, making around \$12,000 would definitely come under the medical indigency. Now, I know a lot of you people don't think of somebody making \$12,000 as indigent. But we are not talking about indigency as far as taking care of the family, we're talking about medical indigency, where you get a real serious big bill; a fellow making \$12,000 and he gets a medical problem of \$6,000 in a year, he's in trouble. The way this is written, the way the guidelines are in Title 19, this fellow could be eligible for help under this bill. He could be eligible if he is up to \$20,000 for medical indigency. I'm sure there

are not many people in this House, who think anyone getting a \$20,000 income a year, as being indigent in any way. The point remains, he can become medically indigent based on the standards for the folks who are eligible for general relief. In the area of catastrophic illness alone, which incidentally, and I would point out to the gentlewoman from Old Orchard, that that particular section, money spent there is not matchable by federal funds. Only that which comes under the Title 19 section and this 133 per cent factor which I mentioned is eligible for federal matching funds. Now the Commissioner has assured me that he can control this for that group in the 133 per cent. And he assures me that he can administer this bill the way it is written. You must remember that it is not a bill to give medical coverage to the people of the State of Maine from dollar one. One of the questions that has been raised, and has not been brought up here this morning, but I will address myself to it, is that this will tend to make people stop buying health insurance. The way the guidelines are drawn, the first dollar cost for people are going to be rather severe anyway. And they are only going to get help after they have used up all their assets, all their insurance, and these are figures in two and five thousand dollars, that they have got to have to put in of their own money. And I'm sure that there are very few of us who would fail to insure those first dollars. It is much less expensive to insure them then it is to have to pay them out. Of course, a great many of these are covered by third parties, by the people for whom they work, and they belong to group plans and that sort of thing. I urge you not to indefinitely postpone this bill this morning. It is tailored to do a job in a certain area and it is a step in the right direction. It may not be on the books very long before the Federal Government steps in. But it will do a job in these cases where we have people who are losing their homes and who are in real hardships. It will only do the job for those at the very top level of their problem. They have to put an awful lot into this before they become eligible. Everybody has, regardless if they are in the \$10,000 bracket or the \$20,000 or the

\$50,000 bracket. If somebody in the \$50,000 bracket might be helped out of this bill, if his expenses were backed, so I urge you not to indefinitely postpone.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Like the gentleman from Casco, I voted against L. D. 1994. And like the gentleman from Casco, I have anguished over this bill we have discussed today. The reason I am anguished and that I will vote for this bill is that I am haunted by my own experiences as Legislator and a member of the Governor's staff in dealing with the problems of illness to which this bill is addressed. Just in my own small town of York, I have had the following experiences with people who have suffered or whose families who have suffered serious illnesses that have depleted their resources. One gentleman, part-time lobsterman, part-time contractor, his little girl had an open spine condition. This is when I was on the Governor's staff. We were able to find some funds to help this family through our Crippled Children's program in the State. Another family, which also had a happy ending, is a gentleman in town who pumps gas in a local station, he also has a small trailer park, his wife went blind because of a condition that had to be operated on. She was operated on at the Mass. General. We were able to find some funds for this family through Vocational Rehabilitation. Otherwise, they would have lost everything they had. We have had some other cases, too. But we haven't been able to find any help. We had a young couple, he was just a laborer, two children with cerebral palsy, lost his house, he lost everything he had, and both children died. Right now I am still in the process of trying to find some help for another young family. Their little three-year-old girl has a large tumor on her forehead which has caused her to go blind. Somehow we have not been able to find a State program to help this child get some training so she can learn to walk and function. Another family; they had a child born with birth defects, had three operations in Massachusetts at the

Mass. General Hospital. The child died. And there was no funding available from the March of Dimes. They don't have funds for this sort of thing, particularly for a child that is not going to live. Finally, two weeks ago my next door neighbor died, she was a young woman, twenty-eight years old. She had a brain tumor and left her husband and two children. We took up a collection in the neighborhood. But they have been left with tremendous expenses, and I don't know how they are going to meet them. Now we can picket this bill; we can ask a delay and caution; we can say it's the wrong approach or it's too expensive or someone promised no taxes. But I simply can't stand here and say let's do nothing.

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

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make a very small correction in some of the remarks made by the gentleman from Standish, Mr. Simpson. He misquoted me and I'm sure that this was not at all intentional. He mentioned that I had said that this had cost me a great deal of political anguish. This is not correct. The politics of this situation do not bother me. What I said was; it cost me a great deal of personal anguish. Thank You.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I am going to support the motion for indefinite postponement.

Yesterday at our Democratic Caucus, I threw out the suggestion that I was going to offer an amendment today to tie the entire funding into the cigarette tax. In my mind, what I had intended to do was take all cigarette tax money and move it over to this bill and also write into my amendment that any future cost of the bill would be that the Bureau of Taxation would automatically have the right to raise the tax on cigarettes without any legislative bills being passed here. But I was told by some of the lawyers out in the hallway that this wouldn't be constitutional and I couldn't

do it. So that is the reason why I didn't offer the amendment. But I do think, when we are passing a bill, where we know that this isn't even going to start to do the job, that we are not being responsible in our actions here to do this in this way.

Now Mr. Martin read from the Governor's message, and he said, he didn't have the page to quote from, where this, and he used the word be funded, by the two cent cigarette tax increase. I would have much preferred the Governor had used the words partially funded and not be funded. Because I don't think the two cent tax is going to fund the bill. Now as far as Health and Welfare, and again Mr. Martin said, that they had a 100 to 150 requests, I am sure that if we have this legislation on the books that this will be multiplied many times over once the bill becomes available.

The other thing that really bothers me is how the people are going to be chosen, because this is only going to be a mere pittance as far as handling the problem that is before us, because we know there is not enough money being raised here to take care of the problem. And when the gentleman from Farmington, Mr. Morton, read from the last paragraph of page 2 that the Department of Health and Welfare shall adopt the rules that are necessary for the proper and equitable — and of course I question the other word "effective" administration of this section, that really turns me off.

The good gentleman from York, Mr. Rolde, cited quite a few cases this morning, and I can assure you they are real tear jerkers and they can almost make your heart bleed, but this is just one man of the legislature. Now let's multiply just these cases that he knows of that he has given us by 150 more members, and we can see quite instantly how many cases we would have to fund and we can see how far the money would go that we are going to raise with this two-cent cigarette tax to fund this bill.

As I said the other day, I am opposed to tying a cigarette tax or any tax to a bill of this nature. I think that if we are going to fund this bill, we should pass the bill, I believe they should be tied together. Had this not been tied together,

maybe I would have felt a little differently about the bill, because we might have been able to just automatically increase some taxes to cover the cost and not say, "Well, we will at least get it started here and come back in the 107th and raise more money."

The other thing that concerned me, as has been said by previous speakers, is that the next session of the legislature, regardless of who is going to be here or who is not going to be here, is going to be faced with raising a lot of money to carry on the state business during that time. I think one member of the other body just last week in a news release to the papers said he was quite concerned over L. D. 1994, because if everything was going to continue on the line that it was going now, that would automatically mean doubling of the state income tax. With this facing us and with all of the other problems facing us. I don't think that we should start a program here today that is going to call for any huge increase to fund the next session, or else we are going to let it die right then or we are going to say that very few people in the state can benefit from it and let one or two people choose those people to benefit. I think if we are going to pass a bill of this nature, everybody that falls within this category should have the right to that service and not just a selected few.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I haven't much to say, because I believe the gentleman from Farmington, Mr. Morton, did a very good job explaining this bill.

As a member of the Taxation Committee, I sat through this bill and heard not only the people there who were supporting this bill. Seeing these cases and hearing these cases, actual proof of these cases, I should say, I am going to vote against the indefinite postponement of this bill this morning.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I think very properly this morning we are concerning

ourselves with the estimated cost of this program as against the needs it is meant to deal with. I wish that I had firmer answers as to what the cost stands to be. I don't, but I do have some figures that I have acquired in the last day that I think are certainly very much indicative of the scope of the need here in the State of Maine and also indicates to us what our potential costs could be should Congress fail to act.

First off, 90 percent of the people in Maine have some sort of health coverage, which surprised me, but I am very pleased that it is so. The largest health care firm is Blue Cross-Blue Shield, and they have about 50 percent of the coverage here in the State of Maine. The benefits that they put out per year is in round numbers \$100 million. All the other carriers combined put out about \$100 million, so right now we have about \$200 million being fed into the health care system by what I think of as insurance companies here in the State of Maine, and 90 percent of the people are being covered.

The cost per family — I have this figure — for a young family with three children — this was an actual case — the father is about 35 years old, three children, it costs about \$435, including major medical up to \$100,000 for an illness. This figures out to around \$90 per person, which is another indication of what the potential costs are in this program and indicates to me that the costs are less than some of the estimates that we have heard.

The carriers have been extremely concerned that should we enact this and the government, or state government in this instance, take over a share of the costs of health care, that there might be a wholesale abandonment of the private insurance policies which are at the present time covering these costs. Representatives of some of these health carriers sat with the Commissioner in drafting the guidelines under which this program would be administered to assure that there would be provisions in there to encourage people to continue with their private insurance. And the device used is that those first dollars, as has been mentioned by a previous speaker, are going to have to come from

the family where the illness exists. What this means is that we have insurance, the present \$200 million that is being devoted to health care in the State of Maine will continue to be in existence and we will be dealing with costs in excess of this \$200 million.

Again, we are concerned with the ability of the state to meet this need. We all recognize the need. It seems to boil down to a choice of will we commit the state to meet this need or will we leave this need to be met by the individual suffering the illness? The answer comes to me quite clearly. Under the guidelines established in this bill, the potential recipient would have to establish financial disaster before he becomes eligible under the bill.

I am satisfied beyond a doubt that the state has the capability to meet this expense much better than the person who has proven that he is in a position of financial disaster beyond suffering the illness. I certainly will support the bill and vote against the motion.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I am a bit concerned by some of the arguments raised here today against this bill. The very fact that it won't solve the problems of every family who might have a catastrophic illness I don't think is really good logic not to support the bill. Of course, it won't help everyone, but that does not mean that it isn't just as necessary for those families that it can help.

The gentleman from Perham, Mr. Bragdon, said that we can't continue forever spending without eventually raising revenues. I agree with that, but that is exactly what this bill does. We are matching expenditures with revenues. It is a reasonable, responsible piece of legislation.

I am distressed by this scare tactic the opponents are using that it is a \$200 million bill. That is nonsense; it is 10 percent of that, or it is about \$2.8 million, and I don't think we should be drawn in by this scare tactic. This bill is reasonable, it is responsible and it is very necessary for some families who are in extremely desperate conditions, and I certainly support the bill.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: It is very obvious that there are two classes in opposition to this bill, those who are opposed to cigarette tax per se, and I have no quarrel with them, that is a legitimate concern of theirs, and those who are confused about the impact of this bill.

The ability to administer this is the problem of the Commissioner when the bill is finally passed, and he has assured me that it can be administered within the limits of the funding available to do an effective job. I think perhaps I used the wrong word and the gentleman from Skowhegan, Mr. Dam, called my attention to it in his remarks. I said the Commissioner indicated he thought there would be between 100 and 150 cases, and if I used the word "requested," I should have used the word eligible, because the Commissioner will not be having to decide whether this man is sicker than that man and therefore he should have some assistance, or that he is having a harder time financially than the other one. This will all come about as a matter of applying guidelines to the problem. And if the individual request does not match the guidelines or does not fit within the guidelines, he automatically will not be eligible anyway.

As the gentleman from Pittsfield, Mr. Susi, pointed out, this is not replacing the \$200 million that private insurance companies furnish or that Blue Cross furnish into the health care system today. I know a little bit about group insurance, having worked with it in my business and in the association with which the business is connected, and if you will, I hope you will look at this particular type of coverage as the very top major medical, the kind of major medical that comes in when all else is exhausted. And if you are familiar at all with insurance premiums and how they work, you will know that the cost of the basic coverage, the first \$3,000 for hospitalization and the surgical schedule up to \$1,000, these are the items which cost a great deal out of the premium dollar. The major medical which is put

on top of it and in most cases in private policies as a co-insurance deal with the insured picking up 20 percent and the major medical picking up 80 percent, that does not take a great big chunk out of the premium dollar. This is very typical of that. This comes in on the very top.

I had a note that said it was difficult to understand and asked if this \$2.8 million was seed money for the top figure we could spend. Out of this bill it is the top figure we can spend, but I don't quite like the term "seed money," because to me it is a misnomer.

These cases will be determined automatically under federal guidelines. They won't be selective. Rather, you would become eligible under federal guidelines, and if the case is eligible under federal guidelines, under Title 19, in that area which is above the general assistance level, between 100 and 133 percent, if the case does become eligible in that area, then it will be eligible for federal matching under the federal guidelines and that is why it will be matched. So we are reaching up above the level of general assistance to a group of folks who can become medically indigent. And you must not consider it as a matter of just 33 percent of their income, when you are talking about people who maybe go from \$6,000 or \$8,000 or \$7,500. We are talking about reaching up to folks who make ten, twenty, thirty, thirty-five thousand in the medically indigent area, if the problem becomes that severe. Those people, too, will be eligible under medical indigency. Please remember that. We are talking about medical indigency and not general indigency.

So I hope I have clarified some questions, and I certainly hope you will dispose of this and not vote for the indefinite postponement.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I think the gentleman from Farmington, and the gentleman from Pittsfield, Mr. Susi, have dealt at length with the insurance angle of this bill. However, in their remarks I cannot help but feel they are

not dealing with real economic facts. They are giving us to understand that something is written into this bill so that the \$200 million of insurance will continue to exist, even though we pass a bill that would take care of the health needs of anyone who even has an income of twenty or twenty-five thousand dollars. And I don't think they are being realistic. I think you should analyze what they are saying. You are not going to be able to set up a medical care on the public level for people in this category and have other people continue to carry their insurance and pay their own bills.

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

Mr. DYAR: Mr. Speaker, Members of the House: I think the gentleman from Farmington, Mr. Morton, has brought out many points. The Committee on Mental Health Institutional Services, during the regular session, handled Mrs. Morin's bill, put a lot of time and effort into it. There was a joint order passed at that time calling for a study of catastrophic illness, and this was not followed out. I think if this study had been made, we would have had the answers here this morning that are being asked, answers to questions being asked this morning.

In my mind, there are many areas of confusion relative to insurance, who is going to be covered, who isn't going to be covered. In my mind, there is another area that should be investigated and probably regulated by this legislature, and that is the field of fund raising drives by various organizations who raise funds on behalf of many diseases which are considered catastrophic. I think the time has come when this state should make sure a portion of these funds are dedicated to the people of the State of Maine rather than going through to federal offices and agencies.

You have heard the last few weeks there has been a migration to Canada by residents of this state. Some 2,700 people have migrated to Canada in the past several years. I feel that this has been caused by the program offered across the border in Canada. I am not a proponent of socialized medicine, but this is what is being offered up there. Our citizens, our elderly citizens, can go to

Canada at this time, spend one year up there and be fully eligible for the socialized medical program in Canada which does cover catastrophic illness. This program in Canada has been funded for a good many years by a tax of one cent on each quart of motor oil sold in Canada. These people are also going up there, collecting their social security they have earned on wages in this country and picking up the pension plan of the Canadian government along with the socialized medicine.

I think many figures tossed out here in the last several days are erroneous. If this program is handled properly, it is not going to cost \$200 million or \$400 million. The big mistake in this piece of legislation is the fact that we are allowing the Commissioner of the Department of Health and Welfare to set up rules and guidelines to run this program. If this legislature took the time and wrote the rules and regulations and guidelines for this program, we could control it. This is the bad part about the bill.

Now, it has been mentioned that federal programs are coming up, and I am quite sure they will be coming up. I think we are making a big mistake here this morning. Many of you sat here in the regular session and voted for L. D. 1994, the school subsidy bill. And town meetings have been held all over this state, and you have seen school budgets go up — my own went up by \$190,000 over last year — on the basis of the State of Maine taking over initial 20 percent of the cost of education.

We passed the inventory tax last session, which I think is funded for two or three years. And we sit here this morning worrying about funding.

The gentleman from Perham, Mr. Bragdon, has stated that the next session will be considered the taxation legislature. And let me tell you people right here and now, we who served in the last session, the 105th, were the people who caused this. If we had acted, in my mind, properly at that time and analyzed what it was going to cost the State of Maine in the 107th and 108th Legislature, we would have money here this morning to fund this bill.

The \$40 million surplus the Governor

had here a while ago has gone down the drain. You heard it yesterday, I believe, that presently roughly \$2 million or \$3 million is available. But when you check the budget that you are going to vote on this morning, there is \$70 million in that budget for Health and Welfare, and Mental Health and Corrections. And I will defy any member of this House to tell me this morning how much of this money is going to catastrophic illness in these two departments right now, because I can document the case loads where we are paying them \$50,000 a year in the departments for one person, and this is the funding of catastrophic illness. I think if the Department of Health and Welfare or the Department of Mental Health and Corrections can pay a catastrophic medical bill for a person who is currently under their system, that we, Representatives of the State of Maine, should be on the ball and pass legislation to cover every member of this state who are caught with a catastrophic illness. I think the figure of 150 cases a year, upwards to 500 cases a year, will be more in tune with what it is going to cost, not two, three and four thousand cases, because our senior citizens, the majority of them, who are on the Aid to the Aged, Blind and Disabled, are covered for catastrophic illness. So the bill, the money in that cost is in your budget presently.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I listened to words of Representative Rolde, and I fully realize the problem.

My objection to this bill is the method being used by Health and Welfare. I don't like the idea of going through the back door to get an additional two or four million dollars. If in fact Health and Welfare is going to return \$2 million in seed money back to the fund, then we should get this in writing.

Mr. Jalbert of Lewiston was granted permission to speak a third time.

Mr. JALBERT: Mr. Speaker, Members of the House: I wish, and I know that I can't, but I wish now that I could speak off the record.

It is very seldom that I take issue with

the gentleman from Strong, Mr. Dyar on figures or numbers, or his analysis of programs, because I consider him one of the most serious legislators that I have served with over the years.

I heard the remarks of the gentleman from Farmington, Mr. Morton. As I have stated a lot of times, there has got to be some lort of levity to everything. I was wondering just how Mr. Morton would feel if we would amend his bill and knock out the cigarette tax and substitute something else for it.

I am seriously now getting to the point of the remarks that I would like to make that should be off the record that should dissuade the argument presented by my very good friend from Strong, Mr. Dyar. In the last six months, I have had one member of my immediate family who was struck down by a catastrophic illness. And everybody said, "Well, it is a Godsend, Louis, because she would have suffered terribly." Nurses around the clock, however, for 47 days. Now, you multiply that by \$100. That is just one item.

Three months ago, I had another member of my immediate family who was struck down by a catastrophic illness who is still surviving, I hope to be a long time, but I know it will not be. For that period, nurses around the clock 38 days; multiply that by \$100. Two months ago, an immediate of my family on my wife's side, from the gentleman from Bristol, Mr. Lewis' town — fatal. Nurses around the clock for 43 days on one occasion, 18 days on another; multiply that by \$100 a day. And just recently in the last few days a beloved member of my own immediate family — again, fatal. Nurses around the clock 31 days, 2,000 miles away from home; multiply that by \$100 a day.

Since October 22, 1966, I have slept 378 nights in St. Mary's hospital. In the last five months I have had operations on two occasions; nurses around the clock 11 days. My prescription bill per month is between \$250 to \$300. Is there any insurance, anybody that can get insurance to cover all that? I say oftentimes that St. Mary's Hospital is one of my homes. It should be, I own it. I am not howling about it. I am thankful to God that I can be here to do battle, to win

and to lose, and to win and to lose graciously. But this is just the beginning of something that should be taken care of elsewhere but here. \$2,800,000 just will not scratch the surface on a measure like this.

As far as taxes are concerned, a commitment usually is a commitment, and I certainly intend to keep it. But for heaven's sake, stop talking about your figures of 150 to 200 people, because the minute this bill becomes law you will have 2,000 people rapping at the doors with the same circumstances as the two examples that I gave you, regretfully, today.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think that the gentleman from Strong, Mr. Dyar, has raised and made the suggestion to you that we ought to consider today, and I think in the long run every day that we are here to or serve as legislators. And this is, basically, that we have these people that are covered by Title 18 and Title 19 of the Social Security Act of 1935 as amended, that all of their expenses dealing with catastrophic illnesses are paid for in part by the State of Maine and its taxing mechanism and with the federal funds. Title 18 and Title 19 deal with those people that are on AFDC, and Aid to the Aged, former program Aid to the Aged, Blind and Disabled, and those people over 65 that are on social security alone. These people, 230,000 of these people of Maine are already covered by a major medical program to its entirety, to the maximum extent; all coverage is provided.

The gentleman from Pittsfield has outlined how the other 90 percent of the Maine people are covered. We are talking of a major medical insurance. We are talking of an attempt to give these people some coverage.

I would like to give you just one letter, and I have received many of them, but give you one letter from a certain individual who I believe now lives in North Berwick. I would like to read part of the letter, and he has indicated that I could, and I would not if he had not given me permission. In 1972, as a result of a

child's illness, an advanced form of epilepsy, as a result of the expenses revolving around that, he lost his home and most personal belongings. The child is forced to literally live in a crib and they are forced to buy or rent a security crib which costs them \$40 a month. When he asked the Department of Health and Welfare and other agencies what assistance he could get, I will read what answer he got. They asked if there was any way that they could receive any aid such as this crib. "I was told the only way would be to abandon the family. We understand that many Maine families have received the same advice."

Let me read the last three paragraphs, because I think this is indicative of Maine people.

"While I could use a hand up, I did not come to the State of Maine looking for a hand-out. I have never in my adult life been without a job or a home. I have always provided for my family and now have lost my pride.

"We feel this bill is badly needed but if it is passed, good and careful guidelines should be added as to who would qualify for what assistance.

"It took exactly one year for our family to become a total wipe-out and, for all practical purposes, an object of charity. We feel the losses were justified because our child is living and improving and will probably attend school. But we do not think that this type of thing should have to happen in a country such as the United States which has always prided itself on human dignity."

To me, we are voting for this type of legislation and I ask you to vote against the pending motion of indefinite postponement.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I have heard this a couple of times this morning and the gentleman from Eagle Lake just mentioned it again. I would hope that whoever, and it appears to me from listening to the letter he just read that it must be a state official that is advising people in this state to abandon their families only to get medical help, I think,

is total irresponsible advice for any state department agency or head to do, and I would hope that they would be admonished by it, and I would hope that they would be made to be answerable to their statements and come out publicly and deny them.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I believe that everyone in the House agrees that this bill is very worthy, but it is not very practical to think that if we could not afford it in the regular session when we had a surplus that we are in any better position now. Very simply, we can not afford it. I hope that you will vote with the gentleman from Casco, Mr. Hancock, for indefinite postponement.

Mr. Martin of Eagle Lake was granted permission to speak a third time.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: What the gentleman from Standish, Mr. Simpson, has indicated was said was not said, to my knowledge, by a state employee or state official. It is said by any human being. And in answer to the question as to what can I do when a member of my constituency asks me how can I pay for my hospital bill and what can I do to get away from the expenses over my head caused by the death of my wife or the death of a child as a result of a catastrophic illness, I will give them every alternative that I know, including that one, because that is the way the state law treats people in this state. I don't like it. I have voted against every bill in this legislature since I have been a member of it that purports to support divorces in any way, manner, shape or form. I don't believe in divorces and I never have. That is just a fact of life, not why the point that I am making. I am sure the gentleman from Lewiston is saying, he is not married, so what. Well, that is not the point. The point is that I am a human being, I am interested in the future of the people of Maine, and I believe in trying to help people. What we are hoping to do with this legislation is to prevent this type of thing which, in fact, goes on, and we have to be realistic about it. That is the point I am trying to

make, not to suggest the state employees are forcing people to get divorces in order to get coverage, in order to be picked up by some form of medical assistance.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Simpson of Standish just stated that it would be irresponsible for a state employee to suggest to someone that they abandon their families so that they could get aid. Well, I submit to him that if that is the only way that family could get aid, that is the only responsible position to take. And it is irresponsible to vote against this bill which would allow the state employee to then say, "Yes, you don't have to abandon your family, we may be able to help you this way."

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I think the length of this debate shows seriousness in things involved. I wrestled with this bill. When it came out of committee I signed to refer it to the next legislature. I then had a chance to talk with Dr. Fisher on a new draft, and as you all know now, there was a clause in there that when the federal government came through with a bill — and we must note here that they are very disturbed about catastrophic illnesses as we all are — that our bill would cease. So I went along with the bill, and this morning I am going along with the bill. But I would hope that we could make some sensible, perhaps prudent, revamping of it. I would like to see us creep before we walk and walk before we run, and I would like to see us go on a \$100,000-a-month handout to the Health and Welfare people to experiment with this.

I have talked with many people who are in the actuarial business and we have absolutely no actuarial basis for anything that we are dealing with. Yet, we are absolutely going blind.

Now, there may be 150 cases at the moment. There may be 100 cases in the past that haven't come to our attention, but it seems to me a little imprudent, I

will emphasize that word, to advertise that the state is taking over major catastrophic insurance.

We have no background, no case list, no figures on which to make a sound basis for an appropriation. As I say, I am going to vote for this to keep it alive, hoping that somebody might table it and rework it a little bit to get a little more prudence in it.

Mr. Jalbert of Lewiston was granted permission to speak a third time.

Mr. JALBERT: Mr. Speaker and Members of the House: I am delighted to be back, because I want to tell the gentleman from Eagle Lake, Mr. Martin, that for once he is absolutely correct in the assumption of the remarks that I have made. The only trouble is that five others beat me to it.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton, who having spoken twice requests permission to speak a third time.

The Chair hears objection.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: A point of parliamentary inquiry. Mr. Speaker. I believe that for an individual to address the Chair for a point of objection, he must stand and be recognized to object under parliamentary procedure.

The SPEAKER: The Chair would state that the gentleman from Kittery, Mr. Kauffman, did stand and objected.

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

Mr. MARTIN: Mr. Speaker and Members of the House: On basis of parliamentary purposes, I move that the rules be suspended in reference to the member not being given an opportunity to speak a third time and that we take a two-thirds vote on whether or not the gentleman from Farmington, Mr. Morton, will speak.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the rules be suspended for the purpose of permitting a person to speak more than two times. All in favor of the rules being suspended for this purpose will vote yes; those opposed will vote no.

A vote of the House was taken.

96 having voted in the affirmative and 12 having voted in the negative, the rules were suspended.

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

Mr. MORTON: Mr. Speaker and Members of the House: Thank you Mr. Speaker, and thank you, the gentlemen from Eagle Lake, for getting me back on my feet. I don't expect to speak but for just a second.

I do want to correct one impression that the gentleman from Perham, Mr. Bragdon, left or apparently has, and that is that the bill will take care of all the problems of people making \$10,000 or \$20,000 or \$30,000 a year. That is definitely not the case. They will need to have spent a great deal of their assets, all of their insurance to pay those first dollars before the state will come in under this bill in either medical indigency or catastrophic illness.

And just to continue the slight levity that the gentleman from Lewiston brought into the debate, yes, I would be willing to entertain some other method of taxation to cover this. I don't smoke cigarettes; I do occasionally have a can of beer once in a while, and I would entertain that possibility if we could get the same amount of money.

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

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: I join with the gentleman from Farmington, I don't smoke cigarettes either, but I do a cigar and pipe, and I would join in an equitable tax on those if we need additional money.

We have agreed this morning of the need, I think we agree in the justice, we agree that the current situation is undesirable and we express reservations about the financing. No one has the magic; we don't know. We will never know with certainty unless we try it. If we try it and it costs more than we think, we may well, as the gentleman from Lewiston said, be faced with a very difficult political question of additional taxes beyond the two cents.

If I am here next time, Mr. Chairman,

I would vote for additional taxes for this, and if I have any feeling for the sense of my community and I try to talk to the people, including the merchants, particularly in the small stores that sell the cigarettes, the people are willing to pay for this; they know it is just.

We in Maine and around this country send a great deal of money overseas in terms of our taxes for foreign aid and in terms of missionary endeavors. This is all very worthwhile, but charity, and more importantly justice, begins at home. If we don't do this today, if we say we are for it but we never do it, it will never get off the ground. I hope we do vote against the pending motion.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: I just merely want to stand up here this morning once more and say that I did vote for this bill in committee. I had some reservations to start with, they are gone completely. As I stand here this morning, I am very convinced that this is a good piece of legislation. And having gone through a period in my own lifetime of losing everything I had because of catastrophic illness, I know from where I stand what I am talking about. I hope that you people will this morning vote to keep this thing alive.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am troubled by this bill. I can support the principle, but I can't support the bill the way it is written in its present form.

First of all, if you will look at the first paragraph, it excludes the services that could be provided in nursing home care. Now I submit to you that this is one way that is being utilized to lower the burdens on the hospital, because it is less expensive to stay in a nursing home on a period of recuperation.

I think this bill is too loosely written in its present form. I think Mr. Dyar from Strong hit the nail right on the head when he suggested that we ought to see the regulations or the guidelines for this type of service before we intelligently vote on it.

If this bill was before us in the first part of the session, there has been ample time for the Department of Health and Welfare to come up with the required regulations so that we may all study them, and for that reason I cannot support this piece of legislation at this time, and I would hope that you would go along with indefinite postponement of this bill, and hopefully when we return in the 107th, some committee will have had an opportunity to deal with this thoroughly and come up with the recommended guidelines or regulations to make this type of bill operative.

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

Mr. WILLARD: Mr. Speaker and Members of the House: I have got to kind of get on my feet and take a stand on this, I believe. I am going along with the Representative from Casco against this. I think that we are hitting the man and his wife who could have a small income. Some people in Maine still have a small income. Milk has gone up, gasoline has gone up, bread is going — well, they claim a dollar a loaf, but I can't believe it. Are these the people we want to take this money from, four to eight, twelve cents a day when maybe it really is going to hurt the people who have pride and are trying to raise their families and educate them? I don't know.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I know the debate is long and I will be brief. A bill such as Representative Martin has introduced, a landmark piece of legislation, as Representative Susi has called it, has certainly got problems. We can stand here and we can say it should be amended, that there is not enough money, that there is going to be too many cases applied, but nevertheless, there is an urgency for this. I think the House would be smart this morning if we passed it to be engrossed.

Representative Carter raised some very serious arguments and good arguments about this. If we don't do anything, if we ever get to a point in this House where this bill can be operative,

we at least would have some funds available at the next incoming legislature to fund a program such as this, no matter how minor it may be. We certainly would like to see more money involved in it, but nevertheless, it is not going to be there. And we certainly know that the incoming legislature is going to be faced with a tremendous burden of responsibility as far as financing the state is concerned.

A bill like Representative Martin has got here this morning, we all have concern about it, but we have got concern about our constituents, the very people who are involved here, and I think that this House would be doing a justice to the state and to ourselves by supporting this measure this morning.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I know everyone is waiting to get in their seats, so I will just speak very, very briefly. I want to agree that this is a very favorable bill. The only thing that bothers me a little bit today as I look around, I don't know why the House is so pessimistic. Do we have people in Maine who are so sick and they are all dying. I think we should be a little more optimistic. I don't think everybody is going to run and get this money because it is going to be there. The House looks pretty healthy to me today and I see a lot of other people that look pretty healthy, so let's stop this thing about thousands and thousands of people are going to go on this giveaway program. It is not a giveaway program. It is after you spend many of your dollars you are then going to get some help.

I don't like this excuse about passing all the new taxes to the next legislature. In other words, it is all right to fund everything, but let's not help the guy who pays most of the taxes. Who are we kidding, if we don't help these people, who is going to be able to pay for the new taxes?

We have all heard the phrase about politicians, he is the one who is trying to raise all taxes to the taxpayer and still keep the voter happy. Look, I move we keep everybody happy and move for this bill.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Casco, Mr. Hancock, that Bill "An Act to Increase Cigarette Tax and Provide Funds for Catastrophic Medical Expense," House Paper 1991, L.D. 2535, and all accompanying papers be indefinitely postponed. All in favor of indefinite postponement will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Binnette, Birt, Bither, Bragdon, Brawn, Briggs, Bunker, Carrier, Carter, Chick, Churchill, Cote, Cressey, Dam, Davis, Deshaies, Donaghy, Dudley, Dunn, Farley, Farrington, Faucher, Fecteau, Ferris, Flynn, Garsoe, Hamblen, Hancock, Hoffses, Hunter, Immonen, Jalbert, Kauffman, Knight, Lawry, Lewis, E.; Littlefield, MacLeod, Maddox, McMahon, McNally, Merrill, Morin, L.; Morin, V.; Palmer, Parks, Pratt, Ricker, Rollins, Ross, Shaw, Simpson, L. E.; Snowe, Trask, Trumbull, Wheeler, Willard.

NAY — Albert, Berube, Boudreau, Brown, Bustin, Cameron, Chonko, Clark, Conley, Connolly, Cooney, Cottrell, Crommett, Curran, Curtis, T. S., Jr.; Dow, Drigotas, Dyar, Emery, D. F.; Evans, Farnham, Finemore, Fraser, Gahagan, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Herrick, Hobbins, Huber, Jacques, Kelleher, Kelley, Keyte, Kilroy, LaCharite, LaPointe, LeBlanc, Lewis, J.; Lynch, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McTeague, Mills, Morton, Mulkern, Murchison, Murray, Norris, O'Brien, Perkins, Peterson, Pontbriand, Rolde, Shute, Silverman, Smith, D. M.; Smith, S.; Soulas, Stillings, Strout, Susi, Talbot, Tanguay, Theriault, Tierney, Twitchell, Tyndale, Walker, White, Whitzell, Wood, M. E.

ABSENT — Berry, P. P.; Carey, Dunleavy, Jackson, Kelley, R. P.; Santoro, Sheltra, Sproul, Webber.

Yes, 60; No, 80; Absent, 9.

The SPEAKER: Sixty having voted in the affirmative and eighty in the negative, with nine being absent, the motion does not prevail.

Thereupon, the Bill was passed to be

engrossed as amended and sent to the Senate.

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

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

Tabled — March 1, by Mr. Simpson of Standish

Pending — Motion by Mr. Lewis of Bristol that the House recede and concur with the Senate. (The House passed the Bill to be engrossed. The Senate accepted the Majority "Ought not to pass" Report (H. P. 1793) (L. D. 2271)

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

Mr. SILVERMAN: Mr. Speaker and Members of the House: I would ask the House to vote against the recede and concur motion so then I would be able to put an amendment on this bill which I think is agreeable to both sides, the opposition and the proponents, and we may start to see more information towards pricing in the field of prescription drugs. I would ask for a division to not recede and concur.

The SPEAKER: The Chair would inform the gentleman that a motion to recede takes priority over the motion to recede and concur and an amendment may be offered if the House should so vote to recede.

Thereupon, Mr. Silverman of Calais moved that the House recede.

The SPEAKER: The pending question is on the motion of the gentleman from Calais, Mr. Silverman, that the House recede.

The Chair recognizes the same gentleman.

Mr. SILVERMAN: Mr. Speaker and Members of the House: My intention is to put an amendment on the bill, to send it back to the other body to be voted on.

The SPEAKER: The pending question is on the motion of the gentleman from Calais, Mr. Silverman, that the House voted to recede from passage to be engrossed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

86 having voted in the affirmative and 4 having voted in the negative, the motion did prevail.

Mr. Silverman from Calais offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-723) was read by the Clerk.

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

Mr. SILVERMAN: Mr. Speaker and Members of the House: I would now like to speak briefly on what this amendment does. This is back to the advertising of prescription drugs and informing the public to be more concerned and more open to the pricings of those needed drugs. And this amendment, as I understand, is an agreement of what we may get through this legislature in offering the posting of 80 of the most used prescription drugs in Maine to be posted in each pharmacy in Maine, so those people who need or use these drugs will at this point be able to openly compare prices. It is not my intention that this satisfies all the needs in this field, but I do think it is a good step in the direction which we have been after in this special session of the 106th Legislature.

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

Mr. DYAR: Mr. Speaker and Members of the House: My main objection to this amendment and to the bill was the fact that we are making it mandatory that the person engaged in a free enterprise system must do something, saying that they must post the 80 prescription drugs set up by the Pharmaceutical Board. If this was permissive legislation, where the pharmacist could on his own decide whether or not he wanted to put up this sign in his business, I would have no objection. But I do object when this legislature tells a person who has invested his time and his money to become a professional such as a pharmacist, to say that he is going to have to post the prices of products that he is dispensing.

Again, not to cloud the issue, I wonder how many people in this House this morning would go along with posting in lawyers' offices, in dentists' offices, in

doctors' offices or any professional offices the same fee schedule. I am quite sure that if this bill included all professional people this morning, that the hallways of this building would be filled with lobbyists protecting their own interests. And yet we sit here this morning, going along with an amendment that will make it mandatory for a pharmacist in the State of Maine to post on his own premises a mandatory sign listing 80 drugs with his price.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, to answer the gentleman, Mr. Dyar. If this were permissive legislation as he is suggesting, we wouldn't need the bill since no one would post the information we are talking about. To further answer him, I for one would like very much to see lawyers and other professional people post their charges so that you know what you are getting into when you visit them.

The SPEAKER: The pending question is on the motion of the gentleman from Calais, Mr. Silverman, that the House adopt House Amendment "D". All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

64 having voted in the affirmative and 12 having voted in the negative, the motion did prevail.

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

The SPEAKER: Will the Sergeant-at-Arms kindly escort the gentleman from Brewer, Mr. Norris, to the rostrum.

Thereupon, Mr. Norris of Brewer assumed the Chair as Speaker pro tem and Speaker Hewes retired from the Hall.

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

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

Tabled—March 1, by Mr. Morton of Farmington

Pending—Motion of Mr. McTeague of Brunswick that the House reconsider its action whereby it voted to recede and concur

(The Senate passed the Bill to be engrossed as amended by Committee Amendment "A" (H-695) as amended by House Amendment "A" (H-699) thereto and Senate Amendment "A" (S-363)

On motion of Mr. Bustin of Augusta, tabled pending reconsideration and later today assigned.

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

Joint Order (H. P. 2006) Pursuant to Adding Joint Rule 28.

Tabled—March 4, Under the rules

Pending—Passage

On motion of Mr. Palmer of Nobleboro, tabled pending passage and tomorrow assigned.

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

Resolve, Authorizing Robert A. Denticio to Bring Action Against the State of Maine" (H. P. 1921) (L. D. 2456)

Tabled—March 4, by Mr. Martin of Eagle Lake

Pending—Motion of Mrs. Baker of Orrington that the House accept the Minority "Ought not to pass" Report

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: The bill before you is the result of an accident sustained by a Bath man on Route 127 in Woolwich. Robert Denticio was riding his motorcycle and rounded a curve too late to see a slick of oil and tar which had leaked from a tank leased by the Highway Commission. The tank was not in use and appeared to have been tampered with by vandals. Mr. Denticio suffered a broken arm and other injuries resulting in a \$100 hospital bill, did \$365 worth of damage to his motorcycle, and lost five weeks of work amounting to \$600.

He is not asking for damages from the legislature, but only the right to sue in

Superior Court of Sagadahoc County for approximately \$1,100.

We are dealing here with the doctrine of sovereign immunity, which is a 16th century concept that it was better for the individual to be injured than for the public to suffer any inconvenience. Thus, even today the State cannot be sued without its consent. This seems rather archaic and sometimes unjust.

The only other avenues open to Mr. Denticio would be to sue either the owner of the tank or the company which transported it to the site. However, the ICC Tariff makes it clear that when a tank body is delivered and left unattended at a site predetermined by the consignee, in this case the State, the responsibility to protect the contents from malicious mischief or vandalism lies with the consignee who then has full custody and control — in this instance the Highway Commission. It also becomes the consignee's responsibility to clean up after such an accident, which the Highway Commission did.

Under Title 14, Section 157, the Legislature has already recognized that governmental immunity, as it relates to roads and highways, is an antiquated doctrine. This statute states that when an accident or injury arises out of the use or operation of a motor vehicle and the State is insured, the immunity is abrogated. However, in this case the tank was not a propelled machine at the time and the State was not insured, although the Highway Commission should have been fully aware of their liability under the ICC Tariff which makes it clear that the consignee in this case is responsible.

It would appear that the only recourse Mr. Denticio has is to sue the State, and I think we should at least give him his day in court where the ultimate validity of his claim will be determined.

I urge you to vote no on the acceptance of the Minority "Ought not to pass" Report so that we may accept the Majority "Ought to pass" Report.

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

Mr. ROSS: Mr. Speaker and Members of the House: This morning, for once — and I shouldn't say that because we often

agree — but I wholeheartedly agree with the gentledady from Bath, Mrs. Kathleen Watson Goodwin.

I noticed that the committee report was seven to five “Ought to pass.” I agree that he should have a chance to sue, and I would like to hear what some of the other members of the Judiciary Committee who signed for this bill feel in favor of the bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from South Portland, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I was one of those who signed the “Ought not to pass” report. If you noticed the report, I was the only attorney that signed that way. Frankly, my reasons for signing in that vein was primarily because Mr. Dentico presently has an action pending, not against the state, but as I understand it, there is a possibility of two suits, one against the owner of the vehicle and one against the owner of the tank. These suits, in terms of the litigation pending, have not been terminated nor finalized to the extent that Mr. Dentico is sure he hasn’t got a remedy there.

I felt that his coming to the legislature at this time was premature. If he had exhausted his remedies and then found he had no other alternative, I might have changed my mind. And I assume that between now and the meeting of the 107th he will have determined those remedies or determined whether he can recover or not, and I might change my mind in the 107th.

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

Mr. McTEAGUE: Mr. Speaker, and Members of the House: I agree with my good friends from the City of Bath, in the County of Sagadahoc, the gentledady, Mrs. Watson Goodwin, the gentleman, Mr. Ross. It strikes me that it is not only fair but it is efficient from the point of view of this legislature and from the point of view of the court down in Sagadahoc County which, although I am not a citizen of that county, I maintain a certain fondness and neighborly attitude in regard to, I think. I will find out in November.

Seriously, the question posed by the gentleman from South Portland, Mr.

Perkins, I think is a valid one. I think his concern is valid. We don’t know whether the state is liable or whether this private organization is liable. It may be, as Mr. Perkins said, that the bill would come back before the next legislature, we would have another hearing in Judiciary Committee and another debate in the House and the Senate, and I guess have another trial down in Bath. It is kind of hard to get a trial down there anyway sometimes. This case would be tried twice. I would suggest that in the interest of efficiency, the way to handle the thing is for us to pass the bill for the one suit rather than two suits, that is a suit against the state and private company, let the court and the jury decide who, if anyone, is liable. Let’s save some time down in the courthouse and save some time here.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to echo the comments of the gentleman from Brunswick, Mr. McTeague. I think that the feelings of the majority of the people on the Judiciary Committee were the same as the sentiments that he expressed, and that was that though Mr. Perkins from South Portland is correct, that perhaps the lawyer for Mr. Dentico has not run the gamut of possible people to sue. But I think what we want to do here is, since the bill is before us, we should pass it and give him the right, if everything fails, to go ahead and sue the state if in fact the state was liable, rather than to wait and have to bring another bill into the next session and have to have a second trial, and that is the reason that we basically came out with a favorable report, for the idea that if we could do it all in one suit we wouldn’t have to be bothered with this in the 107th and Mr. Dentico would at least have a chance to sue the state if in fact the state were at fault.

The SPEAKER pro tem: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I signed the “Ought not to pass” report and probably for some of the same reasons

why the others did. However, I am not totally satisfied with the report as far as has been mentioned here that the majority signed this, the majority signed that. I am not satisfied due to the fact that some of them were not even at the hearing to hear this bill. I think that you have this in every committee. Well, I was at the hearing of this bill, and I was at the executive session, both, and this is one of the reasons why I got the facts and why I signed the "Ought not to pass" report.

I personally feel that the fellow who came here actually came here for information as to how to proceed on this suit that he wanted to bring up. I claim that the bill itself claims that the state would be liable under defects, under the laws of this state. If this is so, he does so, he doesn't even have to come to this legislature and have permission to sue the state. So if this is his fact and his allegation why doesn't he go directly and do it?

On the other hand, I think he has better recourses and he can sue the town. And if he is successful, the town can come back to the state and we pay for it. So for many reasons, and for some of the facts that were brought up at the hearing, it was stated that there was about a 15 minutes interval from the time that the state truck got down there to take care of the situation, and this is again a question of negligence whether the state was negligent or not.

I think that the fellow has other recourses; I think he should exercise that right and at the same time, then if he doesn't get anywhere, then he can come back to this state and maybe we will be a little kinder to him.

Truthfully, the counsel for the Transportation Department of this state has clearly stated that he felt there was no liability there and no negligence, and he was against allowing the bill. So for many reasons, and for many untold reasons, this is why I signed the "Ought not to pass" report and I think it was a wise decision and I hope you see it that way.

The SPEAKER pro tem: The pending question is on the motion of the gentlewoman from Orrington, Mrs. Baker, that the House accept the Minority "Ought not to pass" Report.

All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

33 having voted in the affirmative and 61 having voted in the negative, the motion did not prevail.

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

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

Bill "An Act Making Current Service Appropriations from the General Fund and Allocating Money from the Federal Revenue Sharing Fund for the Fiscal Year Ending June 30, 1975" (S. P. 905) (L. D. 2508) Emergency

Tabled — March 4, by Mr. Simpson of Standish

Pending — Passage to be enacted

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

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

Bill "An Act Repealing Certain Laws Relating to Games of Chance" (S. P. 911) (L. D. 2521) (S. "A" S-365)

Tabled — March 4, by Mr. Birt of East Millinocket

Pending — Passage to be engrossed

Mr. Emery of Rockland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-724) was read by the Clerk.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: This bill was tabled for one day yesterday, so that I might present this amendment, which simply removes the \$25 license fee and reduces it to \$5 as the Committee on Legal Affairs had initially intended.

Thereupon, House Amendment "A" was adopted.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I probably,

as many of you, wouldn't have read this bill if it hadn't been brought to my attention by one of my groups in town, specifically a snowmobile club. So I took the time to read through this bill and I do have some questions on this. I would just like to bring a few of these out. I am not against the bill per se, and I don't want to have to vote against it, so perhaps it might be better if somebody could table this after.

Reading through this bill, it seems to be quite restrictive for, say, a small group such as snowmobile clubs or a particular school club or something that wanted to hold the raffle or something.

I would like to call your attention to, first of all, Section 331 on page 3 of the bill. It states that, "No person, firm, corporation, association etc. . . should be able to offer a game of chance within the state unless a license therefor is obtained from the Chief of the State Police." And they have to go through quite a series, application procedure and everything else to get this. I am just wondering, how restrictive do we want to get in this regard? Go back again to the snowmobile clubs. Suppose they wanted to just hold a raffle on a particular meeting night or something and they sold tickets at one meeting and held the raffle the next time around. It just seems to me they are going to have to go through an awful rigamarole to do this, especially if it is just within the membership of the club.

Another question I have on the bill, when you get down to the last paragraph on that it says, "Organizations, the majority of whose members are persons under the age of 18 years shall not be licensed under this section". Now, does that mean a group such as Boy Scouts or something like that, that would perhaps want to hold a raffle to raise money to do a certain project or something, would they be able to do this?

I have some other questions on here. Application procedure, section 333, page 4. "An application to operate or conduct a game of chance shall bear the consent of the municipal officers of the town or city in which such a game of chance is to be operated." Again, another series of rigamarole that a small group has to go through with just to hold, maybe, a raffle in their clubhouse or something like that.

Section 335, Proceeds. "Proceeds of such games of chance shall not be used to provide salaries, wages or other remuneration to members, officers or employees of any organization licensed to conduct games of chance. . ."

In other words, perhaps this might be the only way a club could raise money and they might have to remunerate their officers for a trip to Augusta to put in for all these applications.

Another section here, Section 337, Distributor. And this applies also under Printers, under the printer section 338, there is a line there that says, "No person convicted of a felony within the prior 10 years shall be licensed under this section."

Now, suppose a person had gone to jail, paid his debt and got out and was working as a printer at a print shop. Well, he wouldn't be able to print tickets up under this. He wouldn't be able to work as a distributor selling various things.

Another thing is, a print shop now, under this, has to pay \$10 to get a license to print tickets. Why is this necessary? A print shop has to be licensed under the Chief of the State Police. I just don't understand why a print shop has to be licensed.

There are several good questions through here that I think we ought to really take a good look at before we pass this. Perhaps somebody could table this or something.

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

MR. EMERY: Mr. Speaker and Members of the House: The gentleman has raised a few points that I am sure the Committee on Legal Affairs has studied very thoroughly. We did gain a unanimous report out of committee which, of course, is interesting because of the diversity of opinion that we have on the committee, as the House well knows.

I would like to address myself to the various points that the gentleman has raised and hope to clarify the committee's thinking. First of all, referring to the paragraph that he quoted referring to citizens 18 years of age or under. If he had read the amendments he would notice that that

particular provision has been removed from the bill precisely to permit groups, such as a 4-H Club, who have always held raffles or want to hold raffles on steers for raising money or the Boy Scouts, for that matter, would be permitted to do so.

The license fee is \$5 for a permit to hold a raffle, which is primarily to pay for the administrative costs of issuing licenses and getting the licenses printed and things of this nature.

There is also a provision in that same licensing fee so that if an organization were holding two or three or four raffles at the same time for the same project, only one license of \$5 would be required; it would not be compounded. This provision was simply so that we would not have a financial burden on these clubs and organizations. This is one thing that we discussed very thoroughly, and several members of the committee were very concerned that we would have a financial burden on these organizations. We have removed this specifically.

The application procedure is not really complicated at all. All you have to do is apply to the State Police as you do now; that hasn't been substantially changed.

As far as licensing the printer and the other organizations, the State Police were very concerned that out-of-state interests might come in with their own particular devices, their own particular packages, and they wanted to keep track of those organizations in the State of Maine that were offering facilities for games of chance. We don't feel that this is unrealistic, considering the tremendous volume of business that these printing concerns would do. We have had absolutely no opposition from any printing companies from anywhere in the state to this license. In fact, a couple of them in my own home town of Rockland that I checked with say that they feel that this is an additional protection for them too, and they don't object to it at all.

I think there were a couple of other points that were raised by the gentleman from South Berwick, although I think I have answered most of them. If anyone has any further questions, as Chairman of the Committee I would be very happy to answer them.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: I have a further question. Now, as I understand the original bill, the intent of the bill was to remove or to repair the statutes so that there was some limitation on gambling in the State of Maine where we had taken it up. Now, from what I can see from the number of amendments that have been offered, and the bill is substantially changed over the previous existing law, on that I would like to ask this question to the chairman of that committee, is it my understanding that raffles are illegal? For instance, if a local committee wanted to have raffles as a method of raising funds that it is not legal?

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: It is illegal for anyone to hold a raffle. And the reason, to go back to this print shop, why they should be licensed is so that the law enforcement agency will have a dual way of checking out who is running. So if a man goes and gets his tickets printed and he doesn't buy a license, they can check through. Then if someone does buy a license, they can also check the other way to find out who the printer is. And we felt in the committee 100 percent, as Representative Emery has told you, that this was a good bill to protect so that these people couldn't come in from outside and rook the people.

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

Mr. EMERY: Mr. Speaker and Members of the House: In answer to Mr. Whitzell's question, under the present law, raffles are not permitted. Under the legislation that is established in this bill, raffles would be permitted for any organization which is a nonprofit organization that is licensed by the State Police at a \$5 license fee.

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

Mrs. Kelley of Machias presented the following Joint Order and moved its passage:

WHEREAS, Jonesport-Beals High School "Royals" won the State Class D Basketball Championship in tournament play at Augusta on March 2, 1974; and

WHEREAS, the "Royals" have also tied the national record with its 5th consecutive state championship, a record shared with 4 other teams; and

WHEREAS, their courage, skill and sportsmanship reflects great credit upon the individual players and their coach and has brought honor to their school; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the 106th Legislature of the great and sovereign State of Maine now assembled in Special Session take this opportunity to recognize and commend the Royals of Jonesport High School and their able coach, Ordman Alley, for their accomplishment in the field of sports and wish them continued success in their effort to bring honor to their school, community and State; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to Principal Fletcher Alley and Coach Ordman Alley of Jonesport-Beals High School. (H. P. 2011)

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

At this point, Speaker Hewes returned to the rostrum.

SPEAKER HEWES: The Chair thanks the gentleman and commends him for a fine job.

Thereupon, Mr. Norris of Brewer returned to his seat on the floor, amid the applause of the House, and Speaker Hewes resumed the Chair.

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

Bill "An Act Providing for a Credit in Maine Income Tax Law for Investment in Pollution Control Facilities," (S. P. 737) (L. D. 2149)

Tabled — By Mr. McTeague of Brunswick.

Pending — Acceptance of the Committee Report.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: Looking this over, I find there is an amendment on there that doesn't belong there or else it is a misprint.

It says on there, "Ought to pass" as amended by Committee Amendment H-347. Well, H-347 is an amendment to a transportation bill.

The SPEAKER: The Chair would inform the gentleman that the official record has it as S-374. Apparently that is a typographical error. The Chair thanks the gentleman.

Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "B" (S-374) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

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

Bill "An Act Relating to Pilots for the Port of Portland" (H. P. 2007) (L. D. 2550)

Tabled — By Mr. Simpson of Standish.

Pending -- Passage to be engrossed.

Mr. Wood of Brooks offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-731) was read by the Clerk and adopted.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: Just by way of explanation, I am going to be very brief. My remarks on this bill yesterday are still a matter of record, and I still continue to feel the same way I did yesterday. However, I talked this over with members of the Portland Pilot Association, the Board of Harbor Commissioners know about it, the Coast Guard knows about it. This bill in its final draft form has gone through. We have had many meetings on this; it's a problem. The Lion Ferry does not oppose

this bill in its present form or will not oppose the bill. So I would go along with that the bill should pass.

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

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

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

Tabled — By Mr. Bustin of Augusta

Pending — Motion of Mr. McTeague of Brunswick to reconsider whereby the House voted to recede and concur.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: I wonder if the gentleman from Brunswick would care to tell us why he would like to recede and concur.

The SPEAKER: The gentleman from Standish, Mr. Simpson, 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 question posed by the gentleman from Standish, Mr. Simpson, my concern had to do with advancing the effective date of the abolition tax in regard to trade-ins, which I had understood from the debate on the floor of the House would cost significant amounts of money to some of our towns. I recall during debate that the gentleman from Auburn, Mr. Drigotas, the gentelady from Auburn, Mrs. Lewis, one or the other, read a letter from their tax assessor. I believe it was a revenue loss in the case of that town in the vicinity of \$40,000 to \$50,000.

I have also heard, I believe during the course of debate on the floor of this House an estimate for the City of Portland revenue loss in the vicinity of \$70,000. I had concern, as a Representative in my own town,

regarding revenue loss. I contacted my manager and town council on it.

The gentleman from Farmington, Mr. Morton, was kind enough to get the fiscal facts through Legislative Finance, and I believe now that the bill as amended has a fiscal note on it of approximately \$200,000 per year in order that the State compensate the towns and municipalities for revenue lost. So, in essence, the answer to this gentleman's question is; I am concerned about the revenue lost to the State — originally to the municipalities, and now to the State by the advance of the effective date of the tax exemption.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Speaker, I would like to propose another question to the gentleman then. His motion to reconsider would put us back into another position. And is it his intention that we reconsider so he can take and back the bill up and take that amendment off? Or is he perfectly willing to keep the bill in its present form so it would have the amendment on it with the amount of loss to the State and it would go to the appropriations table?

Mr. SPEAKER: The gentleman, Mr. Simpson poses a question through the chair to the gentleman from Brunswick, Mr. McTeague who may answer if he wishes to do so. The Chair recognizes that gentleman.

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: The cross-examination is incisive. It is difficult to be a witness rather than counsel. I think, to answer, not in terms of the parliamentary posture of the bill, but in terms of the substance of the manner in which I feel on it; I question whether it is desirable, considering the limited funds available, to spend \$200,000 this year in this way. If it has to be, I would rather it be that the loss be spread evenly and equitably across the entire State, rather than focusing in on the particular town. So I guess I'm not too enthusiastic about the bill overall. I am in opposition to the bill overall. But if it has to pass I would prefer that it pass with the amendment to save the town

from revenue loss than without that amendment.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I would still propose a question to the gentleman. Is he willing to withdraw his motion to reconsider, or is he willing to leave it in the position where we recede and concur?

The SPEAKER: The gentleman from Standish, Mr. Simpson, 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: I would prefer that the House have an opportunity to vote on the motion to reconsider in order that the whole House make the policy decision as to whether they want to pass this matter on to the appropriations table.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Maybe there is an amendment here showing the statement of fact what the cost is, but I can't find one. I wonder if the gentleman from Farmington, Mr. Morton, would give me the amendment number, showing the statement of cost.

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

The Chair understands that attached to the bill at the present time is Senate Amendment "A", which is S-363; House Amendment "A-2", I believe committee Amendment "A", which is filing number H-695, and House Amendment "A" to Committee Amendment "A", which is House H-699.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: According to that the statement of facts isn't on here. You can't send the bill to

the appropriations table without a statement of facts. I don't know why that got by taxation, but it did. And I think this bill, before we have to back it up anyway, to get a statement of facts on, it does have to be. May I debate this shortly or not?

The SPEAKER: The matter is in order for debate at the present time.

Mr. FINEMORE: My idea, it has been mentioned \$200,000. Well, \$200,000 is far from being correct. Because the city of Lewiston and the city of Auburn would lose \$85,000 in the two cities. I'm not up here to defeat the bill. But I mean, if we are going to send it in there, I really can't picture any way of sending this to the appropriations table to be taken out of an appropriation that isn't available. I believe we should be backed up anyway, and then tabled, and the statements of facts be brought in. I believe that the House will agree with me on that. Any bill going there, under the rules, has to have a cost on it. And I can't find where there is a cost on it.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: This is an amendment that I had put onto this bill, and there isn't a cost factor. We were in error when we debated it, probably a week ago. Because, originally, trade-ins were considered part of inventory. And when we passed the inventory bill, the State would reimburse the difference between the municipal personal property tax and the State personal property tax. So that there was a figure on it originally. But this bill exempts all trade-ins. So that it isn't just the difference between the municipal and the state personal property tax, but it's the entire personal property tax that would be levied on trade-ins. There should have been a fiscal note on it; and we were in error when we thought that there wasn't originally.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I will agree with the gentlewoman from Auburn, Mrs. Lewis, that there was an error made. There was some confusion at the time in respect to this whether or not

there was a necessity for a fiscal note. Because an amount had been appropriated at the Regular Session to cover reimbursement to the towns. It was later determined, after we held the bill, with the consent of the gentleman from Brunswick, Mr. McTeague, and myself. I have the note here to Bill Garside from Ernest Johnson. With all due respect from the gentleman from Bridgewater, the gentleman from the tax assessor's office does make the estimates. It is a little complicated, but I will read that section of it so everybody will have the official notice. L.D. 2111 as introduced by myself and sent to committees, had a \$200,000 cost to the State for reimbursement. And it was amended by the committee, and I supported this amendment because I wanted to get it back into the position that it had been when we passed it at the Regular Session. It was an inadvertence on my part when the bill was drafted. In fact, it was noticed only after the tax assessor checked it out with some considerable time. So the Committee Amendment removed the necessity to reimburse the municipalities. The amendment from the gentleman from Auburn, House Amendment "A", to Committee Amendment "A", put the reimbursement back in at the rate of \$200,000 in 1974 and \$200,000 in 1975. L.D. 2111 was admitted again in the Senate, which took off the emergency making it so that the first year would not require an appropriation. Hence, the amount today is \$200,000 for the second year of the biennium. And that's where the bill stands now. I understand from Mr. Garside that no matter whether there's a fiscal note on an amendment of that kind of nature or not that this would automatically end up on the appropriations table with the financial note like this attached to it.

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

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House; In a manner of respect and friendship for my good friend from Farmington, Mr. Morton, I would get up here to move the indefinite postponement of this bill and all of its papers.

Mr. SPEAKER: There is a pending motion from the gentlemen from Mr. McTeague that the House reconsider our action whereby we receded and concurred with the Senate.

Mr. COTTRELL: I will continue then, sir, Mr. Speaker. I do it for two reasons. Number one; it is going to cost the State a minimum of \$200,000 in 1975 and \$200,000 in 1976. That is a minimum, because trade-in property consists not only of automobiles but it consists of snowmobiles, boats, second-hand furniture, all kinds of incalculable things. I talked with our assessors, and they are not opposed so much to it because it will cost them \$50,000 or \$60,000 a year, but because of the problem of administration. I have a great deal of sympathy for Mr. Morton because this bill passed once. And, incidentally, it was bill L. D. 886. It was introduced a year ago February when we were considering this total problem of inventory. There was not a fiscal note on it at that time. The second bill is very similar, introduced this year, January 2nd, 1974, L. D. 2111. So I can understand his peeve; that it was passed in the Regular Session and then cancelled out when we got into the latter part of June last year. We decided, the Legislature decided, to eliminate the tax on all inventories completely, with a three year phase-out. Now this is the bill that was passed. It is a copy of the bill on eliminating all taxes on personal property in the inventory line. It was signed by the Governor, July 3, 1973. After a great compromise, the corporation taxes were increased to pay for this eventual exemption of all inventory. And here is what was exempted: personal property; industrial inventory, including raw materials, goods in process, and finished work on hand; stock in trade, including raw materials, all trade-in property by a distributor, wholesalers, retail merchants or service establishments. There are two other categories. That was a result of a compromise. All trade-in property is going to be phased out. I have had no complaints from any of the retail merchants in Portland. They are getting a break as it is; their taxes are being reduced now in Portland

on inventories. I think it is a bill that would be very hard to administer. It would cause a minimum loss of \$200,000 to our State a year. And it would be very difficult to administer. I am sorry I have to oppose my good friend from Farmington, Mr. Morton, in this instance as I have the greatest respect for him. But I think under our budgetary conditions and our other demands, the great compromise we worked out with the merchants, all merchants, I think is inappropriate at this time to consider this bill any further.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: It looks as though this is the time to get the remarks that I had into the record. I am not going to make a long and impassioned speech. I just want to point out some facts.

This bill, as the gentleman from Portland indicated, was passed at the regular session as a routine exemption to the property tax law to correct an inequity that has crept into the interpretation of the tax laws over these many years, and of course at that time it did not carry any reimbursement to the communities, nor was any contemplated in this original bill or as the bill was reported out of committee. But the amendment of the gentlewoman from Auburn, of course, put reimbursement back into the bill.

In the debate, in the initial instance the gentleman from Auburn, Mr. Drigotas, read a letter from his tax collector. He indicated in that letter that the tax assessor from Auburn would not object if reimbursement was provided. Now that reimbursement has been provided, I submit to you ladies and gentlemen of the House that the objection of the tax assessors is taken care of.

Now, both branches have approved the principle involved here and they have agreed that there is inequity, that inventory taken in trade by the classes of merchants who serve you, the people of Maine, whether you are buying automobiles, snowmobiles, boats, airplanes, what have you, in doing their business they have to take merchandise in trade. But this is in fact in lieu of

money, and in its wisdom some 20 years ago the legislature removed money as a class of property which was to be taxed. Now because this trade-in property held by merchants of the type we are talking about is highly visible, tangible; it is a very tempting target. That is how it happened to come to be taxed in the first place, after 50-odd years of not being taxed, even though it should have been under the law. But that doesn't alter the fairness of the proposition.

I urge you to continue to recognize the inequity involved, acknowledge the magnitude of real personal property taxes paid by these merchants, and also to remember that at least as far as corporations are concerned, any profits that might accrue from this exemption will be taxed at the newly increased income tax rates. I urge you to not vote to reconsider and continue to recede and concur with the Senate.

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

Mr. FINEMORE: Just a point of order. This bill right now is just passed to be engrossed. It has to come back to us for enactment.

The SPEAKER: The Chair would answer in the affirmative.

Mr. FINEMORE: If we do not reconsider, why it still has to come back for enactment it will be before us once more.

The SPEAKER: The Chair would answer in the affirmative.

The pending question is on the motion of the gentleman from Brunswick, Mr. McTeague, that the House reconsider its action whereby it receded and concurred with the Senate. The Chair will order a vote. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

58 having voted in the affirmative and 35 having voted in the negative, the motion did prevail.

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

Mr. LaCHARITE: Mr. Speaker, I move that we recede.

The SPEAKER: The Chair would inform the House that the motion to recede does take priority over the

motion to recede and concur. The pending motion now is on the motion of the gentleman from Brunswick, Mr. LaCharite, that the House recede. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

34 having voted in the affirmative and 60 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question now is the motion that the House recede and concur with the Senate. The Chair will order a vote. All in favor of the House receding and concurring with the Senate will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. LaCharite of Brunswick requested a roll call vote.

The SPEAKER: The gentleman from Brunswick, Mr. LaCharite, requests a roll call. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present 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 is in order.

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

Mr. LaCHARITE: Mr. Speaker and Ladies and Gentlemen of the House: I don't know if people are confused or what seems to be the problem. But I think the initial vote that was taken was to reconsider. We have receded and concurred with the other body. The next

motion was to recede, which it seems that with this body having voted to reconsider its action whereby it receded and concurred, it would have receded. Now we have just receded and concurred again. I would hope that the people of the House would not recede and concur, so that we may recede, so that we may indefinitely postpone this bill.

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

Mr. SIMPSON: Mr. Speaker, I move that this item lay on the table one legislative day.

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves that this matter be tabled pending the motion to recede and concur and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

94 having voted in the affirmative and 21 having voted in the negative, the motion did prevail.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: If we had gone along with that and voted down the reconsideration we would have been in non-concurrence anyway with the Senate. It would have gone back in non-concurrence, even without asking to recede. Am I right?

(Off Record Remarks)

On Motion of Mr. Birt of East Millinocket,

Adjourned until ten o'clock tomorrow morning.