

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

Volume II

MARCH 7, 1974 TO MARCH 29, 1974

Index

Legislative Ethics Committee Report

Kennebec Journal
Augusta, Maine

HOUSE

Thursday, March 7, 1974

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

Prayer by the Rev. Kenneth Brooks of Augusta.

The journal of yesterday was read and approved.

Orders Out of Order

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

ORDERED, that Mary Ann Walker and Susan Marie Downing of Norway be appointed Honorary Pages for today.

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

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

ORDERED, that Eny Geis and Maria Honem of Brazil be appointed Honorary Pages for today.

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

Papers from the Senate

From the Senate: The following Joint Order: (S. P. 924)

WHEREAS, the growl of the Hall-Dale Bulldogs was heard statewide as they buried the State Class C Title in basketball for 1974; and

WHEREAS, it was there in black and white at the Augusta Civic Center that this spectacular team captured its second state crown since 1971; and

WHEREAS, the Bulldogs have provided many thrill packed performances of teamwork, skill and fine sportsmanship; now, therefore, be it

ORDERED, the House concurring, that We, the Members of the Senate and House of Representatives of the One Hundred and Sixth Legislature now assembled in special legislative session, take this opportunity to recognize and honor the outstanding achievements of Hall-Dale High School basketball team and extend special congratulations to Coach Gary Barrett for whom this championship game was his 100th victory as a coach and for retirement

reasons his final victory; and be it further

ORDERED, that a copy of this Joint Order be sent to the principal and coach of Hall-Dale High School.

Came from the Senate read and passed.

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

From the Senate: The following Joint Order: (S. P. 926)

ORDERED, the House concurring, that the Joint Standing Committee on Veterans and Retirement is directed to report out a bill establishing a Veterans Home.

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. PRATT: Mr. Speaker and Members of the House: I would like to move the passage of this order and speak to my motion.

In the regular session last year, this bill was heard by the State Government Committee and came out with a unanimous "ought to pass" report. Of course, it died on the Appropriations Table. We believe that now, with the possibility that there will be a facility available to us, that the time is more appropriate for us to consider a veterans' home.

All of the other New England states have a home of this type, and we believe there are favorable economic factors to consider. Because of the availability of federal funding, we could actually save money we are now spending on providing residential care facilities for elderly Maine veterans.

At present, the State of Maine is paying \$7 per diem to maintain a veterans' boarding home and \$15 for a nursing home, with the federal government picking up the remainder. But if we had a veterans' facility such as this, the VA share becomes larger. The cost to the state decreases to \$2.50 a day at boarding homes, \$3.50 per day at nursing homes.

I certainly urge you to support the passage of this order.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I reluctantly rise to oppose the gentleman from Parsonsfield, Mr. Pratt, and I don't rise to oppose the concept, which I think a lot of us agree with, and I admit that during the regular session that we did have a bill that we handled.

I believe that what we have to face this morning is the fact that first of all we have a Part I budget before us that has not passed yet which, in effect, has not closed Skowhegan. I do believe that even if the Part I budget passes, there is going to be a considerable amount of time to phase it out.

We heard the other day that it would take about \$6 million just to put the facility in some type of shape for what few residents are there. To me, this is not the time to hastily come in here and grab an issue such as this, and just because it is philosophically sound, to pass an order to report this out.

I have not personally been in attendance at the executive sessions of the Appropriations Committee, but I am sure that probably the gentlemen that are on the Appropriations Committee would rise and tell you that over the last week they have had some pretty hard soul searching in that committee. Chances are, as it is right now, we won't have a dime for a single item that is on the Appropriations Table. Therefore, I do believe that sometimes haste makes waste and that this is one time when that would be true. We would be far better off to wait and see just exactly what we do do with the facility at Skowhegan and then maybe take a good look at it during the interim period and see what would be necessary to put this into good condition and make it into a veterans' home.

I certainly would support that type of bill and type of thing once these studies are made known. Right now I think it is an unknown factor, and it would be unwise for us to involve ourselves with it this late in the special session.

I would ask for a division, sir, on passage of the order.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I concur with the feeling of our majority leader that we are unwise to get into this type of a thing. I assume the merits or the demerits of a veterans' home are subject to debate. Am I correct? We have discussed this in the past. I think we should well establish the fact that the veterans are being well taken care of out at the home at Togus. When previous discussions in regard to this matter that have occurred in the Appropriations Committee, certainly if the state goes into the area of taking care of veterans they want to be convinced that the federal people are not doing it well and could expand it if necessary. Certainly as long as the federal people do it, it doesn't fall upon the scanty reserves of the state to attempt to finance this.

I completely agree with Mr. Simpson that we are very unwise at this period in this session to let in any such legislation as this. It should well wait until the next session of the legislature where it can be given the serious consideration that it deserves. Understand that I am not against properly taking care of all of our veterans. The point that I am making is my own opinion. I feel that it is very well being done at the facility at Togus.

The SPEAKER: The pending question is passage in concurrence of this Joint Order. All in favor of passage of this Joint Order will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative and 49 having voted in the negative, the motion did prevail.

Reports of Committees

Leave to Withdraw

Committee on Education on Bill "An Act Abolishing the State Board of Education and Creating an Advisory Board" (S. P. 863) (L. D. 2432) 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.

Covered by Other Legislation

Committee on State Government on Bill "An Act Providing for Registration and Reporting of Petroleum Product

Suppliers in the State of Maine" (S. P. 829) (L. D. 2363) Emergency reporting Leave to withdraw as covered by other legislation.

Came from the Senate with the Report read and accepted.

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

Divided Report

Report "A" of the Committee on Judiciary on Bill "An Act Relating to Delegation of Selected Services by Professional Nurses" (S. P. 768) (L. D. 2199) Emergency reporting "Ought to pass" in New Draft (S. P. 922) (L. D. 2551) under same title.

Report was signed by the following members:

Mr. SPEERS of Kennebec
TANOUS of Penobscot
—of the Senate.

Mrs. BAKER of Orrington
WHEELER of Portland
KILROY of Portland
WHITE of Guilford
—of the House.

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

Report was signed by the following members:

Messrs. PERKINS of South Portland
DUNLEAVY of Presque Isle
CARRIER of Westbrook
GAUTHIER of Sanford
—of the House.

Report "C" of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" (S-378)

Report was signed by the following member:

Mr. McKERNAN of Bangor
—of the House.

Came from the Senate with Report "A" read and accepted and the Bill passed to be engrossed.

In the House: Reports were read.

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

Mrs. BAKER: Mr. Speaker, I move acceptance of Report A "Ought to pass" in concurrence.

The SPEAKER: The gentlewoman from Orrington, Mrs. Baker, moves the acceptance of Report A in concurrence.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I oppose the motion to accept Report A. I can't seem to find Report C, which is my amendment, but I can tell you basically what it does.

If you will look at the new draft, there are two parts, one of which allows the Board of Nurses to set up rules and regulations relating to delegation of powers to non-nurses and certain functions that the nurses would normally perform.

Section B of the new draft extends immunity which we gave to nurses aides in the last session for an additional year. That immunity runs out July 1 of this year, and we extended it for a year to July 1, 1975.

My amendment does nothing except extend the immunity. In other words, the amendment does not include Section 1. Section 1 was drafted by the Nurses Association and, as I understand it, although it is the association for the nurses, approximately 10 percent of the nurses belong to this association, so it in no way represents all the nurses in the state, especially in Bangor it does not represent the nurses.

I have received a lot of mail on this from a lot of nurses around the state, but especially in Bangor, who are opposed to Section 1 of this redraft, which allows the board to set up rules and regulations. They view it as not having sufficient standards in this new draft. So they are afraid what is going to happen is that the nursing homes, especially, there are going to be situations where there is going to be one nurse who is going to be hired, and then to save money, there are going to be a lot of less qualified people hired to do the actual distribution of the medicine. I think that they are worried about the quality of health care and they are afraid that for the sake of economizing that the different institutions are going to hire fewer qualified nurses and hire nurses aides instead.

However, they do feel that something can be worked out, and it is for this reason that they would like to extend the immunity for one more year in order

that they can present something to the 107th Legislature.

At the hearing, apparently the Nurses Association thought they had worked everything out with the people who were not in favor of their bill, but as it turned out, the people were not satisfied with the amendments. They felt they would have been too rushed and that we did not, in fact, have any kind of a system that would provide good health care. So for that reason they opposed even the redraft, but they do feel, as I said, that something can be worked out and that something will be presented to the 107th Legislature. They also feel that while they are trying to work something out, we should continue to extend the immunity so that we can have non-nurses at least do the more menial jobs in the nursing homes.

I certainly would oppose the acceptance of the majority report and would hope that then you would vote my amendment; which is Report C.

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

Mrs. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: In my estimation, we need this full bill. Under the paragraph, Delegation of Selective Nursing Services, it provides some plan for the development of nurses aides or unlicensed people. Unless we enact this bill, it seems to me that when the immunity expires, we will be faced with the situation that we are faced with today. I can't see that any progress will be made. If any plan for training of these unlicensed personnel is to be had, it would seem to me that it would be logical that the Nurses Association and the Board of Registration of Nurses would be the ones to supervise such training, especially where they will be the ones delegating the authority.

I ask that you vote in favor of Report A.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to propose a question to anybody that signed the majority report on this bill. The question is this: At the beginning of L. D. 2551, it talks about delegation of

selected nursing services to unlicensed personnel. I would like to know if those selected nursing services could include such things as giving iv's, intravenous, the administration of shots, or the giving of various drugs?

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

The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I don't think it would include such technical services as the Representatives have outlined. I think it would more or less cover what the nurses aides and non-professionals are doing at the present time.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the answer which was given. Having attended the hearing myself and considered this same language at the hearing, it would seem to me that the language could include the various types of specialized or very important professional nursing services which ought to be administered only by professional people.

For the benefit of people in the nursing profession that have contacted me, and with whom I have talked at great length about this, and who are very disturbed about the possibility of any legislation going on record with this type of language, which is vague, it could lead to some practices which we think could be very serious. Yet for the benefit of the patients who don't have very much of a voice in the matter as to who is going to give them Iv's and shots, I hope we all join together and defeat this motion and perhaps, as a compromise, go with the proposal of Mr. McKernan from Bangor.

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

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: I hope this morning that we will go along with the gentlewoman, from Orrington, Mrs. Baker, on this particular bill. The Committee on Health and Institutional

Services had heard this bill in another session and there was a foul up on this immunity. At the present time, if we don't pass some legislation such as this, this session, we will have chaos in all of our state institutions come July 1.

I had the opportunity of being at one of the state institutions the other night, about one o'clock in the morning, and I found four registered nurses on the premises with the care of some 500 patients in their hands. Now, certainly we do need RN's in this state, but I don't think that anybody can find enough registered nurses in the State of Maine at the present time to fill our hospitals, our nursing homes and state institutions. There just aren't enough nurses available in the state.

I think the Section F of L. D. 2551 does allow the board to set up rules and regulations, which, in essence, I am opposed to. I think possibly that this legislature in committee should have set up some rules and regulations after sitting down with the professionals and qualify what could be done by non-professionals.

But this late in the session I do think we have to take action and accept the majority report this morning and if necessary, in the 107th we will certainly have to do something then, because the immunity runs out July 1, 1975. There will be time for the Board of Nursing and so forth to get together with the legislature and come up with something that can be workable.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to propose a question through the Chair to any member of the Judiciary Committee. If we accept the "ought to pass" report, does this correspond with the federal provisions as far as matching funds for hospitals in this state, both private and public?

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

The Chair recognizes the gentlewoman, from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I would assume that it would, but I can't answer this specifically. We are now operating under this immunity that we passed last May, and I don't think there has been any endangering of the funds.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Wheeler.

Mrs. WHEELER: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to answer the question of the Representative from Orono, Mr. Curtis. These nurses aides would be able to perform the services which he questioned after they have completed a formal training course which would be approved by the Maine State Nursing Board.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I think that this is an extremely important bill, due to the fact that it affects the lives of many people who cannot take care of themselves. I am not in favor of lowering the standards in nursing care. I would just like to say a few words and bring to you some of the information that we have and probably some of the feeling that I have.

In the first place, just to answer some of the indirect questions that have been put in here or statements. In the first place, somebody said that we probably don't have enough nurses to take care of all the people and this would create great chaos. Maybe it would, but we did get some statistics from well-informed persons, nurses themselves. In this state at the present there are some 9,949 nurses. I think that is the right number. It was somewhere around 9,000-something. There wasn't much said about not many nurses or enough nurses. The fact is, I think we have to realize here, it is more of an economic situation than anything else.

The ones that proposed this stuff or proposed the work under this bill, actually it is a matter of hiring somebody who is unqualified and pay them for the unqualified standards rather than to hire a licensed nurse and pay for that particular person.

I think that we can compromise, we can go down on standards on a lot of things, but I don't think we ought to compromise or go down on the standards of the care extended to the people of this state, and especially the ones that need that care so badly and the care should not be different from what they are supposed to have.

I have had many letters and all against this bill. I have been used on this bill by certain people that have asked me and I have agreed to withdraw the bill. I don't like to be used. If somebody believes in doing something, I would rather they stay with it, but don't go in back and try to negotiate something and we end up with a three-way report here. We are all interested in giving the people of this state good care, and you are not going to give good care by unqualified persons, and this is exactly what you have when — I am talking generally about aides. I can be an aide and I am not qualified to be an aide because I don't know one medicine from another, but I can go down tomorrow and get a job as an aide and give medicine under the present law. Now this is what we are trying to get straightened out, the ones of us who voted that this bill should not pass.

We are trying to take away, not take away, just let the immunity lapse. Probably the immunity should never have been given in the first place. A lot of professions in this world that are not as important as health care that actually don't have immunity. They shouldn't have immunity either. Maybe this is the little error that was given last time.

I don't think that the nursing homes will be closed. I don't think that hospitals will be closed. The price might go higher, but this is the way of life. Most everybody has health insurance, and if you don't, the state will pay for it anyway.

One thing you want to remember is that maybe some of us here might later on need some nursing care. Whether you pay for it or not, I think you are entitled to the best of care by qualified people. This has been extended before from a registered nurse with three or four years of study to allowing a licensed practical nurse with a year of study to give medicine. This was done before, so

maybe this is all right, but to go as far as to give it to anybody, immunity to anybody that gives medicine, I think this is going much too far.

Looking at the bill, and very briefly, if you read in this bill, and if I see it right, in the middle it says, the fourth line, "delegation of such services shall not require the personal presence of the delegating professional nurse at the place where such services are performed unless such personal presence is necessary to provide patient care."

I don't want to miss anything. I want to tell you that if you contemplate on that particular sentence, this, in my opinion, you could — and somebody will say you can't, but it doesn't say so — that you could be a nurse in one hospital, let the patient go out of there and go into another hospital and the nurse from over there could go over to the other hospital and tell an aide what to do and what to give him for medicine. I don't think that this is right. I think it is entirely wrong, and I think that the people of this state are entitled to the best of care, and I don't think that if there is chaos, I think we can handle it, and I truly believe and I know that the nurses of this state, the majority of them, did not know about this bill. They were not at the hearing, because that place would have been full.

As far as studies go, there is nothing in here that says "specific studies." You say that they will get studies, but they will only be qualified after they get the study. If you take off the immunity, it will be a matter of six months. In the meantime, if you leave the immunity on or extend it, what is going to happen? You will still have people of low caliber handing out pills, some of them of low caliber. I have letters even stating that some people who are retarded have been giving out pills. This is not the kind of service I want for myself, and this is not the kind of service I want for the other people who cannot under any circumstances come to the hearing and speak against this bill.

It is nurses against nurses, and I think that the majority — I have talked plenty with the nurses from Bangor, and they are dead set against this bill. So I assume that if you want to give the people of this state the best care that

there is, you ask and you require that regular licensed nurses give this. I hope that you don't accept the "ought to pass" report.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I was surprised to learn when we had this before the Judiciary Committee that they had to man the institution and delegate the janitor to give medication to a patient and be immune.

I was really surprised particularly in a time when we are talking about drug abuse and the use of drugs and misuse of drugs, and for that reason I could not for a minute extend this immunity clause beyond the time that presently is set by statute, and that is July 1. I even had some thoughts of seeing if we couldn't get rid of it before then. But by the time we get out of special session it will be that time anyway.

I cannot accept the extension of the immunity clause. Furthermore, the nurses are divided on the issue, extremely so. Some are for it, some are against it, some unsure and some feel that there should be some answer to the problem but don't know what the answer should be.

I feel that the legislature should determine the manner, the method, procedures by which drugs, medications should be administered, and a proper proposal before this legislature setting forth those standards could be determined by this body and the other body and enacted into law to protect to the extent that people need to be protected and it would satisfy the nursing association of the medical profession and most of all, the general public. For that reason, I would now propose that this bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from South Portland, Mr. Perkins, moves the indefinite postponement of this bill and all accompanying papers in non-concurrence.

The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, Ladies

and Gentlemen of the House: As a member of the committee and having studied this bill, I have to concur with Mr. Perkins from South Portland when he mentioned that janitors or anyone can give medication, injections whenever he wants. Mr. Curtis is right. This bill here does just that. And I say to you ladies and gentlemen of this House, if this bill is accepted here, you are not going to increase the care of the elderly, of the people in hospitals that are sick. You are going to decrease the care.

If one of these girls who might have a little schooling, like it was mentioned, goes out and gives an injection and we will say that this person has a reaction, what happens then? I leave that to you.

Furthermore, I would like to read you a part of the bill that I don't like and I think it is the thrust of the whole thing. It says here, "Administration of medication. Any employee of any institution under the control of the Department of Mental Health and Corrections, licensed by the state as a hospital, nursing home, extended care facility, or boarding home who, in the exercise of due care, is authorized by the head of such institution" — by the head. It could be in a boarding home if the owner of the boarding home wanted to designate the janitor or designate anyone in there, one of the employees to go and give an injection, under this bill here I can't see why that can't be done. Or designee to perform selected activities in the administration of medications and any person can give it. So I say to you, in your good judgment, ladies and gentlemen, it is a bad bill.

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

Mrs. LEWIS: Mr. Speaker and Members of the House: I am in favor of this bill. I have talked it over with nurses in my city, with doctors and doctors' wives. The fact that the people have to be trained I think is certainly a plus. And if you read the bill carefully, it says, "Delegation of such services shall not require the personal presence of the delegating professional nurse at the place where such services are performed, unless such personal presence is necessary to provide patient

care of the same quality as provided by the professional nurse." Therefore, to answer the question of my seatmate, Mr. Curtis from Orono, I don't think any of these extreme cases that he spoke of would be delegated to somebody, unless that person would be giving the same care as the professional nurse.

I want to remind you that most nursing care in this state is given in homes. Most people who are sick are not in hospitals or in nursing homes, but they are in the homes with their families and taken care of usually by the average mother. And that woman certainly isn't trained at all, and she is able to give medication. If she has a member of her family who needs insulin, she is giving shots, all of that without any training whatsoever. So certainly if these people are given some training that has to be approved, I can see no reason why they can't do it. I am afraid our nursing homes would go bankrupt if we required trained nurses, professional nurses, to do this care.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Wheeler.

Mrs. WHEELER: Mr. Speaker and Members of the House At the public hearing, the welfare director of the City of Portland testified that if he were unable to utilize the services of nurses aides that he would have no alternative but to close the doors of the City Hospital, mainly due to the shortage of professional nurses and the prohibitive costs of hiring them.

I would just like to read into the record a few paragraphs of the testimony of Marion Klappmeier, the Executive Director of the Maine State Board of Nursing, and I quote: "This proposed amendment may not be the best of all possible solutions to a long-standing problem in the delivery of nursing services. Nevertheless, it is a solution which was arrived at only after much deliberation by many people, all of whom have a vital concern for the welfare of patients.

"Medical care and nursing care have changed drastically in the last several years. Even if we wanted to, we cannot turn back the clock and solve today's problems with yesterday's solutions. The performance of selected nursing

services by unlicensed personnel is indeed a problem today and we believe the answer proposed by this amendment will, at the very least, provide some protection for patients.

"With the cooperation of the professional nurses' association, the Board of Nursing will exert every effort to implement this legislation with the public's welfare as its primary concern."

I hope you vote against the motion for indefinite postponement.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Under this bill, it would allow a person to delegate their authority and then be granted immunity for any mistakes that are made under that delegation. The patient will come out the loser.

I agree wholeheartedly with the gentleman from South Portland, Mr. Perkins, and hope that you do indefinitely postpone this.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker and Ladies and Gentlemen of the House: It has been mentioned by two ladies here who have previously spoken that some of those came before our committee when we heard this. The administrators especially were very much in favor of this bill. But I would say that a good part of the nurses who appeared before this hearing were against the bill. In fact, it was mentioned that they had tried to get together and that the administrators never advised them of the hearing when they would have a meeting, because they wanted to come out with something that would be acceptable to both and would give better care to the people, instead of having under this bill here.

At the hearing, I think it was Mr. Carrier, he asked these people if they wanted a couple of weeks in order to try to get together and come up with an agreement that would be satisfactory to everybody and give better care to the people under a good bill or an amendment. But finally, the notice that we had, until this redraft came along we

knew nothing about it until the last minute, these people couldn't agree. Some of the nurses that were there mentioned the fact that some of these administrators and some of these nursing homes and hospitals and so forth, they mentioned the fact that there were a lot of nurses at home that didn't have any jobs. But they don't want to pay these people. This is what came out in committee.

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

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: I think we are faced with two alternatives here now with the motion to indefinitely postpone. We can vote to indefinitely postpone this legislation, but I am quite sure that the problems will arise at the Bangor and Augusta Mental Health Institutions and Pineland Training Centers that will make it necessary for us to come back here sometime in late June or the first of July to pass out legislation to keep our institutions open. In the past, a year or so ago, we were faced with this same thing, which brought in the emergency bill, that would give them an extension to July of this year, or we would have been closed out as far as having any medication distributed among the patients in these three institutions that I have just referred to. I think that if this bill can be started through the process, some of the objections at second reading could be amended out and the bill could be put into proper form to put in some safeguards that many of you people are opposed to. I feel that if we indefinitely postpone this bill at the present time with no other vehicle to take care of this situation, we will be back in special session within three or four months.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: No later than quarter past nine this morning, I spoke with a nurse that went to work yesterday afternoon. Well this puts me in the clear, because she went to work yesterday afternoon at three o'clock, and she got out of work this morning at nine o'clock. She says that there is such a

shortage of nurses in the nursing home, that she worked from three o'clock yesterday afternoon until nine this morning. So, without these helpers, a lot of these people wouldn't have gotten their shots. She said she just couldn't have done it.

She hopes that we will be wise enough this morning to allow these nurses to have some help; otherwise, the poor people don't get their shots. There just aren't that many nurses. Now that's so in this area, and from where I come from, we have a big nursing home in Howland, and we have the same problem. They are having a hard time to keep one or two nurses on each shift. They have so many patients, there is just not enough to go around. They tell me without their helpers, that the people just simply wouldn't get their shots and get the care. They urged me to try to keep this bill alive and that if we don't they are going to indefinitely postpone it until such time when there are more nurses available in a given area.

Now I don't say that there aren't nurses, plenty of them, but in the area where I come from, they are not plentiful, they are hard to come by and we are lucky to have one or two on each shift in a big place. I find the same thing exists here, because like I told you, at nine o'clock this morning, and another legislator sitting in the House was with me when I discussed it with this young lady. I am sure that the same thing exists in the immediate area, and I hope you don't indefinitely postpone this bill this morning.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: it is not often that I agree with the Representative from Westbrook, Mr. Carrier, but on this particular bill I do agree with him and I support the motion for indefinite postponement. I think the whole issue revolves around what the guidelines should be before nursing responsibilities can be delegated to non-licensed nursing personnel.

I have in my possession over half a dozen affidavits from inmates at the Men's Correctional Institution in

Windham and from former inmates at the Cumberland County Jail ascribing to the fact that they were treated by non-licensed personnel in a way that harmed them and nothing could be done about it. There was a bill that I had introduced in this session that had its hearing the same day that this particular bill had its hearing that, if it had passed, would guarantee that this immunity would not be extended beyond July of this year.

I support the motion for indefinite postponement until such time as I see concrete guidelines and rules and regulations before us that clearly establish what kind of responsibilities can be delegated and under what kind of conditions. I hope that you will go along with the motion for indefinite postponement.

Mr. SPEAKER: The Chair recognizes the gentlewoman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the statements made by the gentleman from Strong, Mr. Dyar. It seems to me that it would be very unwise to indefinitely postpone this bill, for the present situation is such that we do need to do something. I also would like to stress the point that the gentlewoman from Auburn, Mrs. Lewis, made, that it says in the bill that the patient must receive the same quality of care as provided by a professional nurse.

I hope you will not indefinitely postpone this bill.

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

Mr. WHITZELL: Mr. Speaker, Ladies and Gentlemen of the House: I arise in response to a few things that have been said today. I probably associate very closely with this legislation, since it is my wife who teaches the drug medication course at Augusta State Hospital.

Now the problem we saw rising in this legislation was a group of nurses who came from Bangor. Now in Bangor, there has been no attempt at the State Hospital in Bangor to even implement a training program so that nurses aides could pass the medications on the wards.

During the crisis last year, the nurses at Bangor State Hospital were working sometimes 16 and 20 hours a day. The chance of error working that number of hours is a lot greater, until such time as we passed an emergency bill, which gave immunity to the nurses, at that time the aides would pass medications again.

I am told that if this bill is struck down and there is no immunity, at Augusta State Hospital none of the aides will be passing medication. If this happens, we are faced with one of two things, either adding a lot of new positions in hiring registered nurses, if you can get them, or two, the patients going without medication.

Now, Mr. Carrier, who said that he could right now go down and get a job as a nurses aide and pass medications, has stated a fact. In fact, he could. Through his own self-admission he admits that he is not qualified to do that, yet he is willing to strike from the statutes any provision for training and exercising due care in at least giving the people who pass medication a training program. If you go along with that concept, then it would almost be criminal, because currently under the law there is nothing that would establish any kind of method of training those people and they can't pass medications.

Fortunately, at Augusta State Hospital, there is a course, it has been taught for three years. It's not new. For three years the nurses aides there have been taught how to pass medications. And until they are certified by the instructor of that course, they do not pass medications.

Now, without this legislation, we are never going to get the other institutions to give a course in the passing of medications. I can't see that if we indefinitely postpone this bill that we are going to be doing anything responsible except returning to the same position that we were in last year at this time when we had to enact emergency legislation to make sure that the medical needs of the people in our institutions were met.

There is only one alternative here today and possibly a second. The alternative is that we must defeat the

motion which was made by the gentleman from South Portland because it is irresponsible. We should support the motion made by Mrs. Baker, which would provide training and exercise of due care in making sure that the people receive the medical attention that they require.

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

Mr. DUNLEAVY: Mr. Speaker, Ladies and Gentlemen of the House: There is really only one issue here and it is the issue of whether or not we are going to allow legislation which condones the administration of medication in State Institutions by non-licensed personnel. This bill protects the non-professional but denies the right of the patient. Now the under supervision business, is an absolute fallacy. If there is adequate professional staffing for real supervision, then it is sufficiently adequate for professional administration of medication.

I urge you to go along with the motion for indefinite postponement and I ask for the yeas and nays.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: It is very unusual that I arise to go along with the gentleman from Presque Isle, Mr. Dunleavy. I find myself in a position here because of close association with some in the medical profession. I find this to be a very hastily drawn, ill-advised bill. It does give immunity where immunity in my opinion is not due. We need to protect our patients in these nursing homes. This bill doesn't say who is going to set up the courses for training, who is going to do the training, and sure we need the possibility of someone of a paramedical nature doing some of this work, but before we give immunity we ought to make sure that proper training has been provided. So I go along with the gentleman from Portland, Mr. Perkins, that this bill be indefinitely postponed.

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

Mr. WHITZELL: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Speaker, I would like to pose a question through the Chair. The question I would like to pose is this: Currently before anybody is licensed as a practical nurse, who sets up the curriculum design or the curriculum outline of the qualifications of that person prior to licensing?

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I cannot say for sure, but I think the question of licensed practical nurses, I think that licensed practical nursing comes under the State Board of Nursing, I believe it is. This is just the point, we are talking in riddles. I would like to say a few words here.

We are talking in riddles. If we are interested in seeing that the licensed practical nurse is qualified, we should also be interested in getting these people qualified. The only difference is whether you're willing to let these people practice before they are qualified. This is the question here, whether we will let them practice before qualifying.

I am not against training, let them have their training like they do for nursing or for practical nurse or any physician assistant or whatever they are, and come down and take a test like everybody else has for even more minute jobs. Then, if they qualify, let them give medicine, if that is what the State Nursing Board wants.

I have been touched by a few people here this morning. In the first place, for once it was a pleasant thing that the Representative from Portland has finally seen the light and agrees with me on one subject. I think there is hope that somewhere along the line we might agree on other subjects. At least it's a start.

On the other hand, Mr. Whitzell says something about me, which I agree, I admit that I am not qualified to give medicine. I am not any more qualified than anybody they may have right here, a lot of them they hire today with no qualifications to give medicine. So why should they be allowed to hire them

when I am not allowed to be hired, or I haven't got the qualifications and should not be hired. The real point about all this is that it is a training period.

I had suggested to the Nurses Association at one time that this bill, after their suggestion that the bill be withdrawn, let this bill be withdrawn, and within six months or seven months, or whenever it is, the immunity goes off July 1, and in January you come back here with a bill that all the nurses or most of the nurses agree on and I will be glad to promote it, along with many of my friends.

But I think it actually comes back to the care. I want to clear one thing. I was at the hearing and I heard what was said. I heard what was said by Mr. Baron from Portland, who is a personal friend of mine and whose dedication to health care is unquestionable. I didn't hear him say that the hospital would close. I think he is smarter than that. He has no authority to have anything to say whether the city hospital of Portland will close. This is the city hospital, city institution, and you have some councillors in Portland that I am sure will not let it close. They are not going to take these patients and put them out, 169 of them.

If there is any problem up to Pineland or any other place, I don't know. But there was testimony given that there were plenty of nurses, licensed nurses, licensed practical nurses and regular nurses that actually are not working, and under this immunity clause or for other reasons they will not work. But I suggest to you that you don't let anybody — even for a lousy driving license you have to go out and take tests for it and you have got to qualify. Why can't you qualify for something that involves the health of people. If you want to give yourself some bad treatment, do it, but don't do it at the expense of other people and to other people.

I support the motion to indefinitely postpone.

Mr. Whitzell of Gardiner was granted permission to speak a third time.

Mr. WHITZELL: Mr. Speaker and Members of the House: I think that possibly most of what Representative Carrier from Westbrook has most

recently said would support not the indefinite postponement of this bill but the actual passing of the bill under Committee Amendment "A". And the reason I say that is because he answered my question first as to who sets up the standards for training, and the standards of training are set up by the Board of Nursing. And the standards of training for the delegation of authority of who is going to pass the medication will also be established under this statute by the Board of Nursing.

The fact is that at Augusta State Hospital the medication course has been in existence for three years. Aides who are working there are qualified and certified to taking this course which has no—it is not recognized legally by the Board of Nursing, since it had not adopted this course yet, but an attempt was made at that institution at least to meet minimum requirements so that these people would attend a course in training and would be properly trained in the handling of medication.

I would say in that case, the case that he just built for us, is that we should not support the motion to indefinitely postpone, since that would be irresponsible and that we go on and accept one of the committee reports.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I am very confused this morning. I am confused with the bill and the reports. I have received considerable correspondence on this matter from the nurses in my area. I would hope that we would not indefinitely postpone and that we could accept the report that Mr. McKernan of Bangor recommends and study this thing, and then come out possibly in the next session with a reasonable answer to this question. Apparently, and I have listened to most of this debate, everyone is confused on that.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to comment on the statements of the gentleman from Brewer, Mr. Norris. I, too, find myself in the position that I oppose not only the motion to

indefinitely postpone, but also the motion to accept the majority report.

The reason that I signed the report that I did, as I said earlier, was to extend the immunity. We gave that immunity in the last session of the legislature because of a problem which became recognized because it was publicized what was going on in the institutions, and that was that because of the lack of staff certain people who were not qualified nurses were being allowed to do the more menial tasks that a nurse would normally do. Therefore, we gave those people immunity as long as they used reasonable care in trying to at least perform their duties up to their capabilities.

I think that the important thing that should be mentioned, and the reason that this does not provide the problem that a lot of people say it does with bad health care is because there is no immunity given to the person who delegates that responsibility. So that person is still responsible, and if the person that he or she delegates a job to is not competent to do it and does make a mistake, then the person who delegated to that person the duty of performing the job will be liable, and therefore you have the safeguard that that person is going to be very careful who he or she delegates the responsibility to.

I think it has become obvious in this debate that the members of the Judiciary Committee and probably the members of the legislature as a whole do not have the expertise to know just what kind of functions are going to be delegated and what kind of functions should be delegated. And it is for that reason that I signed out Report C, which would extend the immunity and give people a chance to work on it.

I want to admit, before I go any farther, that I did miss the third of three executive sessions that we had on this bill, and that was a committee meeting at which the report was signed out. I would hope that had I been there I could have prevailed upon more people to sign my report. And the reason that I say that is because of a letter that we received on February 6 from Hope A. Hurd, Registered Nurse to the House Chairman of our Judiciary Committee,

Mrs. Baker. It is a short letter; I would like to read it to you.

"Dear Representative Baker: This is to report that Sandra Drapeau R.N., Mary Avery R.N., Marion Grandchamp R.N., and I have been in contact with Agnes Flaherty and other members of the Maine State Nurses Association as the Judiciary Committee requested to attempt to arrive at a compromise regarding the Amendment to the Nurse Practice Act. I believe this group was making progress in that direction. However, public opinion and apprehension of many other nurses in this area have demonstrated to us that perhaps the best plan is to try to extend the immunity for those unlicensed personnel and study the issues in more depth than time permitted in the past year." And here is the question that I have in the next sentence which says, "It is my understanding that Agnes Flaherty contacted Senator Tanous, the Chairman of the Committee, and informed him of this decision."

I just wonder what happened between February 6, when this letter came out in which both sides who were involved and know just what the situation really is in this state met and what happened and why we are not following the recommendations of those two groups in extending the immunity for this year until they can work something out which they seem perfectly willing to settle for.

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

Mr. SILVERMAN: Mr. Speaker and Members of the House: I would like to go along with the Representative from Bangor, Mr. McKernan. There is a problem in this field. Definitely both sides have a reason to speak as they do, but we will never solve the problem if we indefinitely postpone it, and I would hope this bill would live so it is possible that there can become a compromise that will be satisfactory to both parties.

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

Mrs. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: Mr. McKernan's amendment provides for extension of immunity for one year, I believe. I do not have a copy of it, and I

wonder if other members had a copy of his amendment.

As I understand it, his amendment would extend the immunity for one year, to July 1, 1975, and that is exactly what the new draft does. But beyond that, the new draft as proposed by Report A also includes provision in the law so that when these nurses have decided on the rules and regulations, when they have come to agreement on it and have set up the training courses, these courses can be implemented and non-professionals can be given training and not have to wait another year or more before they even begin to start their training courses, set up their rules and regulations to start their training courses.

I think it is important that we make provisions for that training here and now and also extend the time of immunity for one year in which to give them time to accomplish that purpose.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: If I understand the arguments correctly, Representative Carrier on his side is saying that if we accept the majority report, in his opinion, and I am not saying that it isn't wrong, that individuals that aren't qualified to be administering drugs will be. And if I understand the arguments on the other side of Mr. McKernan, by extending the immunity on a practice that is already happening now, which is very distasteful, in my opinion, to Mr. Carrier, which I think is a right position, I think that we should support the motion to indefinitely postpone the bill and all the reports.

Mr. Carrier of Westbrook was granted permission to speak a third time.

Mr. CARRIER: Mr. Speaker and Members of the House: I just want to clarify one little thing here that was asked. Mr. McKernan asked what has happened. He read to you a letter and asked what has happened after this letter was received and what decision was made. It just happens that at the time we took this up in committee, maybe you were out in the hall or

something. This is a letter which I objected to the interpretation of the letter by the members of the Judiciary Committee. This letter, if I had known it would have been brought up, I would have had it reprinted for you people to interpret it the way it should be.

Also, this letter was written by one of the very strong opponents of the bill, and although it says that perhaps — this is the key word — that perhaps the best way is to try to extend the immunity for those unlicensed personnel and to study the issues in more depth in the time permitted. And then we go on with the contact with Mrs. Clarity Senator Tanous.

But the key thing is, if you have a chance, and of course it is before us now — in the Judiciary Committee I told the members of the committee that in my opinion this letter does not give endorsement by these opponents at the hearing of the procedure that is suggested in the bill today. Under no circumstances can I see — this is the line of thinking — under no circumstances do they plainly say that they endorse the bill that is presented today.

It is still my opinion that they do not endorse it, because they let their sentiments known to me very strongly that they were against it at the hearing, and I never heard any different since the hearing or since the bills came out.

So this letter does not endorse it. My interpretation of it, it does not endorse the steps as proposed today.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I think this is a very, very serious bill, and I think we are in a very precarious position right now if we choose to indefinitely postpone.

I have just received word, in all due respect to members of the House, that the Maine State Employees Association is in concurrence with the Report C. So I hope you will not vote to indefinitely postpone and give us an opportunity to at least get the Report C.

Mr. McKernan of Bangor was granted permission to speak a third time.

Mr. McKERNAN: Mr. Speaker and Members of the House: I just want to

comment on the statement by the gentleman from Westbrook, Mr. Carrier. Although he is welcome to interpret the letter any way he wants, the sentence that I was reading, which I don't see any other interpretation for, is simply, "However, public and apprehension of many other nurses in this area have demonstrated to us that perhaps the best plan is to try to extend the immunity for those unlicensed personnel and to study the issue in more depth than time permitted this past year." I don't see how there can be any interpretation except that they would like report C and not report A so that they can study it and will be guaranteed the immunity for the next year.

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

Mr. DUNLEAVY: Mr. Speaker and Members of the House: Since we are talking about letters that we have received, I have also received a letter from a very well respected registered nurse in Presque Isle. I would just like to read two short paragraphs to you.

"The act of administering medication is a skill which requires some considerable knowledge of arithmetic (figuring out divided doses); pharmacology (what is the medication; what is it supposed to do?); physiology (how will the medication be utilized by the body in order to achieve the desired results? What overt and covert signs and symptomatology can be expected if the drug functions appropriately? What are the signs of untoward effects or adverse reactions?); microbiology (antibiotic vs. organism); anatomy (gastric absorption vs. duodenal absorption, hepatic detoxification, excretion, etc.)

"Medication administration requires more than "due care"; it requires every care and every precaution available to protect, as well as treat, the patient. My experience with non-professional attitudes vs. professional attitudes has indicated to me that the non-professional does not have sufficient continuous motivation to even pour medications correctly—in line with the constant checking, re-checking, and re-re-checking which must occur in order to insure correct administration,

Most assuredly, the non-licensed individual does not have the knowledge to recognize usual vs. unusual doses and prevent that kind of error (i.e., Digitalis 25 mg or Digitalis 0.25mg). (The non-licensed individual does not know the common appearances of medication and because of not checking and re-checking might give the wrong medication to the wrong patient when such an act might have been avoided by a professional who would see that it was the wrong medication.) The non-licensed person is not sufficiently skilled in patient assessment to be able to identify and evaluate changes in the patients' status which would interfere with or, indeed, contraindicate the administration of some medication. In many cases, such an individual (the non-professional) may give medication inappropriately to the patient with reduced level of consciousness, signs of overdose."

She goes on and on, but I think that is sufficient. And I hope we go along and indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Mattawamkeag, Mrs. Murchison.

Mrs. MURCHISON: Mr. Speaker, Ladies and Gentlemen of the House: I know the debate has been long, and I will only speak a moment. But I have a letter here from a nursing home in my area, and I would just like to read to you a little bit of it.

"Dear Mrs. Murchison: I am requesting your support for this Legislative Document 2199 presented by Senator Tanous.

"As an Administrator of a Nursing Home, I am well aware of the difficulty in securing licensed personnel in many areas of this State and the need for this bill to be approved.

"I do thank you for your consideration concerning this important matter."

Someone spoke of licensed personnel being plentiful. I have a granddaughter who is a registered nurse, and about three times a week she would work 16 hours a day. So if it is as plentiful as some people have professed it is, she wouldn't be working that many hours a day, I can tell you that.

The SPEAKER: A roll call has been

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

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

The SPEAKER: The pending question is on the motion of the gentleman from South Portland, Mr. Perkins, that Bill "An Act Relating to Delegation of Selected Services by Professional Nurses," Senate Paper 768, L.D. 2199, be indefinitely postponed in non-concurrence. All in favor of indefinite postponement will vote yes; those opposed will vote no.

ROLL CALL

YEA — Binnette, Bragdon, Carrier, Connolly, Crommett, Curran, Curtis, T. S., Jr.; Deshaies, Drigotas, Dunleavy, Emery, D. F.; Farley, Farrington, Faucher, Gahagan, Garsoe, Gauthier, Good, Kelleher, Lynch, McHenry, McMahon, Mulkern, Murray, Perkins, Peterson, Pratt, Soulas, Talbot, Tanguay, Twitchell.

NAY — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Birt, Bither, Boudreau, Brawn, Briggs, Brown, Bunker, Bustin, Cameron, Carey, Carter, Chick, Chonko, Churchill, Clark, Conley, Cote, Cottrell, Dam, Davis, Dow, Dudley, Dunn, Dyar, Evans, Farnham, Fecteau, Finemore, Flynn, Fraser, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Herrick, Hobbins, Hoffses, Huber, Hunter, Immonen, Jackson, Jacques, Jalbert, Kauffman, Kelley, Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McKernan, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Murchison, Najarian, Norris, O'Brien, Palmer, Parks, Pontbriand, Rolde, Rollins, Ross, Shaw, Sheltra, Silverman, Simpson, L. E.; Smith, D. M.; Snowe, Sproul, Stillings, Strout, Theriault, Tierney, Trask, Trumbull, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.; The Speaker.

ABSENT — Cooney, Cressey, Donaghy, Ferris, Kelley, R. P.; McNally, Ricker, Santoro, Shute, Smith, S.; Susi.

Yes, 31; No, 108; Absent, 11.

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

The pending motion now is on the motion of the gentlewoman from Orrington, Mrs. Baker, that the House accept Report A in concurrence.

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

Mr. McKERNAN: Mr. Speaker and Members of the House: I would oppose the motion to accept Report A. As I have said too many times already today, the reason is that I think we should accept Report C, which simply extends the immunity until the two groups that are involved in this legislation can work out the type of rules and regulations and standards that I think we want in any legislation that we pass.

I would oppose this motion.

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

Mrs. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: As I understand it, without this bill, these two groups would have no authority to work out any rules and regulations. Their authorization lies in this bill, as I understand it.

The SPEAKER: The pending question is on the motion of the gentlewoman from Orrington, Mrs. Baker, that the House accept Report A, "Ought to pass" Senate Paper 922, L. D. 2551 in concurrence. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

95 having voted in the affirmative and 32 having voted in the negative, the motion did prevail.

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

Divided Report Tabled and Assigned

Report "A" of the Committee on Natural Resources on Bill "An Act to Clarify Certain Administrative Aspects

of the Saco River Corridor Commission" (S. P. 826) (L. D. 2353) Emergency reporting "Ought to pass" as amended by Committee Amendment "A" (S-369)

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot

Mr. MARCOTTE of York

— of the Senate.

Messrs. ROLDE of York

BRIGGS of Caribou

CURRAN of Bangor

SMITH of Exeter

PETERSON of Windham

— of the House.

Report "B" of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "B" (S-370)

Report was signed by the following members:

Messrs. MacLEOD of Bar Harbor

HERRICK of Harmony

PALMER of Nobleboro

HUBER of Falmouth

— of the House.

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

Report was signed by the following member:

Mrs. BERUBE of Lewiston

— of the House.

Came from the Senate with Report "A" accepted, Committee Amendment "A" indefinitely postponed and the Bill passed to be engrossed as amended by Senate Amendment (S-381).

In the House: Reports were read.

(On motion of Mr. MacLeod of Bar Harbor, tabled pending acceptance of any Report and tomorrow assigned.)

Messages and Documents

The following Communication:

State of Maine

One Hundred and

Sixth Legislature

Committee on Public Utilities

March 5, 1974

Honorable Richard D. Hewes

Speaker of the House

State House

Dear Speaker Hewes:

The Committee on Public Utilities is pleased to report the completion of that business of the 106th Special Session of the Legislature that was placed before this committee.

Total number of bills received 16

Ought to Pass 6

Ought Not to Pass 1

Ought to Pass as Amended 5

Ought to Pass In New Draft 1

Divided Reports 2

Leave to Withdraw 1

Sincerely,

(Signed)

ROBERT N. SOULAS

House Chairman

The Communication was read and ordered placed on file.

Orders

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

WHEREAS, it appears to the House of Representatives of the 106th Legislature that the following are important questions of law and that the occasion is a solemn one; and

WHEREAS, the student senate of the University of Maine, Orono, has recognized many campus organizations; and

WHEREAS, one such recognized organization group has gained much adverse public attention; and

WHEREAS, the trustees have by their vote further authorized that group known as the Wilde-Stein Club to hold meetings on the campus of the University of Maine; and

WHEREAS, there is pending before the 106th Legislature, Senate Paper 905, L. D. 2508, "An Act Making Current Services Appropriations from the General Fund and Allocating Money from the Federal Revenue Sharing Fund for the fiscal year ending June 30, 1975," a copy of which is attached hereto; and

WHEREAS, serious questions as to the constitutionality of the provision of the above-cited legislative document appropriating funds to the University of Maine have arisen based upon the aforementioned action of the trustees of the University of Maine; and

WHEREAS, it is important that the Legislature be informed as to the answer to the important and serious constitutional question; now, therefore, be it

ORDERED, that the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the

House of Representatives, according to the provisions of the Constitution on its behalf, Article VI, Section 3, their opinion on the following question, to wit:

Question: Would it be a violation of the Constitution of Maine, Article I, Section 15, for the trustees of the University of Maine to prevent or attempt to prevent a conference to be held by a group of avowed homosexuals on the University of Maine campus once approved as a formal organization by the student senate?

The Order was read.

Thereupon, the Order was tabled under the rules and tomorrow assigned.

The SPEAKER: The Chair sees at the rear of the Hall of the House the President of the Maine Conference on Human Services, Eola Wakefield. Would the Sergeant-at-Arms kindly escort her to the rostrum so she may make a presentation. She has previously made a presentation this morning in the Senate and she had a speech prepared, but in view of the debate that has already taken place and the length of the calendar and the fact that we will see her speech tomorrow in the Senate Horseblanket, she has agreed to forego the speech. But she represents over a hundred agencies with over 2,000 members in human services here in the State, and they are very pleased with legislation that has been passed here by you and the other body and signed by the Governor during the regular session of the 106th.

Mrs. WAKEFIELD: Mr. Speaker and Members of the House: I would like to say as President of the Maine Conference that we have been extremely proud of our legislature this year for passing so many human services bills to improve life for all Maine people.

I would like to read what this citation says: The Maine Conference on Human Services honors the 106th Legislature for your thought and work for Maine people for human services legislation. Your leadership, innovation and singular action have exhibited your concern and dedication to improving life for all Maine people. Thank you very much.

The SPEAKER: On behalf of all of us, I am pleased to thank you on behalf of

the Legislature. Thank you very much.

Thereupon, Mrs. Wakefield was escorted from the hall amid the applause of the House, the members rising.

House Reports of Committees

Ought Not to Pass

Mrs. Clark from Committee on Business Legislation on Bill "An Act to Regulate Credit Terms in the Retail Sale of Heating Oil for Residential Use" (H. P. 1949) (L. D. 2487) Emergency, reporting Ought not to pass

In accordance with Joint Rule 17-A, was placed in the legislative files and sent to the Senate.

Referred to 107th Legislature

Mr. Trask from Committee on Business Legislation on Bill "An Act to Abolish the Assigned Risk Plan and to Establish the Maine Motor Vehicle Reinsurance Facility" (H. P. 1860) (L. D. 2365) reporting that it be referred to the 107th Legislature.

Mr. Hobbins from Committee on Labor on Bill "An Act to Establish an Occupational Safety and Health Program for the State of Maine in Accordance with Federal Guidelines" (H. P. 1933) (L. D. 2474) reporting that it be referred to the 107th Legislature for Study.

Mr. Farley from same Committee reporting same on Bill "An Act Relating to Appeal Tribunals under Employment Security Law" (H. P. 1884) (L. D. 2394).

Same gentleman from same Committee reporting same on Bill "An Act to Reduce the Appointed Members of the Industrial Accident Commission from Four to Two and Reevaluate the Pay Range" (H. P. 1883) (L. D. 2393)

Reports were read and accepted, the Bills referred to the 107th Legislature and sent up for concurrence.

Ought to Pass with Committee Amendment

Mr. Soulas from Committee on Health and Institutional Services on Bill "An Act Relating to Reimbursement of Providers of Care and Treatment other than the State" (H. P. 1962) (L. D. 2502) reporting "Ought to pass" as amended by Committee Amendment "A" (H-735)

Report was read and accepted and the Bill read once. Committee Amendment

"A" (H-735) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Ought to Pass in New Draft New Draft Printed

Mr. Albert from Committee on Human Resources on Bill "An Act Revising Certain Laws Relating to Passamaquoddy Indians" (H. P. 1861) (L. D. 2355) reporting "Ought to pass" in new draft (H. P. 2017) (L. D. 2559) under new title "An Act Revising Certain Laws Relating to Passamaquoddy Indians"

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

DIVIDED REPORT

Majority Report of the Committee on Agriculture on Bill "An Act to Repeal Milk Control Prices at the Retail Level and Make Certain Changes in the Membership of the Maine Milk Commission and the Dairy Council Committee" (H. P. 1846) (L. D. 2339) reporting "Ought not to pass"

Report was signed by the following members:

Messrs. HICHENS of York
GRAFFAM of Cumberland
CYR of Aroostook
— of the Senate.
Messrs. COONEY of Sabattus
EVANS of Freedom
MORIN of Fort Kent
MAHANY of Easton
ALBERT of Limestone
HUNTER of Benton
PRATT of Parsonsfield
— of the House.

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

Report was signed by the following members:

Messrs. BERRY of Buxton
ROLLINS of Dixfield
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker, I move that we accept the "Ought not to pass" Report and I would like to speak very briefly on it.

The SPEAKER: The gentleman from Freedom, Mr. Evans, moves the acceptance of the Majority "Ought not to pass" Report.

The gentleman may proceed.

Mr. EVANS: Mr. Speaker, Ladies and Gentlemen of the House: We couldn't handle two bills, and the one which we took to pass out for our redraft was really a toss up. But before you try to accept the minority report on this, I would like to state that there were some things in it that we thought were not beneficial to the farmers or to the consumers either. So we decided to take the other bill that didn't have anything to amount to anything on it, only to do away with the price fixing.

We figure that the redraft that we brought out would cover everything that there was in the two bills, and I would strongly recommend that you accept and study the redraft that we had in here yesterday.

There is one thing I would like to state at this time. As far as price control is concerned, you can ask for a hearing from the Milk Control Commission and after a hearing they have a right to decontrol any of the municipalities. At the present time, there are 492 cities, towns and plantations in Maine. 242 are presently under control; 250 are not controlled. So if you live in a town that doesn't want control, you can always petition the Commission and they will hold a hearing and decide whether it should be done or not. I think we ought to maintain that, even though some of them will say, "Well, that was contained in another bill, or this bill that we are discussing today." But that wasn't, because that would only allow the control to go on after we had really a calamity. And if you do that, you have lost all control. So putting on control then wouldn't help one bit. We had better leave them as they are.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out a few things relative to my bill, and that is that it doesn't do away with all controls. It only does away with one aspect of controls, and that is

the controls that exist on the retail sale of milk in the State of Maine.

I was prompted to put this bill in the legislature by a number of my constituents who kept asking me what I was going to do about the price of milk. In reviewing the circumstances surrounding the Maine Milk Commission for the past 20 years by looking in the newspaper files, looking over the Legislative Record and it seems that this particular bill has a tempest tossed history, to say the least.

Let's look at some of the conditions that exist now, some of the conditions that existed in the 1930's when the Maine Milk Commission came into business. The Milk Commission was set up to correct some unstable conditions that existed in the milk market; such as dealers going bankrupt, farmers going bankrupt, people not getting paid.

I think the time has come and efforts have been made over the past 20 years to change the nature of the policy-making prerogative of the Milk Commission, and this again is another attempt.

I would like to point out to all the members of the House that a great many of the milk consuming public of the state are looking to this legislature to provide some leadership in this whole issue. but I think it is important that we vote down the motion that is pending now and we try to do something for the milk consuming public of the state.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: It always seems as if it is a feast or famine here in the legislature. You don't say anything for two weeks and then everything you are interested in is on the same day. I hope you will bear with me.

I am going to support the "ought to pass" report and oppose the motion that is now before us. Yesterday, if you remember, I said I was going to offer an amendment to the bill that was reported out in new draft. I now intend to go with Mr. LaPointe's bill instead of offering that amendment.

I think it is important to note that what we are really talking about here is two different philosophies, whether or not

you believe that the Milk Commission has outlived its purpose and we really should let the milk prices flow on the free market. The redraft which we also will have before us later today is a different philosophy, and that is we will let the Milk Commission continue to set the prices and we will try to find a way for them to improve.

I think the time has come to do away with the Milk Commission's power to set these minimum prices. In fact, a former friend of mine from Footman's Dairy in Bangor made the statement that I was willing to gamble and he wasn't. I think that is understandable, because he is in the business and knows what he is dealing with now, and he doesn't want to take any chances on upsetting the applecart, even if there is a chance that we are going to get lower prices and we are going to create a more efficient market place. My response to that is that I am not particularly a gambler, but I am willing to gamble when the odds are right. If you look at what has happened in the decontrolled states around this country, you will find that in fact the dairy industry has not been hurt particularly, and the prices have been significantly lower.

Everyone keeps talking about taking controls off, even at the resale level, is going to hurt the farmer in Maine. If you look at New Hampshire, those facts just haven't been borne out.

I will cite you some figures dealing with the New Hampshire experience. In New Hampshire they controlled the price that the farmer was going to be paid from 1964 to 1969 when they took the controls off. In that period from 1964 to 1969, 36.7 percent of the dairy farms went out of business. That is while they were being controlled. From 1970 to 1974, after the controls were removed, only 19.4 percent of the dairy farmers went out of business.

Now you relate that to Maine, most of you are probably aware that the Maine Milk Commission only regulates prices that will be paid to approximately half of Maine dairy farmers. The other half ships to Boston and are not controlled by the Maine Milk Commission. And the figures — and this is totally contrary to what the opponents of the LaPointe bill will tell you — the figures show that from

1970 to 1974, 20.7 percent of the farms that are under the Maine Milk Commission have gone out of business, and those are the farms that are being guaranteed a higher price than the farms that are shipping to the Boston Market.

Now, you take the other half of the farms, those that are shipping to the Boston market and are not being given a higher price than the Maine Milk Commission guarantees, only 11.8 percent of them have gone out of business in the same period.

So I think that is evidence that the Milk Commission is not keeping dairy farms in business. The dairy farmers can live on the prices that are being paid on the Boston market. And I know that dairy farmers who ship to the Boston market, who obviously aren't going to say this publicly are not going to say it to their fellow dairy farmers who are under the Maine Milk Commission; they say, "What is all this bunk about not being able to exist if the Milk Commission is gone? We have been doing it for years and we are managing to stay in business."

So that is the argument that I have to the fears that a lot of people in the dairy industry have that we are going to hurt the dairy farmer if we abolish the resale price controls. I think that in other states, and even in Maine, the facts don't bear out that fear. For that reason, I am going to support Mr. LaPointe's bill.

I think one further point should be made, and that is if you read his bill carefully, you will see that there are emergency powers. There is a provision where the Governor, if he finds that supply of wholesome milk in Maine is in jeopardy, that the Governor may order hearings and also reestablish price controls for a 60-day period until something can be done about it. I think that we have the necessary safeguards if, in fact, my position is not borne out, that I am confident that if we do get rid of resale prices then it will be.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you have listened attentively to my young

friends this morning on this bill. On your desks a couple of days ago there was something distributed by Representative McKernan which should be of interest to all of you.

In New Hampshire, I called over there this morning and they tell me in Conway that milk is selling in Shaw's Market for \$1.39 a gallon. In Maine, it is impossible to sell it for less than \$1.62. You can sell it for more than that if you want to, but you can't sell it for less.

I would like to make a point in my own town of two young fellows that I respect very much. One of them is a dairy farmer. The other one sells farm machinery. They are both fine young men trying to make a living. The dairy farmer is guaranteed that he will make a living. The man that sells farm machinery has to do it on his own. He either rises or falls by his own initiative. And traditionally the Maine farmer has been a man that stood on his own feet and asked no quarter from anyone.

I have been one, and I am out of business. The small Maine is gone, and it is just a question now — it is just a big business, and that is all it is and it is guaranteed. I think that the consumer has been forgotten long enough, and I feel that this morning we have a chance to do something for him.

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

Mrs. BERRY: Mr. Speaker and Members of the House: I would like to ask a question through the Chair to Mr. Rollins. I would like to have him explain to me how the dairy farmer is guaranteed.

The SPEAKER: The gentlelady from Madison, Mrs. Berry, poses a question through the Chair to the gentleman from Dixfield; Mr. Rollins, who may answer if he wishes.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: The dairy farmer under the present system is guaranteed at least 90 cents a gallon for his milk. He is absolutely sure that this is going to be the case, as far as I can find out.

The SPEAKER: The Chair recognizes

the gentleman from Oakland, Mr. Brawn.

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: This might be true, but let's take the farmer who sells directly from his home. This is not true. He is not guaranteed anything.

Let's go back to 1930 when milk sold for 7 cents a quart or 28 cents a gallon. It has gone up six times now. Wages have gone up 12 times. There was only \$9.00 a week back in 1930, that is what we worked for. Some people only got \$4.50 a week, and they didn't get their pay only every two weeks, these that were on PWA and all these other government projects. If the farmer is to continue to pay the high wages which everyone wants of five and a half percent increase, then he must have someone to stand behind him, and it must be the Milk Commission. I hope you go along with Mr. Evans this morning, a man who has lived on a farm and he knows the farmers' needs and he did not come out of the city.

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I support Mr. LaPointe's bill. The bill that was before you yesterday is, in my opinion, pretty much watered down, and would do practically nothing. Price controls on milk have indeed outlived their usefulness. If they were eliminated, I can't see that there would be any harmful effects whatsoever on the producer.

I have talked with a good many dairy farmers that live in my area, and not all of them support Mr. LaPointe's bill, but all of them don't oppose it either. There are a good many of them that don't care whether the bill passes or not.

Now decontrol would encourage greater efficiency in the industry, and I think the resulting savings could be passed on to the consumer. We have an opportunity to give the consumer some relief from continually rising prices and I think we ought to do that. Therefore, I would ask that you support Mr. LaPointe's bill.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. Albert.

Mr. ALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the signers of the redraft. I wish to speak on this bill this morning if I can. I am opposed to abolishing the Milk Commission. I think it would be a very rash mistake. If we abolish the Commission, there will be some other that will take part, Hood or Grants, and then what will you have to say about the milk, nothing. So I can't see that you are going to do anything or lower the price of milk.

I have heard milk here for the two months, right around my seat, and they tell you that they can buy milk in New Hampshire and Massachusetts so much cheaper. I checked yesterday, in Nashua, New Hampshire, milk at wholesale prices at the store yesterday was \$1.53; and Concord, \$1.54, so I think we are in line with other states on the price of milk.

I also checked in Canada, Grand Falls, New Brunswick with processors. They say processors are the ones making the money. This is what I found. Guimond Brothers in Grand Falls, they say we are in line with Canada, just about one cent difference in processing milk. So the processors are not making that much money. They are not going to save the consumer any money. You might as well face it; the price of milk is going to go higher. I wouldn't be surprised before this ends up that you will be paying \$2.00 a gallon for milk. I hate to say that, but I can see that.

I am also going to support, when the wage bill comes in the House, I am going to support it because the consumer needs more money to pay for that milk.

One other thing that I would like to brief you on, back in 1935 when the Commission came on, what we call southern Maine farmers here were in pretty bad shape, and today the southern Maine farmers are doing fairly well, but they are not getting rich.

I was talking with some good farmers yesterday, and some of the folks showed me some of their books. They are making less than 5 percent. Well, now, when you have got an investment of about \$100,000, you should be allowed 5 percent, and that is about what they are getting, and some are getting lower. So

that is the thing I would like to brief you on.

A lot of people say, "Oh, this won't happen and the price of milk will go lower." Now, I will tell you in my town what has happened. In the Town of Limestone, which I was a dairyman, I was the biggest one in Limestone, I got out of the business. There were 21 of us and today there is one left. In the Town of Caribou, there were about 32 and there is one dairyman left. I can go on all day just like that. The processors were just the same way. In the Town of Caribou you had two, you have got no more. So this thing is not getting better.

One of the things that I wanted to tell you, we had 6,000 producers here back in the 30's and today we are down to 1,100. So we are not gaining. So you want to be careful and not cut off the hand that is feeding you.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I will be very, very brief. The people that I represent in the country, the farmers in my area are all afraid and not one of them wants to do away with the milk control, not one, not even one. They informed me that there might be some relief in the next few months if you do away with it, but it would only be temporary. It will just give a chance for the big fish to eat up the little fish and then you are going to be worse off.

What this will tend to do, what my farmers tell me, and I believe them, because they have been in business for a long while, a lot of them three generations, and this is what they tell me will happen. You do away with the milk control or the Milk Board, this Commission, and you will have some big outfit come in here like Cumberland Farms or some other big corporation and they can afford to sell milk for a loss temporarily to get this thing going, but within a year's time, they are going to start making a profit and they are not going to be satisfied with 5 percent, they are going to want 10. So then you are really going to pay the price for milk and you are really going to be sorry if you do away with the Milk Commission.

I hope this morning you will have common sense enough to keep the Milk Commission, because I know in my area not one farmer would support doing away with the Milk Commission, and they see it as their only hope.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: I would like to correct an impression that has been left by the previous speaker. There is no one in this House that wants to do away with the Maine Milk Commission no one. This has been mentioned once or twice before, and I would like to have this plainly understood, that no one wants to do away with the Maine Milk Commission. We are asking to do away with the price at the retail level.

One previous speaker has said that there are 1,100 farmers left in the State of Maine. There are 700 of them that ship the milk out of state at the present time; that leaves 400 to furnish the milk to the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from East Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: The previous speaker, as I interpret it, said that this bill of LaPointe's will not do away with the Maine Milk Commission. I believe, the way I look at it, that it would do away with the Maine Milk Commission.

While I am on my feet, I would like to say, coming from a farming area, that I think we would be making a poor decision today to vote for Mr. LaPointe's bill. It is my interpretation in talking with the farmers from my area that the bill in the new draft of Mr. McKernan's bill from Bangor would be the bill that we should work with. It was discussed yesterday that that was a powdered down milk bill. Well, I can assure you that if we vote for Mr. LaPointe's bill, maybe not in the next six months or the next year we may not be drinking powdered milk, but there will be a lot of people in the cities within two years that will be drinking powdered milk if we go with Mr. LaPointe's bill.

The cost of operations today from the farm level has increased, and I think if

we continue to let other products increase, we shouldn't have any objection to letting the price of milk increase. I am speaking as a consumer when I say, I am a young man who has four small children, ages four months to seven years. There is no question in my mind that what I want for them is the best milk on the market, and I am not interested today in looking ahead at the next year and seeing my children drink powdered milk. I think this is what would happen if you pass the LaPointe bill. What I am looking for is grade "A" milk.

As a young man back in the 1940's, my father had ten children, and a good many times all we had on the table was bread and milk or crackers and milk. I don't object to that because I am here today and I feel healthy, but one of the main things that kept me going was milk, and it was grade "A" milk. I believe that what we should do is defeat this bill of LaPointe's and go in the right path and work with the new draft of Mr. McKernan's bill.

Mr. Speaker, I will support the motion for indefinite postponement.

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

Mr. KELLEHER: Mr. Speaker, Ladies, and Gentlemen of the House: I have to agree to some extent with some of the remarks made by the gentleman from Penobscot County, Mr. Strout, and if we continue along the lines of the course that we have been pursuing over the many years as far as the Maine Milk Commission is concerned at the retail price fixing and the way the prices continue to rise, I think I would have to agree with him in six months to probably twelve months to two years we will all be drinking powdered milk, because we won't be able to afford the real stuff anyway.

I think this is one of the most reasonable consumer bills that we have seen in this special session of the legislature. I know there is a lot of feeling on both sides concerning this bill, but nevertheless, in my opinion I am somewhat concerned about price controls. I know Washington has price controls, and I don't know what they are

controlling because they just keep increasing day after day after day.

I think there were statements made by Representative Rollins, who I have the greatest respect for and who certainly knows this bill from being in the farming industry himself for many years, that there will be a reduction in prices. This is something that has happened repeatedly in other states as the price fixing on controls on retails have been eliminated. I am of the opinion, and it is certainly not the intention of this House, that we are going to damage the producer in this state, the farmer. This is the last thing that I certainly want to do or any of the rest of you I am sure would want to do.

The Commission over the many years has had controls or protecting controls for the farmers, for the dealers, but what about the consumers? Does anyone care to think about them? I was talking to a representative, a member of the lobby who was representing the dealers, and he was concerned that if we eliminate the price control at the retail level that the farmers would be hurt and the dealers would be hurt. And I says, "Well, what about the consumer? You are a very capable man, and you are a very intelligent person. Who is going to lobby for the consumer?" In my opinion there is a chance for this House to lobby for the consumer; to take the right course, in the remarks made by Mr. LaPointe and Mr. McKernan, and oppose this motion and support the bill.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker and Ladies and Gentlemen of the House: You all heard my remarks yesterday. And I am very strongly in favor of a bill that we worked on yesterday. And, of course, if you have read or considered what I said yesterday you would know then I would definitely oppose this bill.

I am not going to debate on this bill this morning. I am merely going to point out one or two things. I would like to point out, since it has been mentioned, about the dairymen and the number of farms being taken out of dairy production in Maine. Percentage-wise, there has been a greater dropoff in the State of New Hampshire in the last few years. There are several things in this

bill that I don't like. And if it should come back to the floor again I will debate them at that time. But this morning I would simply ask you to support Mr. Evans' motion.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: Several of the previous speakers have indicated that this bill would abolish the Milk Commission. That is not correct. If you will look at the bill you will see that it does not abolish it. It revises it somewhat, but it does not abolish the Maine Milk Commission.

The bill, L. D. 2339, continues to permit the Commission to regulate the price that the farmer receives for his milk. What it does it abolishes the fixing of retail prices. Some ten years ago this same thing was done in the State of Rhode Island. The result was a 25 cent per gallon reduction in the price that the consumer paid for the milk. And no change at all, no reduction at all, in the price that the farmer received for producing the milk.

This is a good bill. This is a consumer's bill, And I hope it passes.

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

Mr. TRUMBULL: Mr. Speaker, Ladies and Gentlemen of the House: I live up in the Fryeburg area right on the New Hampshire line. And there has been some talk this morning that this bill would not hurt the farmer. Well, there are two farmers that I would like to offer comparison on, and the fact that the farmer in New Hampshire, whose name is Dr. Eugene Hussey, who is a veterinarian up there and a large dairy farmer, got exactly ten per cent less than Riverside Farms in Fryeburg got last year from the price of milk.

Now, there are a good many farmers in the State of Maine who are going to see a large decrease in the amount of milk produced if ten percent were in effect in the State of Maine.

Now, as Mr. Rollins testified, you can buy milk for \$1.39 in Shaw's Market in North Conway. But if you go down to the I.G.A. and buy the same milk put up by the same dairy in their own gallon

container it will cost you \$1.50. So right there you can see that there is around a nine percent differential on the same milk up there. Why is this true? Is it the fact that perhaps that store is selling it as a loss leader and losing a lot of money on it, and tapping you, the consumer, somewhere else, with something else? It isn't really very well to do that.

Now, also, another thing I want to bring up is the fact that in New Hampshire there will be a price increase paid to the farmer and passed on to the consumer next month. This is not true in Maine because the Maine Milk Commission is not going to allow this to be passed on to the consumer. So the producer must absorb this. So sometimes this thing works to help out the farmer and the consumer both, and squeezes the producers without hurting anybody else.

And one final point I would like to make is that the other bill does allow some price reduction, and probably would. But if this bill were implemented by May, the price on gallons of milk, except where they are sold as complete loss leaders, would be just exactly the same.

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: Some of the previous speakers have predicted doom and gloom for the small farmer if we decontrol milk prices. But I would like to point out that in Rhode Island none of these things have happened. The little fish that Mr. Dudley speaks of are still there, still swimming around, and he hasn't yet been gobbled up by the big fish. And I don't think they will be here either.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I want to inform you I am not a farmer. I don't know too much about farming. But I am in contact with a lot of people who are very, very much disturbed in regards to the high price of milk. Anything we can do to lower the high price of milk, I hope we certainly can do it.

One of the things that has been brought to me is the fact that they claim a lot of these producers are dwindling in numbers. But by the same token, on your TV and on your press there are a lot of advertisements to buy more milk. Why? They must have some milk somewhere. If the producers are dwindling, they must be still producing the same amount. So anything we can do to lower the price for the consumer I am a hundred per cent for it.

The SPEAKER: The Chair recognizes the gentleman from Clinton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: Of course, I am on this Agriculture Committee, too, And we thought we came up with a pretty good redraft here, which probably, evidently, everybody in the industry could live with along with the consumer.

I think Mr. Kelleher mentioned that these were two similar bills. And, of course, we had to take this into consideration. We also had to consider the dairy industry along with the consumer.

I don't claim to be an expert, but I was in the dairy business thirty years. And it bothers me, taking off the retail off just one part of the industry. I guess perhaps you could say I feel it in **my bones**. I just don't think it will work.

I think Mr. Mahany gave us some very good thoughts on this yesterday. I think probably he expressed my feelings quite a bit. I think he did a real nice job. And, as I say, we tried to come up with something that everyone could live with. And we realize that the price of milk probably is higher than what the consumer would like to pay. But can you mention anything that isn't? So, I just feel that we shouldn't take this retail off.

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

Mr. WILLARD: Mr. Speaker, Ladies and Gentlemen of the House: I have just one thought on this. I am convinced that the price of milk is not out of line with other groceries.

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

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: I have had the opportunity to work at both ends of a

cow. I guess you would call it feeding and cleaning. I also have had the opportunity to know where the milk comes from. I have also been a retailer of milk.

It seems pretty foolish to me to suggest that by taking retail price controls off from milk that milk will be cheaper to the consumer. Now, as a retailer, making eight, nine, ten cents a gallon on milk, I have a cooler to keep that milk from souring, which I have to pay Central Maine Power Company each month the bill for the power that runs the cooler. Normally, I have to put that milk in a paper bag at the request of the customer, which costs me two cents. And when a jug is spoiled, when a consumer comes back and tells me they had a jug that was no good, I, as a retailer, replace that gallon of milk at no cost to the consumer, possibly as a public relations suggestion.

But I can not see for the life of me how we can tell a consumer in the State of Maine that we can save them money by taking off controls at retail level. It was not too long ago when I was selling milk for \$1.27 a gallon; I was selling potatoes at 59 cents a peck; and I was selling bread at 43 cents a loaf. Milk is now \$1.62; eggs here a short while ago up to \$1.09; the potatoes were selling for \$5.89 for fifty pounds when they were on special. And I don't think that milk has gone up in comparison to bread, eggs, and potatoes. I may be stepping on the feet of the gentlemen from The County; but I think if there is a profit increase on any commodity used by Maine people, it hasn't been on milk; it has been on potatoes.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I am going to be very brief. I took it upon myself yesterday to take the time to contact some of these various retail chains around Portland. And I asked them the question; as to whether if the price of milk were not controlled by the Maine Milk Commission at the retail level, if they could sell their milk more cheaply and still make a profit on that particular product without making it up somewhere else. The answer I received

from all the firms that I contacted was, yes. And one particular firm, Cumberland Farms, told me that they could reduce the price of milk to \$1.47 for half a gallon if they were not controlled by retail pricing.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: There are a number of misconceptions that are flowing around in the debate that is taking place this morning.

And I would like to take this opportunity before the vote is taken to attempt to clarify some of these.

First of all, again, we repeat, strongly repeat; the Maine Milk Commission is not being abolished here. All that is being abolished is retail price fixing function of the Commission. The fact of the matter is the Commission is going to have quite a few functions to deal with if this bill passes. First of all, it is going to have to control the producer prices of milk. Secondly, it is going to have to audit and supervise the producers and dealers in their financial relationships. Thirdly, it is going to have to regulate transportation charges. Fourthly, it is going to have to co-ordinate industry research and development. And, Fifth, it is going to have to maintain necessary records to be able to gauge the health of the industry as a whole.

If you look my bill over you will see that it has a provision in it that allows for special emergency granting powers. So there is going to be a need for the Maine Milk Commission to keep its hand on the pulse of the dairy industry in the State.

Another misconception that is flying around this morning has to do with whether or not control or decontrol has to do with dairy farms going out of business. About ten days ago or two weeks ago I circulated a report for you. And it was pointed out in that report that control or decontrol has nothing to do with dairies going out of business or farms going out of business. The fact of the matter is, if you look at that report, and that report used as a source of its information the Department of Agriculture in the State of New

Hampshire; and it pointed out that more farms in Maine were going out of business in proportion to those in New Hampshire who are no longer under controls.

One other thing I would like to point out to you this morning. And that is; approximately fifty per cent of the milk that is produced on Maine dairy farms goes, or is under the jurisdiction of the Maine Milk Commission. Some of you might be quite surprised to know that there are some farms who are sending to the so-called Boston market. And at some points in the ball game, due to market conditions in the last couple of months, those farmers who are sending their milk to the Boston market, who are not directly under the control of the price functions of the Maine Milk Commission, are getting a better price through the Boston market. There was a gentleman that I ran into from down Mr. Hoffses way, Camden, who pointed out to me that he was getting a better price for milk selling to the Boston market. And he quite frankly tells to me the Maine Milk Commission was a bane to his economic existence. There are numerous farmers who are sending to the Boston Market who are right now getting a better price than those people who are being supervised by the Maine Milk Commission.

So let's set the record straight. The Maine Milk Commission is protecting a few people who are in the dairy industry. And it is certainly not protecting the consumer. Those people who are sending to the Boston Market are not benefiting one iota by the Maine Milk Commission.

There is also another thing that should be pointed out relative to the Maine Milk Commission. And that is, they did not set transportation costs. What does this mean? This means that the Maine Milk Commission, through its capacity to gather information and data, set the rates by which costs are figured for transporting milk from down on the farm to the dairy. These transportation costs are somewhat inflated. I don't know what decisions go into making that sort of rate structure. but the people who are sending to the Boston Market are getting a better deal than the people who are getting milk or selling milk as

supervised by the Maine Milk Commission.

And finally, some of you feel that the compromise version is just that. It is a compromise. I would like to point out to you right now that that is not a compromise. That the Maine Milk Commission has within its statutory policy-making prerogatives the capacity to do what the unanimous redraft from the Committee did do. Mr. Kelleher refers to that bill as a powdered milk bill, the so-called watered-down version. I think he is correct. Because the Maine Milk Commission, as it exists right now, can do what that bill calls for.

When I got on this issue last fall I sent a letter to the Chairman of the Maine Milk Commission a Mrs. Dan Hill from Waterville. She didn't respond directly to my letter. She responded to the press. She said, "If you are upset with the Maine Milk Commission, go to the legislature. Because the legislature sets the rules by which the Maine Milk Commission functions." And that is what this bill purports to do. It purports to change the rules. It purports to give the consumer a break.

Now there has been a lot of testimony relative to the price of milk in other areas. And, by the way, there was a lot of expert testimony given at the public hearing last January. And one of the people that testified happened to be a Ph.D in marketing research, with a lot of experience in the whole area of agriculture and marketing. This gentleman pointed out in his testimony — and it was not brief, by the way. It was ten pages long. The price of milk in four stores surveyed in five markets in New Hampshire averaged about twelve cents more per half gallon, that is thirty cents lower, per gallon, than Maine prices. Furthermore, he says, the price of milk in the four stores served in twelve market areas in Massachusetts averaged about eight cents lower per half gallon and twenty-three cents per gallon than the Maine prices. And the price of milk in other areas goes on, and on, and on, the average is cheaper.

Ladies and gentlemen, by allowing the Maine Milk Commission to continue its retail price fixing function you are, in effect, promoting inefficiency in the

dairy business, and because we guarantee a minimum price, we do not allow for efficiency. We do not allow for the development of new techniques, because they are guaranteed a profit.

I recognize that the price of everything is going up. But don't be misled by comparing apples and oranges. We are comparing the prices of milk in other marketing areas.

That is the issue here today. If the people up in Aroostook County are getting more for their potatoes, God love them, they deserve it. They have been starving for the last five or six years. I can't help the price of bread, we had a Russian grain deal, so the price of bread is going to go up. The price of feed for cows is going to go up. All I'm saying to you this morning is, give the consumer a break, put the retail price of milk in the State of Maine on a parity with other areas.

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

MR. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I think this milk debate has now gotten down to the nitty-gritty. And the gentleman from Portland, Mr. LaPointe, has brought in some very good points. I am standing here, and I hope before I finish to refute — one of the things he was quite vehement about was the fact that the farmers who are shipping to Boston are getting a better price. I'm going to prove to you that I think that is wrong.

I would like to go through this in a rather organized way. I am going to tell you that if Mr. LaPointe's bill is passed, that you will get higher overall prices for the consumer, you will get a revolutionary reduction in dealers and you will get lower prices to the producers, the farmers, which, in turn, will lead to lower production and further high prices. I too went to the Milk Hearing — I heard the gentleman that Mr. LaPointe spoke of and I felt that he was an excellent witness. He did come with top credentials. Let's see, he is a professor of Marketing in the Department of Agriculture and Economics in the New York State College of Agriculture, and Life Sciences at Cornell University. And he very

candidly pointed out, that he appeared there as a witness for Cumberland Farms Northern, Incorporated. Any control of milk pricing in any of the areas, the producer, dealer or consumer will give the results that I pointed out. Now I would like to use Mr. Aplin's report, which I have here, all thirteen pages of it, or whatever there are, to refute what the gentleman from Portland just reported to you. It is correct, that if you only compare gallons and half gallons, as sold in stores, that you will run into the differentials that Mr. LaPointe pointed out. However, also in this same report, by the same gentleman, I would like to quote: "A study conducted by one of my colleagues the prices and margins of more than a hundred markets," now this is a good big sample," more than a hundred markets, covering the years 1964-1966, indicated that consumer prices were generally one point five cents per quart higher in markets with State regulations compared to markets with just Federal regulations or producer prices." "One point-five cents per quart." That's not twenty-three or thirty cents a gallon." Processors' margins in the same markets were about one cent per quart greater. Producer Class I prices were about one-half per cent per quart greater." Are we talking about these tremendous differentials? The problem, ladies and gentlemen of the House, is that, in the testimony of this fine gentleman, and the testimony of those who are in favor of this legislation, they always talk about gallons and half-gallons as sold in stores. They don't talk about the price of the specialty items; the chocolate milk, the quarts, the half-quarts, the half-pints. If you were to have a study of those and compare them with New Hampshire, which is the great bugaboo here, and the one we hear constantly compared with, you would find that they don't differentiate to anywhere near the degree that these gallons and half-gallons sold in the stores and by specialty houses to differ.

Another thing I would like to point out, in connection with this thing here, is that these great, tremendous reductions in prices would not necessarily be

available to all the people in the State of Maine. They would be available to people who live in the metropolitan areas because this is where it could be economically feasible to put these high-volumed gallon and half-gallon container sale outlets. When you get out into the hinterlands, where you got the little one-man market, who has the quarts in the refrigerator that you go in and buy, those prices are not going to be reduced.

Now, again I would like to read from Mr. Aplin's report, that was the gentleman's name. He says, "if retail price control is repealed in the State of Maine, we cannot be certain of what would happen to consumer prices." He is hedging a little. "However, it is probable that the decline in consumer prices would occur, immediately. At least in many markets." And that is the point I was getting at. "Not all markets. And that lower consumer prices would prevail in the longer pull." But is he talking about lower consumer prices to one and half cents a quart area, — I wonder? "However," and he goes on to say, "consumers should not expect that milk prices will necessarily drop to the levels of prices in many other markets." Now he's talking about Maine, — Why is that? "Although there are many proven efficiencies, and I continue to quote," that could and would be adopted in the distribution of milk if resale price control is repealed, I do not think Maine consumers should expect milk prices to be as low as many other markets because of the lower density of population in the State of Maine." You could go on to talk about distance of transportation and many other things. "Distribution costs are inherently higher because of lower population density in the large, geographical areas in the State." Enough about prices on the consumer level I think their own expert, shows with his figures, that this tremendous, great saving in differential would not necessarily come about, and he hedges about it all the way through.

Now let's talk about the dealers. Now when I speak about dealers, I am talking about the people who process milk — they are the ones who buy it from the farmers. How do these dealers who put

out these tremendously low prices operate? He was very careful to point out to us that they do it by cutting corners. They don't give the service to the stores or the big public that is given by the dealers who operate independently as they do here in the State of Maine. Now, that may be better, may be more efficient. Probably it is better than taking four or five cases of gallon containers and put them out on the back stoop of the store in the hot sun. And if some busy package boy, whose responsibility is getting them into the cooler, and is out there packaging groceries and doesn't get to it for half an hour, then the milk might get started a little. That's where quality comes in. Sure that saves the producer, that saves the dealer money. He doesn't have to spend any time. But if the store keepers are going to be asked to do the things that the dealer is doing now, restocking the cases and that sort of thing, they are going to have to have a bigger differential. So they save money by less frequent delivery, by less service and also, of course, there is some opinion that they would be bringing in some Class Two milk instead of Class One milk. Mr. Aplin made it very clear that there would be a rapid reduction, more rapid, in the number of dealers, if controls were eliminated, for the simple reason that they would not be able to continue the margins that they have at the present time. What happens then? They mention Rhode Island. But nobody mentioned that in the Rhode Island situation that bankruptcy has occurred among some dealers and, as a result, farmers did not get paid. Now in Maine, when we get down to the producers, now, we are down to the farmers. Mr. LaPointe, the gentleman from Portland, said that the Boston market shippers get more money. Well, maybe they do but that is not what his witness at the hearing said. The witness pointed out at the hearing that about one-half or more than one-half of all the milk sold by farmers goes to Maine plants. "Farmers supplying Maine markets currently receive a price premium over Maine farmers supplying the greater Boston market because of the higher Class One prices and a higher Class One utilization

percentage. Class One utilization percentage from Maine markets is estimated at eighty per cent as compared to slightly over sixty per cent for the greater Boston market." It seems to me pretty good evidence that Maine producers get more money from Maine dealers.

The point remains, ladies and gentlemen of the House, that Maine producers, Maine farmers, get more money from Maine dealers because the Maine dealers can sell more right into the fluid milk market. And that premium is running about seventy-one cents right now, reduced to about fifty by transportation. By some convoluted figuring in his report, Mr. Alpin got down to where they might get twenty-five cents more only, per hundredweight, if they went on to a Boston market. However, he did say that this doesn't make any difference because it would all be one great, big happy family selling to the Boston market. And if they did get a little bit less money that would be all right. Half the producers will get a little more, half will get a little less. But he never said, and sometimes what is not said, is more important than what is said, - he never said how much the total income to the farmers who produce milk in the State of Maine, would be. Would it be more or would it be less? So after the hearing was progressing about five hours, Mr. Alpin went out into the corridor, - I followed him out, - and I put the question to him — I said, "Mr. Aplin, you say that half the producers will get more money and half would get less. How does it balance up?" Well, he was a very honorable man and he did some scribbling and said, "Well, the Boston shippers would get four or five cents more but Maine dealers, the ones who had been shipping to the Maine dealers, would get about twenty-five cents less" And he said, in total, "the producers in the State of Maine, will get less money if these bills, if the price controls are removed." Now, ladies and gentlemen, we have remarkable agreement here this morning. Everyone says they don't want the farmers to lose any money. Now their own witness in that area, their expert, and I reiterate, he was a fine gentleman and he knew

what he was talking about. Their own expert told me that the net result of these bills being passed was that the producers in Maine would get less total dollars for all the milk they produce.

That, basically, is what I wanted to tell you about this morning about this expert report. We have a vicious circle about the economics of the milk business. You are going to reduce the money that producers get, that is going to drive some producers out of business. There is going to be less milk produced as a result, on the other end, prices will go higher. You will get \$1.62 milk now. But someone told me the other day they had just been down to Florida, which is a decontrolled market, and milk was a \$1.69 a gallon down there. Ladies and Gentlemen of the House, \$2.00 milk is on the way, if you decide to do away with these bills. And I urge you not to make this rash step. The new bill as redrafted does its very best to approach this problem. The Milk Commission has got its job cut out for it. But if it does its job there will be very reasonable prices. The bracketing system is out the window. They have got to attack each problem as it comes up. And I urge you to indefinitely postpone this bill and support the bill of the gentleman from Bangor as it is brought out by the committee.

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

Mr. TALBOT: Mr. Speaker and Members of the House: I will try to be brief, because I know there is a lot of discussion on this particular bill.

I support this bill very heartily for many reasons. I have talked to quite a few of my constituents in the Portland area, and consequently through the state, and I have found out that the two most concerned items on their agenda was the gasoline tax and milk. I have found out that according to the men it is the gasoline tax, but according to the women, it is the milk pricing.

I think it is very, very important that we remember that the gentleman from Portland, Mr. LaPointe, has done what I call an outstanding job insofar as this particular bill is concerned.

I would like to thank the gentleman

from Bangor or should I say the gentleman's parents from Bangor, because I was born just a few houses from Representative Kelley's house, and like Mr. Dyar, from Strong, I know both ends of the cow. I also know both ends of my pocketbook, and like another gentleman has said on the floor, I like to get the best milk that I can possibly get for my children.

I also have four children who drink milk like you wouldn't believe, but it is not up to me that I get the best milk possible, it is up to my pocketbook, and my pocketbook can't say that I get the best milk. My pocketbook dictates to me that I get powdered milk and regular milk so that I can mix them.

I think the consumer here wants something very, very badly in this bill. I think we have an opportunity, a great opportunity in this long special session to give them that. So I would hope that you would not go along with the "Ought not to pass" report so that we can pass this bill.

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: Because this has an important bearing, I think, and because dire predictions have been made that Maine would suffer a tremendous loss in production, I wonder if anyone in the House could edify us as to what percentage of the milk production in the State of Maine is shipped out of state? What production percentwise of the milk produced in the State of Maine is shipped out of the State of Maine. I understand it is in the area of 30 percent. I would like to know if any member on the Agriculture Committee has that figure. What percentage of the milk produced in the State of Maine is shipped out of state?

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

The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker and Members of the House: I am not exactly sure of the exact figure of it, but I believe that shipped out we have between 30 and 40 percent. The rest of it is used here in

the state. I have figures down in my book down in the Agriculture Committee hearing room, but I haven't got them here at the time, and I could find out and report back, but right now I haven't got the exact figure.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Wood.

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I can truthfully say that I didn't intend to speak about this milk bill. I can also say that I am not connected with any dairy farming. At one time I milked the largest herd in my town for a good many years. When I was a boy, I milked 15 cows night and morning by hand and walked to school, so I know a little something about milk. The farmer that I worked for sold his milk around the Town of Pittsfield for 5 cents a quart, and he had to go out of business because he wasn't making a living.

There is one thing that hasn't been said, and I tell you that it is hoodwinking the consumer. A good many of our towns here in the State of Maine, small sized towns, are supplied by a small dairyman. I can name a lot of them. I have talked to those small dairymen and they couldn't stand three months and stay in business if the price of milk was cut down to where they couldn't make a profit.

Now, there are several large dairies, some of them out of state. Cumberland Farms has been mentioned and Cumberland Farms has been trying for several years to get into the State of Maine and get control of the milk business in the State of Maine. They could come in here, they could cut prices and they could stand it for a year, and that is exactly what they would do. In three months time these small dairies would start going out of business. When two or three large dairies like Cumberland Farms got a monopoly and got control of the milk business in the State of Maine, don't fool the consumer into thinking they wouldn't go back up on the price, because that is exactly what they would do.

Now, let me tell you something about Cumberland Farms. Cumberland Farms is a large dairy. As near as I can find out, one of the largest owners of Cumberland Farms is Aristotle Onassis.

We know that he could stand to sell milk without a profit for a year, and he isn't even an American. That is one large company that wants to get control of the milk in the State of Maine.

Now, I for one don't want to go on record as fooling the consumer into thinking that if we should do away with the retail pricing of milk that they would get for only a short time milk any cheaper than they are getting it now and they would probably get it a whole lot higher.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: You know, ever since this thing kind of begun, I have tried to study it, both sides of the issue and everything else, and I can appreciate the fact that the price of milk is high, but I always keep going back about 20 years ago when I was going to college and I was peddling milk during the summer to put myself through college, and at that time a quart of milk was selling for 33 cents. Right now it is selling for 41 cents, or an increase of 8 cents in 20 years. And I would like to have somebody tell me what has gone up any less than that in that amount of time.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentleman from Standish, Mr. Simpson, I am not sure that is really a relevant question. The point is whether or not milk in states that are decontrolled is cheaper than milk in states that are controlled.

The SPEAKER: The pending question is on the motion of the gentleman from Freedom, Mr. Evans, that the House accept the Majority "Ought not to pass" Report on Bill "An Act to Repeal Milk Control Prices at the Retail Level and Make Certain Changes in the Membership of the Maine Milk Commission and the Dairy Council Committee," House Paper 1846, L. D. 2339. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Mahany of Easton requested a roll call vote.

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

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

The SPEAKER: The Chair recognizes the gentleman from Windham. Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I know we have thoroughly debated this issue, but I feel I would be remiss if I did not make some comments at this time.

I am from what was a very large dairy community and now is a very small dairy community. I have taken a distinct interest in this issue. I have gone to the living rooms of some of my constituents to meet with farmers, consumers and processors. At those meetings we discussed all these issues. And one thing that troubles me and one thing that has not been discussed today is the role of the processor and the dependence of the farmer on the processor. When the processor says jump, the farmer says, how high. I say that is a sorry commentary for the farmers of this state who I have respected for being independent people. But they are now in a situation where they must depend on the processors' words or else the processor says, "I am not going to take your milk tomorrow, and your \$100,000 investment is going to go down the drain." So we have a situation where the farmer is so dependent on the processor that he can not speak his true mind.

Now, at this meeting, I was talking with a representative of the processors, one of the larger processors in the state. I asked him about retail route deliveries. He explained to me that the people on these retail routes were charged a few cents more per quart for their milk products. But this does not cover the cost of that delivery or that service. They are losing money on retail route deliveries. And in the same breath he tells me that the consumer that buys it at a retail market is not paying for that deficit. Now, I am sorry, I cannot believe that. The consumer who buys it at a retail

market is picking up the tab for some retail route deliveries.

Okay, let's take cream. You can only buy medium cream. You cannot buy heavy or light cream in my area. It is all medium cream. It is, I believe, 70 cents a pint. This same processor tells me that they can't sell all their cream in this state and I wonder why at 70 cents a pint. Who is going to use the real thing when they can use a synthetic? But people would use the real thing if the price was a little lower. But you know what they do, they store it at one of these plants where they can freeze it; they ship it to New York State where it is made into ice cream and where they lose about \$20.00 per container.

Now, I am sincere about this issue. I think that the consumer is not adequately represented in the past through the actions of the Maine Milk Commission, and I hope that the controversy that has been stirred up in the recent months will make that body more responsible.

I had questions about the LaPointe bill, but I have more serious reservations about the redraft of the McKernan bill. And today I am going to support the LaPointe bill and I hope that you will keep the consumer in mind, the consuming children. This is a bill which affects the children of this state, not the adults. I want to make sure that the children of this state of all levels of income families can enjoy grade "A" milk, but under the present situation, many people are being forced to buy powdered milk, which is imported powdered milk. We are not even sure of the quality of that. So I wish you would keep the children in mind of this state, the consumers in mind, and that you would vote for the LaPointe bill.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: Very, very briefly. On my desk I had a gallon container that I brought from Peabody, Massachusetts where I purchased it on February 16 in a First National Store. The price per gallon in Massachusetts for this particular item was \$1.27. I didn't know at the time, but had I gone to the dairy store across the block, I would

have been able to buy the same gallon of milk for \$1.23, and Massachusetts doesn't live with any Milk Commission.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Freedom, Mr. Evans, that the House accept the Majority "Ought not to pass" Report on L. D. 2339. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Cameron, Carrier, Chick, Churchill, Cooney, Crommett, Curran, Dam, Davis, Donaghy, Dudley, Dunn, Dyar, Evans, Farnham, Farrington, Finemore, Fraser, Garsoe, Good, Hamblen, Herrick, Hunter, Immonen, Kauffman, Kelley, Keyte, Knight, Lawry, LeBlanc, Littlefield, MacLeod, Maddox, Mahany, Merrill, Morin, V.; Morton, Murchison, Norris, Parks, Pratt, Ricker, Shaw, Shute, Silverman, Simpson, L. E.; Smith, S.; Snowe, Sproul, Strout, Susi, Trask, Trumbull, Walker, Webber, White, Willard, Wood, M. E.

NAY — Berry, P. P.; Berube, Binnette, Boudreau, Briggs, Bustin, Carey, Carter, Chonko, Clark, Conley, Connolly, Cote, Cottrell, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Emery, D. F.; Farley, Faucher, Fecteau, Flynn, Gahagan, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Huber, Jacques, Jalbert, Kelleher, Kilroy, LaCharite, LaPointe, Lewis, J.; Lynch, Martin, Maxwell, McHenry, McKernan, McMahon, McTeague, Mills, Morin, L.; Mulkern, Murray, Najarian, O'Brien, Palmer, Perkins, Peterson, Pontbriand, Rolde, Rollins, Ross, Sheltra, Smith, D. M.; Soulas, Stillings, Talbot, Tanguay, Theriault, Tierney, Twitchell, Tyndale, Wheeler, Whitzell.

ABSENT — Cressey, Deshaies, Ferris, Hoffses, Jackson, Kelley, R. P.; Lewis, E.; McCormick, McNally, Santoro.

Yes, 68; No, 71; Absent, 10.

The SPEAKER: Sixty-eight having voted in the affirmative and seventy-one in the negative, with ten being absent, the motion does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted, the Bill read

once and assigned for second reading tomorrow.

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

Passed to Be Enacted

An Act Relating to Citizenship and Residency Requirements for Employment in the State's Classified Service (S. P. 909) (L. D. 2516) (H. "A" H-718)

An Act Increasing Salaries of Various County Officers (H. P. 1982) (L. D. 2525) (H. "B" H-708) (H. "C" H-716)

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

Enactor

Later Today Assigned

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

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

(On motion of Mr. Martin of Eagle Lake, tabled pending passage to be enacted and later today assigned.)

The following Enactors appearing on Supplement No. 1 were taken up out of order by unanimous consent:

Passed to Be Enacted Emergency Measure

An Act Establishing a Full-time Administrative Assistant for the State Parole Board (S. P. 892) (L. D. 2494)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, and a two-thirds vote of the House being necessary, a total was taken. 103 voted in favor of same and 15 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

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

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

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)

An Act to Collect the Tax on Insurance Premiums Quarterly (H. P. 1873) (L. D. 2372) (C. "A" H-715)

An Act Relating to Fees Charged by the Department of Public Safety (H. P. 1989) (L. D. 2533)

An Act Amending the Insurance Laws. (H. P. 1990) (L. D. 2534)

An Act Relating to Standards for Selection of State Auditor and Duties of the Office (H. P. 1996) (L. D. 2538)

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

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

On motion of Mr. Birt of East Millinocket,

Recessed until four o'clock in the afternoon.

After Recess
4:00 P.M.

The House was called to order by the Speaker.

On the request of Mr. Simpson of Standish, the third tabled and today assigned matter was taken up out of order by unanimous consent:

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 6, by Mr. Simpson of Standish

Pending — Passage to be enacted.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I do not oppose the appropriation bill in toto. However, I do oppose the University of Maine section. I hate to give \$35 million per year to a group of unbridled, ultra liberal individuals; to wit, the University of Maine Trustees. This group not only scorns our wishes, but they scorn the wishes of the majority of the people of Maine. At last, this is finally being driven home to them by their own alumni who are disgusted with their recent permissive extra curricular decision.

The Chancellor has admitted publicly that this latest ruling is creating state-wide controversy and having an adverse effect on public relations for our University. It has injured the image of the University. It is drying up alumni financial support. At least the graduates of the University of Maine are wising up to this situation if this legislature does not do this.

For years I have objected to giving the trustees carte blanche authority over the affairs of our largest tax-supported institution. The legislature has never had any say in the administrative control of our State University. Furthermore, our wishes are often completely disregarded. A very good example of this happened just last year. In granting their increased appropriation, we indicated that this money was not to go for indiscriminate salary increases. We even passed an official order stating that if increases were given, the top priority should be given to the lower echelon employees. In the final analysis, the trustees did just exactly the opposite of this. They increased the pay of the professional staff who were already earning between \$13,000 and \$19,000 per year. It is my opinion that they were coerced into doing this under the threat that the professors would leave.

This points to the crux of the entire subject. Years ago I learned that nothing was more dangerous than a minority group of vocal activists. In our modern society, certainly this has been borne out. Every day the courts rule in favor of leniency, permissiveness, and the

arrogant demands of minority groups. Professors, as well as gay libbers, fit into this category — albeit they are normally extremely well educated people.

I am very concerned with our latest trend toward knuckling under to minorities hidden in the cloak of the First Amendment to the United States Constitution. I most certainly am no authority on constitutional law. Still, I doubt very much that our Founding Fathers intended for freedom of speech, assembly, and the redress of grievances to be carried to a point of discriminating against a majority.

Today we must prove that we are no longer willing to place all of our rights in the hands of a few. We must let the trustees of the University of Maine realize that we, the members of this legislature, cannot always be pushed around. Specifically, I believe that a great majority of the citizens of Maine abhor their latest decision. We must prove that although our hands are tied we are truly interested in their wishes. And this appropriations bill before us today is the only weapon that we have, and we must consider it very carefully before we once again abrogate our only remaining recourse.

Of course I am not going to move that the entire bill be indefinitely postponed, but I would hope that later on somebody does move that this bill, since we are in no rush for its enactment, be placed on the table unassigned until we get an opinion from the courts and perhaps can do something to regain the confidence of the people of the State of Maine, not only in us but in the trustees of the University of Maine.

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

MR. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I believe during the course of the last week that a lot of us are well aware of some of the things that are going on around the state and some of the opposition to this particular group on the University of Maine campus. I think if all of us really wanted to be honest and sincere with ourselves, we would recognize homosexuality as something that is inherited in a body and nothing that I

guess you would gather suddenly just because you want to do it. Maybe you look at it as a disease or something else, but the mere fact that some individuals recognize this within themselves and want to be recognized together, to me this should not be the reason to suddenly want to kill an appropriations measure for \$35 million for the rest of the students at the University of Maine.

A short time ago, the entire leadership met with the Chancellor at the University relative to this issue when it first started to come to the forefront. At the present time at the University, the students themselves pay into a student fund, which is administered by the Student Senate. If the Student Senate themselves recognize any organized group on that campus, then the student funds can be given to them to be used and partially funded in their operation. Such was the case in this instance when the Student Senate did recognize that group, and just five minutes of four I had a chance to talk with the Student Senate president relative to this very issue. Therefore, the trustees, when the issue was placed before them as to whether the University should be used and partially funded for a conference or a meeting of this type, they felt that under the Constitution that they should not deny this, that they should recognize the actions of the Student Senate and that they should allow this meeting to take place.

Actually, isn't the University of Maine a place of education and education a part of learning? Is it wrong to let a group like this come into an educational system to the point where we might learn more about their problems and more about their disease or more about what is going on? I guess as one I have to say that I would welcome that.

When I was in the service, the last days or the last few months I served in the flight surgeon's office in the Air Force and I had the opportunity to handle physicals at two, three, four o'clock in the morning at least a half a dozen times on what we called 3566's, which were homosexuals that were being drummed out of the corps. And I can't say that I am honestly at ease when I am around them, but I guess it is a fact of life that there are these people

in the world, and I guess it is up to us to own up to our responsibility to recognize it and not run from the matter.

I believe that the appropriations bill has been used as a weapon and I would admit that it is a weapon that you can always use. It has been used as a weapon to the point that at least the President of the Senate last night had received 1,074 letters relative to this issue. Tell me that that is not an issue in this state right now that the trustees have to face facts and live up to. I say the issue is a viable one, one they can recognize and deal with, and the issue is there. Therefore, we can now, as a legislature, say, "You take it and you handle it, and we will go on with our business," and that is the business of legislation within this state, and the Part I budget happens to be a very important part of it.

I would probably agree that if the Chancellor wanted to lose credibility, maybe, as to the point that he believes that he should be firm in his convictions, or that the trustees could have lost some credibility, or maybe some people might even say that they could have established credibility, but I would call it pure politics if they had decided in the best image of the University of Maine that they were taking this to court, spent some money, fought the issue and then said, "Here, here is a \$9.4 million bond issue. Now support us." Is that the way we want to go in this state, or do we want to support bond issues on the mere fact that they are what we should have or whether we shouldn't have in the educational program in the development at the University of Maine System?

You have on the table right now an opinion that we could seek from the courts, but you know, I am awful uneasy about that opinion. You know, if you really read it, it would really make us look kind of foolish, and I have to say that. Very, very deeply in my heart, I have a lot of pride in this body, and I would hope that we wouldn't send an order that is written like it is right now, under the guise of a solemn occasion, because I don't believe we can honestly say that we have a solemn occasion when it comes to the budget relative to our interference as to whether these people are recognized to hold a conference at the University of Maine.

I believe that when we talk about image that we have an image and we have an image that we should project, and the right image to project is to do the job as we are supposed to be doing it. The trustees have the message; let them take care of their own image, their own problems, and lets us pass the Part I budget this afternoon.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I don't believe it is proper to penalize the students of this state simply to impose our opinion on the policy-making process at the University. I believe it would be very dangerous for us to require the University to pick and choose among the groups that are allowed to voice their opinions on campus, even though I don't personally concur with the views expressed by the particular group in question.

This is a time when we are trying to teach today's students to be tolerant and understanding, and I suggest that we should do so by not holding up the entire University budget.

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

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: This seems to me to be a particularly solemn occasion. I feel as though it would be proper to start it by saying let those among you who have cast no stones get busy throwing your stones about.

I often jokingly refer to our great branch of the legislature, which I love so dearly, as that fuddle factory on State Street, but truly, I recognize and repeat over and over that the representation in the House of Representatives of this legislature is no different than a group of 151 individuals from the State of Maine would be anywhere, and I honestly believe that. I think they represent a broad cross section of what we have to offer in every manner from persons in the State of Maine. I don't think we are any better or any poorer than another similar cross section of 151 persons would be. I suppose the same thing could be said for the other branch.

Now, I am not an alumnus of the

University mentioned. I am not an instructor there, and I am not very closely aligned to it. But I must say that I believe that the group of men who are trustees of the University are no different in their capabilities or their ability to make sound judgments than a similar group of men and women would be wherever they were taken from in this state, and I feel that they unquestionably gave this serious question their most careful consideration and they resolved it in a manner which, at least to them, seemed to be correct. For us in this great deliberative body, the House of Representatives of the Legislature of the State of Maine to use the budget as a whipping boy because of something that we don't like that the trustees do, would be one of the most ludicrous and unseemly things that we could possibly do in my opinion.

I want to say, Mr. Speaker and ladies and gentlemen, I am very impressed by the remarks of the gentleman from Standish, Mr. Simpson, and I think that they were very well taken. And I think that we have more important business before us than some of these matters which occupy our minds and distress us, but which truly are not a portion, as I see them, of our urgent business of the day. I hope we can proceed with that urgent business.

Mr. SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I have three points that I would like to make this afternoon. First of all, this budget has been on the floor of this House now for two weeks. The Appropriations Committee has two more budgets ready to come down for your consideration. We have been here, we have been criticized by various members of both branches of this Legislature, and outside the Legislature, that we are procrastinating. I believe that if we continue to persist to keep this budget document on the floor of this House, that this criticism is going to be justified. I am going to join it.

Second, on numerous occasions, in the past, we have tried from the floor of this House, and indeed, the Appropriations Committee has tried, from its position

up on the fourth floor, to try to influence administrative decisions and try to run the University of Maine. We tried to do it in this Session, the Regular Session. And each time, we have come to the conclusion up there, and you have come to the conclusion down here, that the University of Maine cannot be run from this Legislature. I think that that is a sound conclusion and I think it is reaffirmed here today and I think its going to be reaffirmed in the future.

Third, I would like to have you keep in mind that we have a certain amount of dignity that we should maintain in this House, for the good of all of our people. Some of the things that I have heard discussed I would agree with Representative Briggs. Unwisely and unseemly, and should not be dignified in this House. I hope that the motivations, if these are, in fact, motivations, for holding up this budget no longer persists. So we will be able to get on with this business that this Legislature is about, and bring those other two budgets down here. And, I, like the rest of you, want to get out of here. I have things I ought to be doing and I hope that we can move along.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak to the members of the House very briefly. I have other reasons, that are not the same as some of the others here. I will not vote for this in its present form. I just think we spend the State's money, the taxpayer's money, who I represent, too reckless. They seem to think that they can plug, like plugging a hole in a dam, with dollar bills. They think dollar bills cover everything. But the people I represent don't believe that. They don't think they are running the University in a business-like manner and spend money like they should. So they have got to cut the budget less than that before I will vote for it. I have no gripe with all these fine, honorable things that have been spoken of here, and I agree that it's beyond the dignity to even speak about them. It's the dollar and cent values that I am standing up against. It is just too much money for the people of the State of Maine. They have

got to have a smaller budget than that. As far as I am concerned and they've got to live with it to run the University of Maine, before I vote for it. I have nothing more to say about any of the going-ons up there. But that does irritate people. What I am concerned about is dollars and cents and this is too much and I'm not going to vote for it.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I just can't believe some of the statements that have been made on the floor of this House as Representatives of the people. Somebody told me to "keep my cool." And I am sure that the young lady from Portland, Mrs. Kilroy, will agree with that. But I am going to have to disappoint them, because the basic thing we are fighting here is the rights of any people, whether it be minority or anybody else. The basic rights of the people. And the statements from the gentleman from Bath, Mr. Ross, have upset me. As they have said in the "horse blanket", nothing is more dangerous than the vocal minority group. Well, I happen to be of a vocal minority group. And if I hadn't been vocal in a minority group, I would be right back in that minority that is up to the University of Maine right now.

They have a legal right to be there. Under the Constitution of the United States and under the Constitution of the State of Maine, they have a legal right to be there. We have the legal right to see that they stay there, as Representatives of the people. That is a minority up there. If you take away the Winestein Club, then there is the Black, French, Italian, Catholic. If we let this thing happen as it is happening now, they can do it to any one of us, whether we be Black, whether we be women, or whether we be French or Catholic.

Our business, right here today, is to pass that budget, not to hang this over the heads of the minority up there. Twelve kids are going to upset this thing to a point where we can't even think straight. A couple of years ago twelve black kids locked themselves into a chapel at the University of Colby College

and upset this State something terrific. Twelve kids did this. I know that we are more mature and I know that we can think farther ahead than that. I have a book, a whole shelf full of books, that deals with that same kind of prejudice, narrowminded kind of attitude that we are facing right here today. Right here in this book, "Compliance and Non-compliance with the Civil Rights Act of 1964", because in 1964 the same kind of attitude was all over the South. I think we would be remiss in our duties as state Legislators who represent all of the people, not just some of the people or the minority of the people.

I had to answer a great question when I became elected by the people of Portland, who said, "Are you just going to represent the minority of people?" And I said, "there is no way possible that I can represent just the minority people because I have been elected by the people, all of the people, to represent all of the people." That is why I stand here every morning, while the gentleman up there says the prayer. And that is why I salute the flag. And that is why you are sitting here, because you believe in the Constitution of the United States and the Constitution of the State of Maine. Otherwise, you shouldn't be here and I shouldn't be here.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman from Portland, Mr. Talbot, I don't care what the Constitution says on this particular item. The Supreme Court of the United States doesn't throw that switch to my left. The Supreme Court of the State doesn't throw that switch. And neither does the Chancellor or the Trustees of the University of Maine. I throw that switch. And I'm going to throw that switch to kill this thing, basically, because the majority of the people in my city are extremely unhappy.

You spoke earlier about Colby College and twelve blacks locking themselves in the Chapel. I happen to be the Mayor of the City of Waterville, and I had a solution to that problem. At the time we had a police dog. And I was going to send the police dog in there. But calmer heads

prevailed, and we added another seven or eight days to the problem because of people who are interested in Constitutional Law, whether it abridges other peoples laws or not.

Mr. Smith from Dover-Foxcroft mentioned the speed that is needed to get this budget out. Well, if you look on the last page, which is page 20 of that document, you will see that the effective date is the 1st of July, 1974. That doesn't seem to me to be right around the corner.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I shall have more comments to make tomorrow when the Order that I presented for reference to the Court, is presented to me. I will, however, be forced to answer the gentleman from Standish, Mr. Simpson. Possibly he has had a little bit of a lapse of memory. And I'm not being critical because I, too, as was stated before, consider this a very solemn occasion. The fact of the matter is, that when I asked that this thing be held up, and I was the one that asked that this bill be tabled Monday until Tuesday, the offer was made until Wednesday, and I said no because I will be there on Tuesday. I asked that it be tabled for just one day because I knew that I would be here on Tuesday. I consulted with some members of the other body and of this body as to what procedure we should take.

I spoke to the Chancellor more than once. I spoke to some of the members of the Board of Trustees. And I took the position of the Order that I had drafted and was told by the gentleman from Standish, Mr. Simpson, that there were some errors in it. And I was told by the gentleman from Eagle Lake, Mr. Martin, that there was some errors in it. I gave them the Order. The Order had been reproduced. The Order was delivered to me yesterday afternoon in what I thought was final form. And the appropriations room, through the Majority Office. And then it was recalled and it was corrected again. And, finally, this morning, without even reading it, I affixed my name to it.

So let us be honest with one another

and let us see that there are others besides one individual who have something to do with this Order. In that I will speak on it further tomorrow, believe me the reaction, since the idea of the Order has been put in, at least at home, has been fabulous. The people are incensed. And I will leave it right there until tomorrow.

I must make a comment, if I may for a moment, concerning the young man from Portland, Mr. Talbot. And, frankly, I would do it more in a commentary of advice from an older person who likes a young person like Mr. Talbot. I am an American. I've heard the beefs concerning the French people and the Canadians and what-not, and I want the young man from Portland to plant this seed in his mind and keep it there. The only true, one-hundred-per cent Americans were the Indians and are the Indians. Here; there are Americans of Canadian ancestry, as I am, and I am very proud of the Canadian blood that flows through my veins. . . Believe me I am very proud of it. But I am an American. They are Americans of English ancestry and they are proud; Italians and they are proud; Irish, and, believe me, they are proud. And I could go on. I was going to get up once before and make comments along that line because I am a little tired of the word minority flying around. Because I have a message for the young man from Portland, Mr. Talbot. I don't consider him a member of the minority at all. He's no better than I am; he's a member of this House. I am no better than he is; I am a member of this House. He's no better than I am; he works for a living; I'm no better than he is; I work for a living. I'm envious of him because he has a family. I don't have any. The only family I have are the people that I represent at home, young, middle-aged, and younger, and I love them all. I will leave it lay right there. If there are any more comments along the lines of minority, he won't have to worry about it. He can give us anything he wants to. But he will find out that anger on his part can be very mild as compared to just what I can give. Because, believe you me, I have sat here for thirty years and I have taken my share of abuse. It has

been perfectly all right with me. I can give it right back.

Now, the young man from Dover-Foxcroft, Mr. Smith, restricting myself to this budget which I signed myself, out of the committee "Ought to pass".

It has been years since I have wanted, and I have passed an order in this House four times, to look through the University of Maine programs from stem to stern. Inadvertantly, the young man from Dover-Foxcroft, Mr. Smith, said a book full when he said we can't run it from here. We pay it from here though. We are what we would be called fiduciary without vote. I have been opposed to that and I am still opposed to it.

\$69 million is not necessarily a small sum of money. And I think that if we parcel out that kind of money, we should have a little more to say in the matter. It is very difficult for me, Mr. Speaker and members of the House, today to speak concerning this thing here without getting into the affair of tomorrow, but I am doing my level best.

A few years ago at a special session I was literally conned into voting for the Super University of Maine. It is the most fabulous, fantastic, horrible, and horrendous error I ever have made and ever could have made, and ever could make. I can't say that about 1994. I voted against it, spoke against it, did everything to kill it.

Now, I have tolerated the president of a college, retiring, being allowed to stay in the same house, and getting another contractual job working for the university program. Just because they are part of the CED, as I have discussed, and my very good friend, personal friend, Mr. Hancock, has told me that the wine tasting course is a CED program, I accept that and accept it with the same smile and good giving that he does.

I have swallowed us removing a president at the upper part of the state around Machias, Machiasport, that we were paying some \$16,000 or \$18,000. Stepped him up to about \$26,000 or \$27,000 a year; bought him \$11,000 worth of furniture, even gave him for the month of July \$2,500 to orient himself before taking over. I have tolerated that.

I even tolerated us, as we always do anyway, if you look at the track record. I think we have run out of yaleys. But I have even tolerated going down and picking up a man to be chancellor at \$16,000 and giving him \$36,000 or \$37,000 and the world, I am not going to describe what else. I bought that because I bought the package. Now, I voted in the Appropriations Committee for this measure I am committed to this measure. I will tell you this right now, and this concerns itself with tomorrow, and I may repeat myself tomorrow. In my many, many days and hours alone I saved TV for news, weather, news on our state and national level and weather, Gunsmoke, Bonanza and then I go to the words of Nietzsche. And I like to read biographies. Because I figure I get my relaxation on the tube. So I try to elevate myself a little bit by reading. I read last week, and I fell on it ironically, the words of a great venerable Republican who was a Chief Justice of the United States Supreme Court, who made the comment that "freedom of action and freedom of speech didn't necessarily give anyone the right to holler fire in a loaded theater." And, I am going to tell you one thing right now; as far as I am concerned, when we give \$69 million dollars for the biennium to the University or anybody else, we are pretty good stockholders. And we represent the people and that makes them stockholders. And I am ashamed that it would be only a few pack of queers that would be ruining it for thousands of others. But that is the case. And the buck stops right there.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I have never had as much mail, telephone calls on any subject as this one here. I have letters in my possession that I cannot read to you because we have little girls sitting here before me. If you were to read these letters you wouldn't believe it. Now, our vote is being watched here today by every taxpayer, and you had better believe it. When you speak of Colby College and what happened there, I only live three and a half miles from there. My wife worked for seven years

and a half in that administration office. And just like Mr. Carey, who was their Mayor and now Representative, probably we are as familiar with what happened there as any two living men. We do not condone it. And when that button comes for me to switch today, I shall switch that right along with Representative Carey 100 percent. And I shall ask when the vote is taken that it be taken by the yeas and nays.

Mr. Brawn of Oakland requested a roll call vote.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I have never before spoken on anything like this. But my district is riding me pretty hard on it. And I come from a district, probably the most God-fearing people there is in the State of Maine. The whole district. We are made up of churches. We try to do the right thing. But I am going to speak on something a little different than constitutional rights. I worked up through life from a poor kid to where I am today, and never thought I would be in the House of Representatives. But the thing I want to say; we are missing something here. We are missing the taxpayers' point of view. We have a lot of good taxpayers in Aroostook County who are paying sales tax, income tax. In fact I voted here for a tax, income tax. I voted for the original income tax when I knew it was going to hurt me. Ladies and gentlemen, I am willing that should hurt me. And I am willing that it will go to the University of Maine. But I do not think that we should finance a group of this kind with taxpayers' money. And it is taxpayers' money. I have received letters, it is something I very seldom do, I am not one that gets a lot of letters, but I have got more letters on this, or as many letters on this as I have, with the exception of the Prestile River, approach to the Prestile River, of anything that I have ever had that has ever been in legislature. I have got telephone calls. And I have had people come to my home. They are out and out against it in my district. And I think they have the right to be out and out against it in my district.

And I am going to vote to try and correct this. I don't believe we should take the money away from the University of Maine, anything that is going to do them good. I put two boys through colleges, I put one boy through the Maine Vocational School and paid them myself. I was glad to help anybody else. I am glad to help them. I am glad to pay my taxes. In fact, I pay my state income tax in one lump sum each year. I pay it on or before the fifteenth of April. It isn't a great big one, but it is big enough to help some. I am pleased to do it. But I do not think we should allow this to go on. I know we have got constitutional rights. I know every person has got a right to them. I have never in my life turned my back on anybody. I have tried to be friendly with everyone. I very seldom lose my temper, and I hope I never do. But, I will tell you one thing right now, we have got troubles here. We have got troubles with the people in my district. I think, all over the State of Maine. And I think they are entitled to their say. I think we should do something about it.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I can stand here and truthfully say that I have not received one letter in regards to what is happening over at the University of Maine. So, evidently, no one in my area is too concerned with that. However, I do intend to vote against the budget, but not because of the University of Maine part, but because, as I sit here and listen to the gentleman from Bath, Mr. Ross, say that the University of Maine has not heeded the words of the wisdom of the judgement of the Legislature, I feel the same thing even more deeply so in the area of the Department of Mental Health and Corrections.

When we issued a directive to them in the last regular session and they saw fit to ignore that, that tells me one thing, that the State agency that is involved there has no care for the Legislature either. And because of that reason I am voting against this budget.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to urge you to vote for this budget. It is easy to get very emotional because fifteen or sixteen kids out of a population, student population, of 19,000 pursue unnatural ways or ways that are unnatural to us. But I would ask you to remember that the University of Maine is the college of all of us. Because we live in Maine, we support it. We are proud of it. I do not happen to be a University of Maine graduate, but it is my college, because I am a Maine citizen.

I would ask you to forget this odd situation that has occurred. And it is true that we of the Legislature are taking the brunt of the resentment by the population. I think it is a justifiable resentment, but it is not a legal resentment.

I happen to live in the Bangor area. Some of the phone calls I had would burn the wires. Some of the letters I have had are vicious. But I am not afraid to go back and tell people that I was not willing to penalize every boy and girl in Maine that is attending the University or hopes to attend the University. I am not going back and say that I made it impossible for them to do so.

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

Mr. BRAGDON: Mr. Speaker, Ladies and Gentlemen of the House: I do not speak on this matter from any choice, but somehow or other I feel I must. I voted for the complete budget, the University of Maine and all the rest of it, in the committee. However, I am one of those that recognizes that we have a problem here that cannot be brushed under the rug and be solved in that way.

I want to make it clear that I am definitely a friend of the University. I voted consistently for their bond issues and their financing. But we have here with us today a problem. I think the thing that we should try to solve is what is the best way to get out of the problem that we are in. Now, I don't think that I will be violating any —. I talked with the chancellor of the University today, and I laid it on the line with him just as I am going to lay it on the line with you people here in the House. The kind of a problem that I feel that we are in and what my

thoughts were and the best way to get out of it. I gave it to him and I am going to give it to you.

I told him that I thought the University trustees had made a serious mistake. They are dependent upon their financing to maintain the best wishes of the voting and the financial people in the State of Maine. And by their decision, and certainly I can't tie ethnic groups into it. I don't consider this is an ethnic group. This is a group, a small group, that everybody pities and no one subscribes to their philosophy. Publicity is the thing that groups like that seek. I told the Chancellor that I thought, that in taking the position that they did, they gave them just the publicity they are looking for. This is wrong. People are not in agreement with their decision. I told him that it was going to affect your bond issues, not only, if you have one this year, you would be foolish to send it out. And I think that many of you here will agree with me. He agreed with me. He recognizes the problem of them. So what about it? When you make a mistake, whether you are the Chancellor of the University of Maine, or you're the Trustee of the University of the State of Maine; isn't the best way to solve this, is to go to these people and say to them, "In the light of the words that we have been hearing from the public, we are convinced that we have made a mistake. We are sorry, we took pity on you and we said that we would go along with you. But we no longer can meet that agreement. You can take your conference that we agreed to let you hold here at the University up in somebody's pasture and hold it there. We are not going to say anything about it. But we feel that the people of Maine do not approve what we have done with you." Now this, I believe, and I say in fairness that I reiterate; that I am a friend of the University. I believe that they will get out of this jam quicker by admitting their mistakes. And I have no compulsion to a court decision, the Chancellor has no compulsion. If we are going to get a Court decision, let's get it by the people that they deny. When they turn their mistake and deny these people their right to do what they promised them they could do. Then, if these people want to bring suit against the University,

of Maine, I will pay my share for their defeat, in the attempt to try and defend their position, or whatever have you. I think this is well worth a decision by the Court. But I feel this Legislature would be foolish to request that decision. So what I'm saying to you is, I hope you will all vote your convictions, and I hope we will continue to finance the University of Maine. Let us get back together again as one people, and let the University of Maine Trustees work with us and not against the thinking of the rank and file, which I think they have done. And I can prove in the long run that I am a friend of the University, because I believe this is the quickest way and the best way to get out of it. I am going to vote as I did in the Committee for this Part One budget. But I have no quarrel with anyone in this House who wishes to express their displeasure, and I think this is the best time and the best way to bring this thing to a head. There will be time before we get out of here for the Court to give a decision. There will be time for the University Trustees to think it over. And if they wish to reverse their decision, I honestly believe that this would straighten this thing out quicker than any other method that we could follow. This is why I am saying these distorted remarks to you, but I sincerely believe in them. I have no quarrel in their bringing this to an issue by refusing the 101 votes on the Part One Budget. If I were in other circumstances, I would probably be with you.

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

Mr. BITHER: Mr. Speaker, Ladies and Gentlemen of the House. I am probably the second one to arise here in favor of passing this Budget. As a product of a private college. I am on the Education Committee of a private college. And as you know I have spent all of my life in education. And I certainly do not favor holding up this Budget.

I would just like to remind this House of something. All the older members know and perhaps your first grade students here don't know; that this Legislature is the highest court of the land. We can do anything. Now if you want to do something to the University of Maine, put in a bill to fire the

Chancellor; or put in a bill to do away with the Board of Trustees; put in a bill to somehow or other to put so many trustees on that board that they will do just as you want them to do. There are lots of things you can do. You can cut the budget. But don't hold up this Budget because of the actions of a few people who you don't happen to agree with. And I don't agree with them either. Mr. Carrier says it's the easiest thing in the world to push that button and vote "no". To me it would be a terrible thing if you did it. It's the hardest thing. When you come to realize that this Body is the highest court in the land. We've got responsibilities and I don't think we are acting responsibly here today at all. I'm thoroughly ashamed of this Body. I came down here January of 1970, a little country boy from Linneus, who hadn't been out of town very often. And the first gentleman I met out here in the Rotunda, and I shall never forget, I've always thought very highly of him, Louis Jalbert put his hand out and said, "I am Louis Jalbert." And of course, I had heard of Louis Jalbert for years. And I have a great deal of respect for Louis Jalbert. But I don't like this joint order one bit. I am ashamed of the whole thing. I don't think we are acting responsibly at all. I don't think we should hold up this Budget. Let's do something else, but let's not hold up this Budget because of the actions — I think we can do a lot of things. You folks aren't thinking right at all.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for speaking a second time on this issue. But if we penalize the entire student body at the University of Maine because we disagree with the actions of a few students, then in effect, we are saying that all the students at the University must conform to our way of thinking. This will set a most dangerous precedent. What if we next decide that the University ban speeches by the Republicans, by the Democrats, or that the University Newspaper must not criticize us here in the Legislature. Then Ladies and Gentlemen, if we do that, we

will lose much more than we will gain by this Budget.

The SPEAKER: The Chair recognizes the Gentleman from Biddeford, Mr. Sheltra.

Mr. SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I have always thought as a responsible Legislator that my first duty lay with my constituency and that the laws of the land, which ever ones we inaugurated, were to go to please the majority of the citizens, not a few very minor groups. I think that the majority of the people are those which we should be responsible to.

Secondly, if I had ever had the power to pass any Legislation at all in this Body, within the last six years, it would be to invoke an order that would undedicate every dedicated revenue bearing fund that we have.

I would like to say that, for instance, if you and I, engage in construction, home renovation, or what have you, and we go to our banker, the first thing he might suggest that we do is to draw a feasible plan to show where the money is going to be spent. You almost have to prove to a banker that you don't need a loan in order to have one extended to you. I can't for the life of me, and I will never understand why, when we talk in terms of sixty-nine millions of dollars, that we have no right to know what is to become of these monies. It seems to me that we argue — I am on the Committee of County Government, for instance — we spent days arguing about a 5.5 per cent increase on the salaries of different political offices. Why this was peanuts by comparison about what we are suggesting that we give away today. We argue on labor laws. What are we going to give the working man; \$2.00 an hour, \$2.05, whatever we might suggest that we do? And yet on the same token, these high-powered educators can require and give themselves, by just a mere stroke of the pen, a thirty percent increase, a forty per cent increase, and in some cases, a hundred per cent increase in their salary system. I say this is most unjustified. I think we are the scapegoats of what is happening at the University of Maine, indirectly. An Assistant Chancellor, being hired, and an out-of-stater to boot, mind you, is drawing a salary of only

\$500.00 lower than the Chancellor himself. You tell me if this is fair.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: We have been criticizing the Board of Trustees. I believe the problem originated with the Student Senate. And I would like to ask members of the House, who are graduates of the University of Maine; does the Student Senate operate under any guidelines in recognizing campus organizations? Does the Board of Trustees have any influence over the Student Senate? Are the students at the University of Maine making any involuntary contributions to all of these campus organizations, whether they restrict them or not?

Mr. SPEAKER: The Gentleman from Livermore Falls, Mr. Lynch, poses a question through the Chair and anyone may answer if he or she wishes.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Having been a student at the University of Maine a number of years ago at Orono; and having been involved in the Student Government Organization at that time; I would like to respond to the question posed because I think it is a rather important one and one that all of us ought to go through for just a moment. The Student Senate Organization at the University of Maine at Orono, and other campuses as well, is a student organization made up of individual students elected by the student body. At times they are elected by a small group, like all human beings from time to time, many people don't bother to vote. In certain instances you will have a very high turnout, with seventy per cent of the entire student body, allowed to vote for a particular area, turning out to elect a certain Senator. In other elections you may have as low as five or ten per cent. And it depends and varies from school to school. The Student Senate Organization is an independent body. It is approved by the Board of Trustees as an operating student activity group. The way that the

Student Stenate operates at the University of Maine at Orono, in relationship to this organization, in which we have been discussing and addressing ourselves, or any other organization, whether it be the young Republican or the young Democrats, for example, they operate the same way. I was President of the Democrats Club at the University of Maine at Orono in 1962, when we went for permanent approval and recognition of the Organization. And we petitioned the Student Senate to recognize the Y-Dem as a permanent student body. I'm sorry, a permanent student group; much like this one did. The process that was used is, that it is referred to a committee made up of the Student Senate. They in turn either accept or reject. They then must approve of that organization being created; they then notify the entire Student Senate Organization. And the entire Student Senate, which is composed of students at the University, approve of the organization. And at that point it becomes a recognized organization on the campus of that University. This is true of Orono; this is true of every other campus within the system. I know because I was involved in one of those clubs that sought permanent organization; one which close to half of the members of this body, I'm sure, would agree that this would be an excellent club in promoting our own approaches to politics. The other half would approve of the other that had been recognized the year prior to that by the same Student Senate. Once that organization is recognized as a legal organization, it then becomes eligible to use the facilities on campus, that is; it is eligible to use the meeting rooms within the Memorial Union Building or any of the buildings on that campus for its purpose. If, from time to time, you are going to have an organization that is going to use a great deal of money in terms of taking care of the organization, then it is mandatory that you help to defray some of the expenses. The expenses are then reimbursed by that organization.

I would remind you that the Student Senate operates for students on a level at the University of Maine at Orono, on a basis where it is self-funding. It is its own

money that operates the Student Senate. It is its own money that comes from students themselves to the organization. I will agree with all of you that will come back and say, "Gee, that same organization is using taxpayers buildings in which to hold their meetings." I quite agree with you on that. I will point out though, that when you are talking about one organization, are we then going to set ourselves up as an approval body, in the Heifers Club, in the Young Management, in the YGOP and the Y-Dem, the organization which I served as an officer also at Orono; the Management Club for City and Town Managers? And you can go on. There are thousands of them listed in the student handbook. At least, it appears that way.

I think that all of us are upset and that many of the people are upset back home about this one organization. It's unfortunate that we have to devote this amount of time to that type of a problem. It is unfortunate that we will, in effect, by our vote, affect the lives of the other eighteen thousand or so students at the campuses of the University of Maine. It doesn't matter where they might be.

I guess what finally bothers me, when we get all through, all of the arguments for and against, is the point that we will be attacking some students who don't deserve to be attacked. The 99.9 per cent. In every single group, in this Maine Legislature, in every political organization on the State or National level, in every club, in every community, there is a small group of people that hurts you and does not believe and does not agree with you. What are we supposed to do? The next time you have a couple of friends of yours that show up at the caucus of your political party who disagree with you and they want to run against you for the Chairman of the Town Committee, are you going to simply say — and get your votes there — and say, "you can't come in the door, we don't want you in here, you are different because you are not voting for me?" I hope we never get to that point.

If we want to vote an opinion to go to the Supreme Court, let's vote on that. But let us not vote on the Budget as a way to get even. In my opinion, this is not the way. And I would ask you to vote

for final passage of this Document.

I want to reemphasize one last point again. For the most part, or for all practical purposes, the money to support the Student Senate Organization at the University of Maine at Orono, is student money. It is not taxpayers' money. It is taxpayers' money in the sense that that money comes from the parents, perhaps, who are, of course, taxpayers. But that is a very indirect way of looking at that particular situation.

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

Mr. SOULAS: Mr. Speaker and Members of the House: Today I will be voting in favor of the entire part one budget, but with some reluctance. Not because of the \$69 million to the University of Maine, but because of the closing of the facilities in Skowhegan, not the closing of the building but the half-way house program and the 37 employees who will be without jobs come July 1974. I hope the Appropriations Committee, in their wisdom, will make every effort to utilize these people in a way the communities orient them; by getting or using their experience within the cities, where I am sure the results will more than pay for what they will receive.

So I leave you with one thought, most of the shadows in this life are caused by standing in our own sunshine. Let's not turn our backs today on these people.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday I told you that I live as near the University as any member of this House. I can also say this; the amount of mail I have received has been tremendous. A great deal more mail has been directed in my area towards me and phone calls than that famous abortion bill which we had here and had so much discussion on.

I have been down here fourteen consecutive years. And I have spent through the officials of the people of Old Town who have elected me, same as the people have elected that young man from down to Portland. He was elected from that district. I know he represents that to the best of his ability. I try to do the same thing up in my area.

I take great pride in that University. We have one of the best campuses there is in the State, barring none. They always said that Dartmouth had one of the best campuses, but Dartmouth does not compare to ours. I think we have got one superior to theirs.

Now, the gentleman from Perham, Mr. Bragdon, made a statement which I think holds a lot of water. If they were to have a bond issue that would be directed towards the University of Maine today, I would be willing to bet 10 to 1 that it would fail passage.

Now, the gentleman from down in the corner, the Majority Leader, says that this homosexuality is a sickness. I will agree with him. But, if a man is sick, why don't they send him to a doctor? Never mind sending him to an educational institution. If he has got that sickness he can be taken care of. Why should the people have to pay money to be disturbed by these people?

For the last month our university has been in headlines of the press; has been on the Floor of this House. I think the only way we can do that is to get the trustees to do a job which they were entrusted with. I think they can do a job. They can set up regulations and rules like any other organization.

And I say this; when Mr. Martin says something about the people, yes, the people pay the freight. They are the ones that are sending the letters to me. I don't go to the University right now, I am too far gone. But let's give the people who have elected us a little bit something to say. They are disturbed, so are we. Let us make every effort that we possibly can to correct a situation before it gets out of hand. If we let these few minorities tell us what to do it would be just like throwing some seeds out and watching them grow — they will multiply and we won't be able to do anything. All you have got to do is go back a few years ago when the minorities took over in Watts, California. They destroyed a city out there. They came back to Washington. They went everywhere in the country. Are we going to stand for that? No. I don't believe in that. I believe we can stop it right now. And the way to stop it is to try to hold the funds back until we get some assurance.

As I understand it we are going to have

an order that is placed before us. This budget can't be passed today, in my estimation, until that order is acted on. And that order will be here, I understand, for our discussion tomorrow. I can't see that I can support that today. I don't want to penalize no one. But I really want to take care of the people who sent me down here.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I think from time immemorial that lesbians and homosexuals have been considered as ill people. I am not going to make any scientific comments in that respect. But I do feel that on the word of the chancellor that this was a legal question; that the Trustees had been advised by counsel that this group who had been permitted or given interests to be examined to the college under the bylaws or the organization of the university did have a right. No, I don't know whether they do or not. But today I am not going to hold up the budget by voting against it. But I would vote for the order to have the court give its opinion in this matter. We have a court to do that at constitutional matters. And I think it will have to be adjudicated by them.

It is a puzzling thing, life is. We know that there have been many geniuses who have homosexuals, for a while at least. Julius Caesar was. I don't know how many of you read Advise and Consent which dealt with that problem in our own government. But I just take this opportunity to speak because it is the most efficient way to explain a way you are going to vote. You don't have to go around and tell every individual. You can do it once and for all on the Floor of the House.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to say that I agree wholeheartedly with the remarks made by the gentleman from Portland Mr. Talbot, relative to this matter. I also find myself in partial agreement with the gentleman from Standish, Mr. Simpson. And this is a very rare occasion for me.

I have been listening to some of the comments that have been made. I haven't received any letters relative to this matter. But I know, from my own personal experiences, not because people don't know how to reach me.

I would like to say that I am going to vote definitely in favor of letting the budget go. And I am only going to make one comment relative to a certain remark that was made by the good representative Carl Sheltra. He made a statement to the effect, I believe I have quoted him correctly, he said that the "law of the land is designed for the majority of the people, to please the majority of the people." I would disagree with that statement. In my belief, I think the people that framed the constitution of this land did so with the express purpose of designing it in such a way not to please a majority of the people, but it is designed to protect all of the people. And there is a difference if you think about this.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: you have heard very candid remarks from the gentleman from Old Town. And he lives near there. I would like very much to hear from the gentleman from Orono. He also lives near there. I would like to hear his comments. And I would also like to vote on this pretty soon.

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

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: I haven't received any mail on this, but I am sure many people have, and I am sure it is a problem when people are worried about it. I truly don't feel that we should hang over the heads of a few people the entire budget of a university for this. Therefore, I would urge everyone to truly and sincerely think about this and act and pass this budget today.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Again, skirting the issue from what I want to say and try

to separate from what I am going to say tomorrow; I would like to comment concerning the remarks of the gentleman from Eagle Lake, Mr. Martin, that if he will read yesterday morning's newspaper he will see, in an article that I had, that I said that it was a shame that a great deal of people would be made to suffer if they were to be maybe made to suffer because of a few. I made that as a public statement. And it is my intention to make a great many people suffer.

I find myself in the same position as Mr. Bragdon is in. I could make a great deal more statements concerning the issue, and I am not going to today. But I must answer to some of the remarks that were made by the gentleman from Bangor, Mr. Soulas, a very fine and kind gentleman, that the positions that have been taken away at Pineland, we're making every effort to take care of them and absorb them, number one.

Insofar as Skowhegan and the Halfway House is concerned, I will only refer myself to my good friend from Skowhegan, Mr. Dam, who will bear in mind that nobody, but nobody in this House, has done more to keep Skowhegan alive than I have for the last few years. And I think he would be the first one to rise and state that that is a fact.

I enjoyed the debate that has been made, particularly the remarks of Mr. Bither. I think that probably after tomorrow he might think a little better of me. I could dissertate quite at length as to the order, and how it happened to come about. Sometimes somewhere along the line you have got to wrestle with yourself as to whether or not you are going to push the blame on somebody else and I am not apt to do that. I don't operate in that fashion. But, I say this, we have to the first of July. And somewhere along the line there is going to be more conversation on this thing tomorrow, I can assure you of that.

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

Mr. CURTIS: Mr. Speaker and Members of the House: Having been invited to perhaps express my opinions on this bill, I am pleased to do so. Being the representative from Orono, I thought perhaps my ideas would not be

particularly well-received, because people would indicate, a belief that I had a special interest, which I do. I would like to see this bill passed, and I think the University deserves the money, needs the money that is included in it. And as far as that issue goes, I think it would be very unfortunate if this House demeans ourselves to the point where we tried to intimidate the University Board of Trustees by withholding money in the budget.

There is a very separate debate which has been going on here this afternoon, which I have found extremely interesting to listen to, and that really has to do with the rights of minorities and the power of the majority. Personally, I think that the Board of Trustees at the University has made the correct decision in the situation, largely because I think that the measure of the freedom of any society is the ability of the state to tolerate an unpopular minority, so long as that minority does not violate the law.

I am reminded of the description given by a German of how the Nazi's came to power in Germany in the thirties. This fellow said, "First they came for the Communists, and I was silent because I was not a Communist. Then they came for the Unionists, and I was silent because I was not a Unionist. Then they came for the Jews, and I was silent because I was not a Jew. Then they came for the Catholics; I was silent because I was not a Catholic. Then they came for the Protestants, and I was a Protestant, and there was silence because there was no one left to speak up for me."

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

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I made up my mind quite a while ago for other reasons that I was going to vote against this budget, mainly because of one department, the Mental Health, which I think are asking altogether too much for the decrease in population that they have had in the last two or three years. I also believe that the budget for the University of Maine is rather high. And these are the reasons why, mainly, I am voting against this today.

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

Mr. DYAR: Mr. Speaker and Members of the House: The gentleman from Eagle Lake mentioned here a few moments ago the Student Activity Fund of the University of Maine. My concern is based on the report that many young Maine people who found the activities of the University of Maine very distasteful, did not pay their student activity fee prior to the beginning of the new semester. The University system told these young people that they would have to pay their activity fee or they would not be allowed to pursue their course of education in the second semester. This bothered me.

It also bothers me to see a minority again, and I am not against minorities. The minority of Professors in Political Science, in Economics, in History run down our system, the Democratic system, in this country — run down our economic system and teach Marxism to our students. This has gone along, it is now in our public schools. Young people pertaining to the University system have listened to these professors, and now they are teaching your children and my children their theory. I am not going to vote against this budget today on this assumption alone because I think it is a loaded budget. But it does concern me when we discuss minorities, and allow minorities in our educational field to teach a system that is not consistent with our way of government.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I see my good friend from Lewiston, Mr. Jalbert is not here. But I would say that in reference to him that I do realize how much he has done in the last few years to keep Skowhegan open. And I never did in my mind ever think that it was going to stay open forever. Because I always felt that there was better uses that we could put the facility to when the time came. And I just wanted it to be clear on the record that this was the reason for fighting to keep Skowhegan open and mainly to keep it open only until the time comes that a bill was reported out so that they could not finagle, any group of people in

the state or former legislators in the State, finagle land from the State into a private interest group with no payment to the State. Which means, I didn't want to see the people of the State of Maine get shafted. And that was the only reason I fought to keep the Skowhegan facility open. But I am sure that we will find a much better use for it than what it has been used for.

I do still oppose that part of the budget that has to do with the Mental Health and Corrections. Because they did flaunt the wishes of the Legislature, and they put themselves above the legislature. They did exactly the opposite of what we wanted. And for this reason, and this reason alone, I vote against the budget, but I do want to assure the gentleman from Lewiston that I realize how much help he has been over the past years.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I know the hour is late but I am deeply troubled. Many people have spoken this afternoon. And I think everyone that has spoken really believes what they said. I think they are deeply troubled with the problem that we are faced with. I am troubled with it. But it seems that every time that there is any problem at all dealing with the University of Maine, I mean all we have to do is mention the University of Maine, and everybody starts to scream salaries and money thrown away and permissiveness and all of the things that we hear.

Now, I would submit to you, ladies and gentlemen, that if you really are so seriously concerned, and I have been here now, this is my sixth year, and I have heard this time and time and time again, if you are so seriously concerned, let's get the legislative documents necessary and take the autonomy away from the University of Maine. If this is what the legislature wants to do. I understand it is part of the constitution. And if this is what you want to do, let's do it. But let's not, every time that a bill comes out that deals with the University, every time a budget document comes down, immediately, we use this as a vehicle to attack it.

Now, I know the hour is late, and I will address myself very briefly to the

problem, I am not even qualified to speak on the problem that is taking place up at the university. I am neither a constitutional lawyer, nor am I a psychologist or psychiatrist that would be able to deal with the problem. But in the Bangor Daily News this morning there was a letter to the Editor, and I don't believe in reading out of the newspaper on the floor of this House, but I have been searching for a number of days because we have been concerned with this problem for a number of days. I have been searching for some way, some way to get my message over. And this says, "students down to earth". Probably some of you have read it. It says, "To the Editor; I am writing in response to several editorials I have read over the past few weeks concerning the Wild Stein Club's existence at the University of Maine at Orono." He goes on to say that, "I am a student at UMO, and I feel it is about time someone spoke out for the hundreds of students who are there, who are just as sure of their sexual identity now as they were before the Wild Stein Club was formed. I have been hearing a lot of comments lately from the everyday citizens and taxpayers that conveyed a general feeling of "Well, wait until they start asking us for money again. They are going to find things a little different when we are asked to go to the polls to vote to give them a couple of million dollars for a new building or a project. "I am neither condoning," this young man says, "Nor condemning the Wild Stein Club, but I feel that the taxpayers of Maine should be reassured that the average student at the University of Maine in Orono" — and this is where the problem is, of course — "is still pretty down to earth in his ideas and personal philosophies and deserves your support just as much as ever, if not more so."

President Howard Neville recently stated that if the people of Maine worked together, the University can be made into an institution which we can all look at with pride.

As I said before, I don't support or condemn the Wild Stein Club, I just want to stand up for the majority of students who, without your support, would not have the opportunity that they have now. I can only hope that more citizens and

students that feel as I do will voice their views also. The average person is usually one of the last concerned to make known his feeling.

I certainly hope, and just let me add this, because I am seriously concerned, I hope you support this budget this afternoon, because we are not playing games here. We are not playing games. Everyone knows — everyone knows that we are dealing with both the trustees and the taxpayers. They know that this budget has to come out eventually one way or the other, and if we get locked into a position — if a majority of us get locked into a position, we may have to go all of the way — all of the way — this isn't something that we can take a stand on today and hope it will be gone tomorrow, because it may not be gone. We may be locking ourselves in for a battle for the whole duration.

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

MR. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to answer the good gentleman from Bangor, Representative Soulas, and reassure him that the Halfway House program at Skowhegan has not been terminated. We are going to take this up in the Part II. Although I can't speak for the committee, I, myself, am going to fight to expand the program, because I think it is a very vital program and should be expanded. It has served a very useful purpose up to this point, and I am sure it will continue doing so.

To get to another point, I, too, am troubled by this budget, and I can appreciate your feeling of frustration. I have received more mail on this issue than any other issue that I have ever had to vote on before in this House, or in the other body for that matter.

One letter in particular I think really represents the feeling of frustration of the taxpayer on this issue when this lady wrote, and I quote: "You can't stop the birds from flying over your head, but you can sure stop them from nesting in your hair." Now, the solution sounds very simple but it is not. This problem has come before other states, the same situation, and the courts have ruled on constitutional grounds that they cannot be stopped. They have that right.

Whether we agree with them or not, I don't think we should penalize the majority of the other students, which is a good number, and they are good students, as has been pointed out by many of you.

Furthermore, I think my colleague from Dover-Foxcroft, Representative Smith, hit the nail on the head, as has my colleague from Brewer, Representative Norris, when they state that the University of Maine, as far as we are concerned, are an autonomous body. We merely supply the funds and have no voice on how they will be spent. We can suggest and we can debate on the floor of this House, which has been done this afternoon, and I am sure by the actions of all of us here this afternoon, they will have received the message. Whatever they can do about it, I am sure they will attempt to do. But denying the passage of this budget is not going to solve the problem or end the issue.

I think we ought to pass the budget and go on about our business, and if we want to really take an active hand in the University, we can attempt to take their autonomy away from them, but we cannot take away the constitutional rights of any person in this state. And I would hope that you would support the budget.

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

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

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

ROLL CALL

YEA — Albert, Ault, Baker, Berry, P. P.; Berube, Birt, Bither, Boudreau, Bragdon, Briggs, Brown, Bunker, Bustin, Carter, Chick, Chonko, Clark, Connolly, Cooney, Cottrell, Curran, Curtis, T. S., Jr.; Drigotas, Dunleavy,

Emery, D. F.; Evans, Farley, Farnham, Farrington, Faucher, Flynn, Fraser, Gahagan, Garsoe, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Herrick, Hobbins, Immonen, Jackson, Jacques, Jalbert, Kelley, Keyte, Kilroy, LaCharite, LaPointe, LeBlanc, Lewis, J.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McTeague, Mills, Morin, V.; Morton, Mulkern, Murray, Najarian, Norris, O'Brien, Perkins, Peterson, Pontbriand, Pratt, Ricker, Rolde, Rollins, Shute, Smith, D. M.; Snowe, Soulas, Stillings, Susi, Talbot, Theriault, Tierney, Twitchell, Tyndale, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.; The Speaker.

NAY — Berry, G. W.; Binnette, Brawn, Cameron, Carey, Carrier, Churchill, Crommett, Dam, Davis, Deshaies, Dudley, Dunn, Dyar, Ferris, Finemore, Gauthier, Hunter, Kelleher, Lawry, Littlefield, McCormick, Morin, L.; Murchison, Parks, Ross, Shaw, Sheltra, Silverman, Simpson, L. E.; Sproul, Strout, Tanguay, Trask, Walker.

ABSENT — Conley, Cote, Cressey, Donaghy, Dow, Fecteau, Hoffses, Huber, Kauffman, Kelley, R. P.; Knight, Lewis, E.; McNally, Merrill, Palmer, Santoro, Smith, S.; Trumbull.

Yes, 97; No, 35; Absent, 18.

The SPEAKER: Ninety-seven having voted in the affirmative and thirty-five in the negative, with eighteen being absent, and ninety-seven not being two-thirds, the motion does not prevail.

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

Mr. ROSS: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider our action whereby this Bill failed of final passage.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that the House reconsider its action whereby this Bill failed of final passage.

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

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: For some reason, I regard this issue as one having a great deal of importance. I know one of my friends reminded me just a little while ago that I was — he likened me to Daniel Webster, who Senator Calhoun

said was like a half rotten mackerel in the moonlight. He said he both shines and stinks at once. I pray, sir, and ladies and gentlemen of the House, that the extension of these remarks will not lead you to that conclusion.

I would like to make abundantly clear, if that be necessary, that neither majorities nor minorities have any great call on genius. You all may remember that it was the majority who slew the man most of you worship to this very day. They thought at that time that they were right.

Now, it has been made very clear in this body this afternoon, whoever, under the democratic process which we operate under, that a majority of the Representatives of the State of Maine and the House of Representatives favor the passage of this act. Therefore, it seems to me only reasonable to request that you honor the motion of the gentleman from Bath, Mr. Ross, to reconsider our action and to do just exactly that, and to take into consideration the fact that you know perfectly well, just as much as do I, that the emotionalism which has been brought about has come about as a result of this very small group of students at the University.

I am not going to take any great deal of your time to dwell on whether or not they are within their constitutional rights. Courts have already established that they are such. But I am going to try to make it abundantly clear again that the vast majority, thousands upon thousands of students are well meaning, purposeful, intelligent, splendid, young human beings who deserve the support and the best that we can afford to give in the university.

If some of you have reasons for not supporting the University's funds, which are logical and are reasons that have nothing to do with this emotional question, I respect you for that, and I respect the vote that you cast. But to deny the vast majority of students the type of high quality education that we can give them in the great University of the State of Maine by passing this measure would be a travesty, indeed, and one which is beneath the dignity of this legislative body.

I hope and pray, ladies and gentlemen, that you will see fit to support the motion of the gentleman from Bath to reconsider our action so that we can do just that and provide the funds which the Appropriations Committee, I trust, approve, and which will help to assure the quality of education which we want the young people of our state to be able to have.

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

Mr. CHURCHILL: Mr. Speaker, I request that this be tabled for one legislative day.

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

The SPEAKER: The pending question is on the motion of the gentleman from Orland, Mr. Churchill, that this Bill be tabled for one legislative day. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

28 having voted in the affirmative and 80 having voted in the negative, the motion did not prevail.

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

Mr. JALBERT: Mr. Speaker and Members of the House: You saw the way I voted. My light was green. I will agree with the gentleman from Caribou, Mr. Briggs, that this thing here was given a fair and long, healthy debate and it lost. Now, I ask, as one who voted to enact it, and it failed of enactment, I now ask that this thing be placed on the table by our leadership so that we can get to the other issue tomorrow. In my opinion, that is only a fair shake.

I voted for it. As a matter of fact, I was encouraged through the remarks of Mr. Martin and through the remarks of Mr. Soulas. It didn't win, it lost. And I would hope certainly, because of the fact that the leadership did work with me on the order, that this thing be held up at least for one day. I would hope that it would be held up until we get some sort of solution to the problem, which I think will be forthcoming certainly within the next 24 hours.

I beseech you to table this for one day. I think that is fair enough.

The SPEAKER: The Chair recognizes

the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: I have read the order and I have listened to the democrat here with seniority on the Committee, the gentleman from Lewiston, Mr. Jalbert, and the thing that bothers me is how long it might take to process in the court to get an official opinion back from the court on the proposed question to them. I would assume that the gentleman can give us some rough guidance.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would be delighted to answer the gentleman from Brunswick, my friend Mr. McTeague, because as a very learned attorney who has represented me, as a matter of fact on a couple of occasions — I mean, he would know what the answer to that is even better than I would. I don't think it would be as long as that. But I want to have a chance tomorrow to really state my position as to how and why the birth of this order came about, why it came about, and what could be done to solve this thing.

As far as an answer from the court is concerned, I don't think it will delay matters one iota. I don't think it will take any time at all if we were to get an answer, not even then.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I apologize for speaking again. I am, as I say, upset with this sum and I am concerned. I really don't understand, and probably it is ignorance on my part, but I know that long ago we had a report come in from the Maine Management and Cost Survey people. There were hours and hours spent on that report. The report was brought before this House concerning three campuses of the University of Maine, and it was indefinitely postponed before it was even sent to public hearing — before it was even sent to public hearing we indefinitely postponed the action on those three campuses, after businessmen had spent months to come in here — I was one of the people that

voted that way. Now today, a handful, mind you, a handful of students with purposes different than our own make this legislature, make this House, this Honorable House, take the attitude in Augusta, nowhere near Orono — there are 2,486 students. This is as of the fall of 1972; in Farmington, 1,709 students; at Fort Kent, 615; at Machias, 609. Forget Orono and Bangor. 7,072 at Portland-Gorham; Presque Isle, 1,315 students. This is leaving Orono and Bangor out, and this afternoon we say no, don't give them any money because there are a handful of people up on the Orono campus who are doing something that we don't like.

Now, you wouldn't even listen to the Cost Management people. You wouldn't even listen to them when they dealt with these campuses, and here today you are allowing eleven people, as I understand that is the number, to persuade this House not to fund the University of Maine. This is exactly what we are talking about. We have gone around Robin Hood's barn, but we are concerning ourselves and the reason that this budget, except for what a few good folks have said and have made it very clear. Other than that, everybody else that has debated on this has debated against the University of Maine. It doesn't make sense to me.

I realize that in no way will I probably change your vote. But just realize that if you are from Washington County, you are voting against your institutions down there, just the same as you would have been voting against them if you had allowed the bill to go to public hearing. The same thing with Aroostook County; the same thing with Portland-Gorham. It is just exactly the same story, only you are letting eleven people do it who you don't agree with to begin with.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: It isn't eleven people, Mr. Norris, who have disturbed me here today with my vote. It is the attitude, and I know it has been said, that it is the attitude of the trustees and the actions of the administration that disturbed a number of people up in the Bangor area, where I come from and

I know that you are very well aware of, that sent letters to me in disgust of their actions. That is why I didn't vote for it. It may be wrong; it may be a hundred per cent wrong, but the only way we can demonstrate, and if that is what it is, that is what we are doing, to demonstrate our disgust, is by voting no in this passage. You might say it is a very small thing to do but, unfortunately, this is the only way the people in my particular area can put their voice in here. That is why I am not voting for it.

As far as tabling this to let Mr. Jalbert's order come in or whatever order come in for a decision on the court, what is wrong with that? Why not give the people a fair shake? Let them have a voice in this.

It is not eleven individuals at the University of Maine that prompted me to vote the way I voted. It bothers me to hear someone say that you are voting against your area in Machias, Aroostook County, Bangor, Portland, but I am just expressing my opinion as far as I am concerned and the people where I come from who don't have an opportunity to say so.

The SPEAKER: The chair recognizes the Gentleman from Brunswick, Mr. LaCharite.

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: I think that possibly we should let the people have a voice on this, but not on the budget. Let's not hold up the budget for that purpose. Let's take care of that order and we can take care of this measure at another time.

The thing that concerns me now and should concern all of us is the budget for the University of Maine, the Health and Welfare and for everybody. I think that is the major issue and I think that that is what should be passed.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I started this off, and I started off by saying that vocal minorities are very dangerous things. Now I was not referring to Black, to White or Protestant, to Jews or to anybody else.

I have found myself in the position of minority in several instances. When

they do get vocal, they then throw a monkeywrench into the machinery, as the gentleman from Bangor, Mr. Norris, has stated, "we are letting a handful do something." Handfuls disturb the whole society of this country, and I do not think that we, as I stated before, should knuckle under to them. We have one final last weapon, that's all we have. I said in the final analysis I wasn't going to oppose the budget, per se, but this is all we have today to try to force the trustees to act reasonably and not to be presumptive with their ideas that they think they can tell us exactly where to get off. I am disturbed about the trustees, not about any Wild Stein Organization or anything else. It is the action of the trustees that disturbs me and it has for 18 years.

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

Mrs. MORIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to state my reasons for voting against the University of Maine funds and that is that the Chancellor and the Board of Trustees are in essence telling us that we have no business sticking our noses into the method of spending the taxpayers' money in our locality and yours. The same goes for the Health and Corrections Department.

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

Mr. BRAGDON: Mr. Speaker, Ladies and Gentlemen of the House: Let me reiterate what I said originally. I have made it clear that I am a friend of the University of Maine. I don't have to repeat that; you know from my record that I am. I said we had a problem here and I am convinced that we do have a problem. I told you that I thought the best way to solve it was to give the Trustees of the University of Maine a chance to change their thinking.

The legislature, in my opinion, has used the only voice that they have, and while this 150 people are sometimes accused of not hardly knowing what they are doing, I am completely convinced that almost always they do know what they are doing. That applies to every one of them.

I wish I could say it stronger, that I

feel that the University is in trouble because of making a wrong decision, that they will correct that quicker and get back in the run of things with the people, the people will shell out their money, they will vote for the bond issues quicker if they admit their mistake, and they could admit it tomorrow and tomorrow we can pass this budget and proceed on our way.

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

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: I am just terribly intrigued by how we can change all these momentous events by having the group of gentlemen who ordained to operate the functions of the University admit their error. It is rather intriguing for me to see the thinly veiled and thinly disguised remarks that are put out, and I am not against this budget. I will probably vote for this budget. All I am against is the evil thing that these Trustees have been doing, and I just want to show them that they mustn't do these evil things. In other words, a few lashes will probably put everything into perspective. Of course, the truth of the matter is, that a few lashes won't change anything at all. The University, as I am sure you are all aware, is not a unit of the state government for administrative purposes.

As I tried to point out the first time I arose, the Trustees of the University are no different than a similar group of gentlemen that were selected from among you. They have been trying diligently, I have not the slightest doubt, to do what they believe to be legal and proper and in the best interest of the University. Our job, as I see it, is to do here what we feel is right.

Down through the millennium there have been problems just like this that have caused great anguish and minorities have at many times brought great events to pass — minorities have brought great historical events to pass in this world and mustn't be despised nor especially respected either. Majorities, on the contrary, have done terrible deeds, in the name of Christianity, for example, if you need any.

I do hope that we can get on with this business. The hour seems to me to be

late. I trust there will be no more urgent need for further caucusing among my opponents or my supporters and that we can support the motion of the good gentleman from Bath, Mr. Ross, to reconsider and do exactly what we should do, pass this budget act, which has been approved by the Appropriations Committee.

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: Two hundred years ago, there was a vocal minority in this country and they were called radicals and revolutionaries. We now call them patriots. They fought and died so that their children and grandchildren would live under the Bill of Rights. Today they must be turning over in their graves to watch this performance.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: The people who have talked here before me make it sound as though we have just given the death blow to this thing. Those of you who have been here before know that we are nowhere near dead with this bill, that, if anything, we will be sending it over to the other body, that, if anything, we will be sending it over to the other body, and all of you sitting here know that it will come back in non-concurrence. That will probably buy us a little time, since we can't do much tabling, at least it will buy us the time to get the answers which Mr. Jalbert from Lewiston is looking for and then, maybe that will be the time that I will also change over.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I did make the motion to reconsider, and I believe the motion to reconsider should be voted on before we vote to enact again. For those who feel the way I do, that we should use this last tool to see if we can't reach a sensible way out of this, I urge you to vote no.

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that the House reconsider its action whereby this Bill

failed of passage to be enacted. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

A vote of the House was taken.

101 having voted in the affirmative and 26 having voted in the negative, the motion did prevail.

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

Divided Report

Majority Report of the Committee on Taxation on Bill "An Act to Correct the Administration and Collection of Real Property Taxes for Education Purposes. (H. P. 1773) (L. D. 2245) reporting "Ought not to pass"

Report was signed by the following members:

Messrs. FORTIER of Oxford

COX of Penobscot

—of the Senate

Messrs. FINEMORE of Bridgewater

SUSI of Pittsfield

IMMONEN of West Paris

DAM of Skowhegan

MERRILL of Bowdoinham

COTTRELL of Portland

DOW of West Gardiner

DRIGOTAS of Auburn

MORTON of Farmington

—of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" (H-736)

Report was signed by the following members:

Mr. WYMAN of Washington

—of the Senate.

Mr. MAXWELL of Jay

—of the House.

Reports were read.

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

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

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

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I know it is late, but unfortunately, in acceptance of the "ought not to pass" report we would kind of put this bill away. In a sense, it is a little gem that we are in hopes we might help some of the poor communities in this state that are being taxed by a little bill known as 1994, and I think it is only right that we give it a good healthy debate and bring some facts out before you on the floor.

L. D. 1994 was a bill that was sold to the people of this state as a property tax relief measure when, in fact, it was an equalization education bill. In fact, if it is an equalization of education bill and the state is going to pay 50 percent of the cost of education in this state, then there are a few municipalities in this state that feel the funds should come out of the state and that the people who have to pay property taxes in those towns should not be severely penalized, and that is just exactly what this bill calls for, and that is to allow the excess tax dollars that they have to raise to help pay somebody else's educational bills be given back to them so that they can use it for their own municipal services.

The other day I circulated a letter on your desks. Like most of the information that comes across, I know some of you read it and some of you don't. But it came from the Town of Wells, and I think it is indicative of much of the mail that I have received and I think some of you have.

You know, when this bill was debated we always talked about Wiscasset, the rich Town of Wiscasset, and I am sure that all of us realize that Wiscasset has a great amount of industry; namely, the two generating plants there which give them a tremendous tax deal. However, I think we failed to realize that the other municipalities that are involved in this thing are not as rich as some of you

would have believed. Let me quote from this letter.

"Wells is said to be a rich town, which is far from true. Our income per capita is approximately \$3,000. We have no industries at all except for a Warren Brothers asphalt plant near the North Berwick line.

"Out of state people come here and buy our property at much higher prices than we natives can afford to pay. This creates an inflated State valuation, i.e. selling price in relation to assessed value.

"The last State revaluation increased our valuation from sixty-eight (68) million to eighty-four (84) million. Wells is now in the process of having another state valuation review. It now appears that our valuation will be in the vicinity of one hundred and four (104) million.

"I am sure in the next two years inflation will increase our state valuation again. This snowballing will have a devastating effect on the tax rate of our town and the amount of money to be returned to the state will increase phenomenally.

"This might possibly be more acceptable if all areas of the state experienced the same rise in valuation, but I am certain they will not."

Ladies and gentlemen, that is the crux of the whole essence of 1994, the inequity in valuation.

"In 1973 our Town was receiving subsidies and our tax burden for Education was \$825,000. This year, with only six (6) months under the new bill and only 12.6 mills charged, it will be \$1,071,000. Next year about \$1,456,000 will have to be raised for education, because of the new valuation, and we can only keep \$920,000 for our own students.

"Our education costs will have increased \$631,000 in two years, which will be paid to the State, and we will have less money for education than we had previously. This is over a 70% increase in our tax rate in a two year period without any benefit to the Town. Our Wells citizens cannot begin to keep pace with this drastic upheaval of our tax structure.

"We have taken pride in our Town and pride in getting our money's worth for every dollar spent, but now it is out of our hands.

"In order to keep up the level of our education, we would have to raise additional money above that I have already mentioned. Again, we would have to pay the state a portion of this money under the lee-way provision.

"This is unfair because the bill calls for 14 mills over the entire state." Ladies and gentlemen, that is something right now that I want you to take notice of. If anybody in this place can find a 14 mill effort written into that bill, I would like to have them show it to me. The press has consistently quoted member after member of this body, a member of the educational fraternity as saying that there is a 14 mill effort in that bill and there is not, and I want you to read it.

"On the basis of fairness, we feel that this bill should be changed immediately.

"I am certain that you, above everyone, would not want to hurt a town or its children's education. This, exactly, will be the result in the Town of Wells and many other towns. We are appealing for your help to correct the inequities in L. D. 1994."

Ladies and gentlemen, this bill is just a slight step in that direction, and I believe there are some 80-odd communities in this state that would just as soon not go to court to test the constitutionality of this law or to test just exactly what the bill contains. I think we owe it to these people. I believe that there are taxpayers in those towns that have got just as much trouble raising taxes as you and I have and some of the other towns that we call poor.

Mr. Speaker, I would ask for a roll call on the pending motion.

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

MR. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: During a debate we had here the other day on catastrophic illness, the gentleman from Casco mentioned L. D. 1994 and expressed his fears about the possible future costs of this bill. Right now in the state there is a glow of satisfaction in some towns, but not all, with the lowering of tax rates, because of the help of L. D. 1994. It seems absolutely apparent that assaults will be made on 1994 during the next legislature, when it comes time to pay the bills.

Those who support 1994 should be concerned that they have the fairest possible bill to defend in the next legislature. Here in the bill of Representative Simpson's, the towns that were hurt by 1994 have sought a solution that would inject such fairness. We are not asking to dismantle the entire 1994 legislation, although some would say that about this bill today. We are not even asking for our lost school subsidies; we are willing to absorb that loss. What we are asking for is to not have to pay extra money into the state to finance education elsewhere. This seems like a reasonable and fair request.

Admittedly it will cost some extra money, approximately \$1.6 million, but during the next legislature, when we are going to debate the entire cost of this program, what we are talking about here today will not be that all significant, and you will have a fair law to consider, one that at least affords some relief to those towns that have been hurt by L. D. 1994.

I hope that you will not support the motion of the gentleman from Pittsfield to accept the "Ought not to pass" report.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: First, I would like to thank the gentleman, Mr. Simpson, for protecting Wells. They happen to be a neighbor of mine, but he forgot one point. It is probably the richest summer resort along the coast. The early reports that we are getting from around the state indicate that by and large L. D. 1994, is working. This legislature is deeply concerned about two factors, whether we can afford to pay for it; and number two, whether we are being completely fair to all communities. With respect to the total cost, I can tell you that the planning figure of \$211 million for the total cost of education next year is just as sound and dependable as it was when we first proposed it to you.

Second, have we been completely fair? I have never heard so much scare talk about these corridors as I have heard concerning some local scare stories. The fact is, most communities are giving promised tax relief to their people. In

early returns, the average community reporting reflects a reduction in property taxes of some 6 percent for the six-month period. Some communities which have had increases in taxes are holding the line, and I shall in no way attempt to minimize the painful nature in the adjustment of the so-called over-collection communities.

We have compassion for the financial sacrifice that is being made in these communities but we also have compassion for the financial sacrifices which have been made for so many years by so very many poor communities around the state.

Let us be perfectly clear as to what we have done with our tax structure. We have a 5 percent sales tax in this state, which is uniformly applied, whether you live in Fort Kent or Biddeford. We have a personal income tax and the level of your payment does not depend on the accidents of where you live. When you stop in at the gas pump and are lucky enough to find the gas you want to buy, the Maine State tax on gasoline is uniform in every part of this state. As a matter of fact, the only tax that shows geographic favoritism is found in the State Liquor Store in Kittery, and you know what kind of a howl there is about that.

We have created a uniform property tax so that the financial burden on people living in a \$25,000 home, no matter where it is located, will be called upon to support education with a uniform amount of tax dollars. This is neither Robin Hood nor banditry, nor anything else. If you want to put any kind of a name to it, you can call it a doctrine of fairness.

I would call your attention to an article that appeared in the Maine Sunday Telegram, on Sunday, March 3, in which, and I believe that they have the figures to match this, that they know what they are talking about, because this happens to be the Maine Municipal Association which studies these things from A to Z before they reach the House. Some communities have already heard the good news and others will get the word at this month's round of town meetings across the state that property tax relief is finally at hand. Thanks to a tax reform in educational financing

package, approval during the regular session of the 106th Legislature, the vast majorities of Maine communities should experience some lessening in the local tax burden. In this article is listed by name a number of communities.

I can recall when we had the income tax presented to us, that I know certain people had to make the sacrifice, and no one closer to me in my family than my father-in-law called my attention to it. By the same token, no matter what bill you put in to equalize taxes, or the tax structure, someone is going to have to pay the bill. Now you cannot relieve taxes for everybody; it's an impossibility to do so.

I urge you gentlemen to accept the majority "ought not to pass" but before you do so, I would like to have you refer to that report, and on that report is one of the most distinguished men I ever met in the legislature, a gentleman from the other body who is probably more familiar with municipal tax structure or as far as that is concerned, state tax structure, than this gentleman, and I see that he signed the majority "ought not to pass." Gentlemen, I urge you to accept this and let's get on with the business. I would like to remark about one thing that the gentleman from York knows full well that his town is taking a big advantage of 1994.

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

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: I think we have come to the point where we are using illusion, magic wands, attacks on Wall Street, public relations men, and possibly ESP. The gentleman from Brewer, Mr. Norris and the gentleman from Caribou, Mr. Briggs, passed judgment on why 35 voted against the budget. I voted against that budget just because of things like this bill here, because I know that next session that we are going to the taxation session. We are going to have to face up somewhere along the line to paying those bills.

Now, L. D. 1994 was a godsend to the town and reduced the property taxes. You have read in the papers where they are having town meetings and town taxes are going down this year. I have not seen a school budget yet that has not gone up. Every school district in this

state is taking advantage of this L. D. 1994, now that the state is paying 50 percent of the cost of education and paying 100 percent of the busing and so forth. Somewhere along the way somebody is going to have to pay the bills.

Revenue sharing — that's good for six years. We are taking advantage there. We are starting new programs. Somewhere along the way this legislature is going to have to provide money for them.

Now the gentleman mentioned the state income tax. When we passed that, we passed a vehicle to tax the people of the State of Maine to pay for these bills. I don't think it is right when small towns, not only around the coast but inland, have to subsidize education in other parts of the state when it is detrimental to the small taxpayers within their towns.

I represent one small plantation, Sandy River Plantation in Franklin County, that is going to have to raise more money than ever before to comply with L. D. 1994.

Now, it is nice for the so-called fat cats from out-of-state to pay a few more dollars on their summer cottages, but the woodchopper and the farmer in our small towns, he cannot afford these new taxes. I think the gentleman from Standish, Mr. Simpson, has a good piece of legislation here. I think it is time we stopped fooling around, pulling miracles in front of the people, saving them a dollar today in their right-hand pocket and taking two out of their left-hand pocket a couple of years from now.

I think we passed more legislation in the regular session of the 106th that we can't pay for. I don't think we could ever come up with anything to say that we were right. We are giving people tax relief for a year or two, but we're really going to get them right in the breadbasket two and three years from now. I certainly hope that you will give due thought when you vote on this particular bill here because, in my mind, we passed a real mirage in the regular session.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: For years, many areas of this state have subsidized the school systems in the towns that are now seeking a change in the present school formula. For years school subsidies was funded into these communities that were making an effort in the area of four or 5 mills for education. There was no complaint. They didn't say they were getting too much from the state, and the communities that were subsidizing it didn't complain too loudly. Now what does it do?

The gentleman from Strong mentioned Sandy River Plantation. They are going to pay the state \$4,917, but they have been raising less than 5 mills for education. Other communities in this state with low income people, people working for small wages, hearing the same burden for real estate taxes, have been paying 20, 25, 30 and 35 mills. That is burdensome and has been for years. L. D. 1994 attempted to rectify some of the inequities in the cost of education in this state, and I think that it has to be recognized as this.

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

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Strong, Mr. Dyar, stated that the budget in all municipalities seemed to have gone up. I agree that they have gone up some, on the average of 10.1 per cent to the state. But I think that we have to remember that we have an energy crisis where the fuel costs have gone up we had a 8.8 percent increase in the cost of living, which the teachers, through negotiations, have had an increase themselves. So, I think a lot of the increase in the school budget is not just extra expenditures on something new. I think they are just increases in the costs of items that they have already had, which could not be helped.

As far as the bill goes, I think some of the towns, I am sure are paying more than what they were before. They have had to raise to 14 mills; they will have an over payment. But I don't think this is the right tool to try to get this money back. I think possibly as we see others,

how this 1994 affects the people for another year, maybe we can come back and get a good solution and probably try to help these towns out. I don't believe this bill is the proper vehicle to do so.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: When I signed this out "ought not to pass," I had not had a chance to see what was happening to the school budget for the state. If I were signing this bill today I would be signing it just the reverse "ought to pass."

Now I think a little while back I stood on the floor here and mentioned that even the sponsor of that L. D. 1994 was concerned with a big article he put in the paper about the increase in school budgets. I voted for L. D. 1994 because at that time I thought it might help. But I can see now it is not going to help. That the school administrations are going to keep increasing their budgets and will keep using the provisions for the 2.5 mill leeway. And since the State is picking up the cost of the transportation, they are going to have all these new programs, and it is going to fall right back on the communities, the so-called rich communities, to keep sending money in to the State to keep this fund going.

Now the very sponsor of the bill himself said that if a change wasn't made, that in the next session we would be faced with at least a doubling of the income tax to fund this measure, and that he was concerned. And that he called upon all the school districts and the school systems in this State to hold their budgets down.

Now, as I say, if today if I was signing this report I would be signing it on Larry Simpson's side, because I would say the bill is a good bill. And I say that right now; that I do believe in this bill. And I wish I could see the school budget before I signed this bill.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I am a member of the Taxation Committee, and I have made a study of 1994, I believe page by page. I worked on

the budgets of 1994, and I think I understand them.

I think this law was passed so that each town would pay its equal share of education over the State. I have heard of a township paying 4 mills today.

Let me mention one little town whose tax rate is 104 mills. As high as 68 mills of that has gone to education. And I notice that also the gentleman from Standish, Mr. Simpson was mentioning Wells. Wells has received in the past from the State subsidy paid by income tax, etc., etc., some \$825 thousand by his own admission. Now, in this State right at the present time there is 496 towns and plantations. Fifty-one of these, including thirty-five towns, sixteen plantations, are paying back to the State \$1,633,086.33. But at the same time they are still paying the same number of mills to educate their students as we are paying in Aroostook County. They are paying 14 mills. It is an equalize bill. This bill right here, the gentleman from Standish, Mr. Simpson, said; it will rape the 1994 bill.

And they mention about school budgets going up. I just finished a school budget last Sunday, or last Saturday night. Excuse me, Friday night. I went over this budget. And we have no increase except one school bus which we needed. I don't think any town is going over and above any more than above the cost. I know towns that have gone as low as \$7,000 on base salaries. I know of towns that have offered them a two or three hundred dollar raise, plus eleven steps. My district has eleven steps. I don't think the school teachers are being overpaid. I don't think they are asking overpayment. Maybe a few. And I think it would be unkind today to even consider this item before us.

And as Mr. Dam has mentioned, in regard to school budgets, I would like to see some of these school budgets all out of reason. I would like to see them. I am not disputing him because I know he is a very fine man. I have served him on Taxation. But I can't see it. I can't see as they are asking any more. And I realize that this is penalizing these towns.

But you go down to Wiscasset. \$649 thousand they are going to pay back to the State. But who is paying the bills on this big plant down there where they

gain their big amount of money? That is being paid by all over the State, wherever the electricity goes. That is being paid by the State. It isn't being paid by their local taxpayers alone. It is being paid all over the State. If it wasn't there what would happen to that town? That town wasn't in this position before.

I say right here today that a vote for this bill; a vote for this bill would be just injuring 445 towns in the State of Maine who have always tried to pay their share. And I hope you will go along with the motion. Ought Not to Pass.

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

Mr. JACKSON: Mr. Speaker and Ladies and Gentlemen of the House: I will speak to you very briefly about the Town of Harpswell, which is one of the two towns I represent. It has no Central Maine Power Company; it is not a particularly wealthy town. And it is being very badly hurt by 1994.

This bill would offer it some form of relief in its S.A.D. District. And I feel that we will be paying higher income taxes. Next time we will be asked to vote for it. And I think that to vote on this bill, for it, would be a very good idea.

And I will read you very briefly a part of one of the many, many letters I have received on this. "Hopefully, our native sons will stay here and help keep up the heritage of their forefathers and keep the fishing industry alive. Nature takes care of making big profits. And if we are taxed beyond hope, we are beaten down, and no one benefits."

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

Mr. BITHER: Mr. Speaker and Ladies and Gentlemen of the House: Mr. Finemore has mentioned the number of towns that this affects, fifty-some. I think that Mr. Simpson said eighty. I don't know where he got the eighty. Out of 496 towns and plantations in the State of Maine.

I would just like to add this to that. Does this include — this group of towns that are hurt, shall we say — includes four per cent only, four per cent of the students of the State of Maine.

Mr. Dam has said, Mr. Dyar has said; the budgets have gone up. We have got every budget, or practically every

budget in the State of Maine now over in the Education Department. And they have been and are being analyzed over and above the year before. And the budgets are approximately ten, eleven per cent higher. Fuel costs, everything of that kind, the prices of food, everything has gone up. Now, I know of one that is sixteen per cent. And I talked to the Superintendent. But that is a little private matter, and I will settle that with the individual that is responsible.

What is going to happen to this if we pass this bill? What is going to happen? What is going to happen to money? I believe the bill says that the money, they are going to collect 14 mills, and the money stays within the town. Well now, Wiscasset is going to have a lovely time spending some \$649 thousand a year. They are going to build a new city hall every year for the next three years. Other towns the same way.

Somebody has called these wealthy towns because they have shore property. Mr. Simpson has called them poor towns. He has mentioned some of the towns. And I shall quote a couple of those towns. Wells has a mill tax for education of 10.2 mills. Now, 10.2 mills, Wiscasset. We heard of that time after time. 4.4 mills. And I have got others. Of the fifty-towns — now listen to this — of the fifty-two towns that are affected here adversely, the average is 8.1 mills for education. These people have — you might say — have had a free ride for years. The Town of Houlton and many other towns have raised 28, 30 and more per cent for education alone. This isn't going to cost very much money if this bill goes through. These fifty-two towns that have paid into the State now, if that is fifty-two, and I think it is. Well, the State office says fifty-two. Let's go on fifty-two. It is going to cost, as somebody has mentioned, \$1.6 million. That is this year, the first year. The second year, because of the increase they are going to turn in, is going to cost the State — they will have to pay 2.5 mills again — is going to cost the State \$3.5 million the second year, this bill of Mr. Simpson's. The third year, if this thing continues, they figure an estimate of \$4 to \$5 million.

I hope you do not pass this bill. I hope

you will go along with the motion that we have of Ought Not to Pass.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think that the previous speaker just brought out some real interesting comments.

If this is going to cost the State \$3.6 million; \$4.2 million. This means that all of these small towns, and they are small towns; in fact, every one of them except two are under 2,500 population, are going to have to pick up this full load. Now, many of the towns they are talking about are very small.

I have always been disturbed by the figures that do come out of the Department of Education. I think they are masters at the art of distortion. One of the towns that they always talk about, and one of the towns they chose for the figures that are in this particular group that the previous speaker was talking about throws them all out of perspective. And I have seen this kicked around in many articles. It is a little town called Ellitsville. There probably aren't a half a dozen people on the floor of the legislature that even know where Ellitsville is. It is a little town up in Piscataquis County. They had one student one year. So they set the valuation at \$460,000 per student. This is the amount of money behind that one student. Strangely enough this student quit in the middle of the year and went out to another town. So they said that they only had a half a student. And that half a student made the valuation \$920,000. So, this is the kind of distortion that is being used in the figures here.

I know that they mentioned the 4.4 mills in the Town of Wiscasset. At the time that this bill was heard every bit of the argument on this bill was; what this is going to do for Wiscasset. Now this is the only single town in the State that this is affected by. And it is true; that any time you get a big fat increase in the Town of Wiscasset they immediately apply to the Public Utilities Commission. The Public Utilities Commission then has to raise the rates for the price of power and it is passed on to all the people in the State. And then

they all start to holler about their light bills going up.

As far as many of the other towns are concerned, they are all small; many of them do not have municipal services. Many of them would like to have some of the services that some of the larger communities have. This has been an impossibility. And in some cases they are attempting to work towards this. But with the taxes in this bill it is going to mean that it is going to be an impossibility to do many of these things.

I fully recognize my own situation, and I recognize the fact that at the time of the hearing that the comment was made about the gold-plated hydrants. And I never really did have a good chance to discuss this. But I thought I might go into some of the problems and some of the things that we are faced with right up in my own area. It is true that we do have a fairly good-sized mill in that town that contributes fairly well to the tax rolls. But on the other hand, we have been, over the last twenty years, built a \$2 million educational plant. And up until two years ago we paid for every cent of that ourselves. It is almost a hundred percent paid for. But I never located the gold-plated hydrants.

But I would like to say a few things. That we have had to pay higher teachers salaries up in the isolated area where we live. It has always cost us more for teachers. We don't at the present time, have a library in the town.

I have been kind of looking ahead to the possibility of the day when we could build one. We don't have any formal community recreational facilities in the town. I hope that we might do that. I have worked on a report so that hopefully at this town meeting there might be a chance of acceptance of it, which might lead towards some of these projects by using some of our revenue sharing money. But the general sentiment that I seem to feel now is that our revenue sharing money is going to be sent down to the State to help to pay to help bail some of these other towns out.

Frankly, I think this bill is a right approach. At the cost of \$1.6 million, it is less than one-half of one percent of the entire cost of this bill. I fail to see anything wrong with the passage of it. I

have no quarrel, and I never have, with the fact that there is a possibility our subsidy might not be sent to these towns. But when they run into the overpayment philosophy I think they are going completely contrary to what education should be going; should be the method of funding. I know from reading the Rodriguez case; and as far as I can determine, this particular philosophy of overpayment was taken to the United States Supreme Court.

It is my interpretation of this bill, from what I can glean out of the Rodriguez case that it would be found to be unconstitutional. And I hope that you will oppose the "Ought not to pass" and then will support the "Ought to pass" on this.

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

MR. GARSOE: Mr. Speaker, Ladies and Gentleman of the House: The facts that have been brought out here today shouldn't be any great surprise to us because I think they were pretty well rejected when we first considered this bill and passed it. I think they were projected quite well. In fact, this was one of the basic provisions of the bill — was to equalize the funding of education for every student in the state, and to reduce the dependence on the property tax. It was quite a step to take. And I am sure there are going to be dislocations and problems in its administration. But I don't believe this bill addresses itself to any problem because this was inherent in the basic nature of the bill was that, the imbalance in the cost of educating the children of this state had grown to such proportions that it was crying for a solution.

I think one of the basic things that makes me confident today that we should accept the majority "Ought not to pass" report is that I believe the education of our children is a state responsibility. When you people, and there are those of you here now I know run for School Board, you become a state agent, elected by your local people.

I would briefly like to address myself to a couple of remarks made; one about school boards running wild. School boards aren't running wild, any more

than we are up here. We are very much aware in this body of the increase costs of doing business, and we have had to face up to that responsibility. School Boards budget increases I think are going to be seen in the light of the overall increase in inflation to be reasonable.

One thing that hasn't been mentioned here today, and I don't know as it specifically is of that great importance, but it might be some consolation to those of you who think this is a wild spending bill, is that for the first time we have an absolute ultimate ceiling on the cost of education. I know a great many school boards that have bumped their heads against that this year and had to fall back.

Whatever we do need to do to this bill in the future, I think, should be done in the light of the impact on individual people and not in light of the impact on the treasury of a given municipality. I would hope that if, indeed, this brings to bear a problem in individual situations, we should turn our attention to some sort of sensible homestead exemption that might offset some of the inequities that have been discussed here today.

The SPEAKER: The Chair recognizes the Gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry that we are debating an issue of such major significance to a significant number of legislators here in this House today. We all have been here long, we are tired and we want to go home, we want to have some supper.

I have some very grave concerns about L. D. 1994 and how it effects most of my constituents. I would like to share with you, if I may, a letter that I received from a gentlelady from Brookline, which is a town in my constituency, which I think puts this issue very well into perspective. "At the town meeting we were shocked to hear that the town of Brookline, Maine has to raise \$133,266 to support the schools for the year 1974. Our small town, without industry, all hard-working or retired people and some summer people, who own most of the shore property is unable to raise that large amount of money. Because we are bordering the sea does not mean that we

have the money the way shore property is valued at the present. Please support the Larry Simpson L. D. 2245 bill so we will be able to get some cut on this high taxation."

I think I am about ready to be disowned by this corner here, but regardless of the fact, I think there are a couple of other comments I would like to make.

The town of Castine is going to have to pay into the state \$39,355.40 on the over assessment. The last assessment period for State Tax Assessors office told that town that they had valued the town themselves at 127 percent of whole state valuation. Because they are at 127 percent evaluation their mill rate would be relatively low. They were raising seven mills on education. If they had a much lower assessment their mill rate might be much higher.

I certainly do not feel that I am fully familiar with all the problems inherent in the assessment picture. We passed a bill last year concerning assessment districts. And it seems to me that it is critical that this bill go into operation before we have a fair evaluation for 1994 to be implemented.

I think the gentleman from Houlton, Mr. Bither, indicated that it was a minority of four percent of the students that were adversely effected by 1994. Nevertheless, such sums as \$39,000 and \$77,000 and \$27,000, which is but a few of the sums of money that approximately fifty towns in the state are going to have to pay in. I think is is encumbant upon us as legislators to consider those of us who have towns that are adversely affected by this bill. And I would hope that we would perhaps support this bill here tonight.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I am not disputing the previous speaker, Mr. Greenlaw. But there is a mixup in the statements he has made. Because the town he has mentioned is not paying over and above the state valuation. They are not paying 100 percent. Because your evaluation is only figured on 50 percent of your state valuation. I think anyone will go along with me. And his town is not

even on the list that he has mentioned. So, therefore, they could not be paying for it.

One other correction he might find by calling up. I suppose he could call up tomorrow and find out. But they may be raising 18 months rather than 12 months, which some groups, or towns, or SAD districts are doing. Most of them are raising the first half year here of 1974, they are raising it on the regular town money same as they have in the past for state subsidy. The last six months they are raising on a seven mill rate. And there are others who are raising the full 14 mill rate this year to put them in line with the state, which makes quite a difference in regard to this. The town he has mentioned absolutely is not on the list of paying any back to the state.

The SPEAKER: The Chair recognizes the Gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker and Members of the House: I hate to debate and dispute the fact with the gentleman from Aroostook County, Bridgewater, Mr. Finemore. I have a list, Mr. Finemore, that was put out by the Department of Educational and Cultural Services dated February 25, 1974. There were several lists circulated and I think some of these figures have been changed. Now the list that I have, sir, and I was referring to the town of Castine, and I grant you this is on a full year, and so we should slice these figures in half. Castine had to pay \$39,355.40. The town of Brookline, \$27,339.62. The town of Brooksville \$77,884.85. I might also add the town of Brooksville, their total tax commitment is only \$180,000. And they are going to have to pay in to the state \$77,000 on 1994. I think the gentleman from East Millinocket, Mr. Birt, has made a good point; that perhaps some of the statistics from the Department of Education are accurate and not complete. I just got this supplement or this change yesterday. And perhaps if the department would update, the rest of the members of this House it could see a true picture of what is happening under 1994.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I really hate to speak against my good friend from Stonington, Mr. Greenlaw; especially my better friend from Standish, Mr. Simpson. But I do want to make two points.

I think we do have problems as a result of the valuations that are being given to areas around shore property. But those problems can be solved by a homestead act. And I am sure the gentleman from Brunswick can go through that in greater detail than I can.

I do think that maybe the way we do have to go in the future. I don't believe that this is the approach to go.

The second point that I would like to make, in relationship to some of the remarks in answer to the gentleman from East Millinocket, Mr. Birt; I have been involved in some time in trying to solve the problem in my area. And some of your areas in Aroostook County are also involved in the same problem. Where pulp wood is being transported from one area to another for winter storage, and then it is placed on cars or hauled directly to the mills. Under state law that is all taxable in the town of Millinocket. And the beloved home and locale of the gentleman from East Millinocket, Mr. Birt. And so we get no benefits at all. And the beloved people in the Millinocket, East Millinocket area get all the benefits. And yet the pulpwood comes from my area and not his. That is some of the problems that we have. And I certainly hope that you vote against the bill.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: The new taxation system that we are just getting started with is improving along about 90 percent of our communities. About 95 percent of our people, and apparently 96 percent of the students, reside in these communities. Here tonight, and it is tonight, we are getting concerned about the three or four percent. We are hearing individual letters about individual people in very small communities. Some of these communities, perhaps we even haven't heard of before. Now, if we get all hung up with the problems of three or

four percent we are going to be neglecting the welfare of 95 percent and doing a disservice to the state.

This has been a very controversial subject. And at times each of us, I am sure, has had doubts. And when I have had doubts about the fairness of this philosophy I have likened it to a situation perhaps I can share with you. A platoon of troops on an extended march and very difficult circumstances. And most of these troops are carrying 70 to 80 pound packs. Though some of them are carrying over a 100 pound pack. There are a few that are carrying 30 or 40 pounds or less. And you know, come mealtime, who gets the biggest feed? It is those carrying the smallest packs. Those that were carrying the heaviest packs were getting the lightest feed. That is what was happening when these communities were making a maximum effort and getting a minimum education for their children in return for this.

Now, in a situation like this those carrying the least and eating the most are apt to be a very potent political force in the group to maintain this status quo. They obviously like it very well. And this idea of an equal load for an equal meal isn't the new one. This thought of equality has existed for a long time. But quite often those who have the best of a situation are apt to be the most powerful in controlling events. In this State of Maine, here in this past year, there have been some people who have tackled this and have overcome the opposition. And we have now this very radical proposal adopted, whereby people for an equal effort will get an equal result. And we are just barely reaching in to this sort of a system.

In order to get this adopted we had to make concessions; that those carrying the least would have their load increased only at the rate, of say, five pounds a week. Now this concession apparently was made on the rationalization that to ask someone to do something who never has done anything before is an unfair burden to impose on them.

At any rate, we have been able to get this enacted. It is in our laws and we are beginning to feel the effects of it. Predictably, those who have been carrying 70, 80, or one hundred pounds or more and on light meals, and who are

now only carrying 50 pounds and getting a full meal, are just delighted with this whole situation. They make up the very great majority of the state and you are not hearing a thing from them. But, as you might expect, those who are carrying 20 pounds and this week are going to have to carry 25, while the rest are carrying 50 and tickled to death with it, they are complaining, and that is what you are hearing here tonight. I hope that you aren't overly impressed by it.

I am not saying that there aren't any problems with this system, I know that there are problems. They may affect as high as a half of one per cent of the people in the State of Maine, and I don't think we should or will neglect them. I think that we will face up to these problems and these situations will eventually be dealt with. But this proposal that we have here asks that we abandon the principle of equal weight on your back and an equal meal at supertime, which is so just that it just can't be disregarded. It is an attack on advance, that I am so proud to have been a part of, and I hope that we resist it and have no more moving back into the darkness that we came out of.

I hope you support the 11-2 on "ought not to pass" and those who voted "ought to pass," after long hours of debate, each have their own reasons and you might be able to guess them.

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

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House: As you know, I am on the Taxation Committee. I withheld signing either report for a very long time, because at the hearing on this bill, it was very evident that many many communities were having a heavy burden to bear. They were, in my mind, unjustly treated.

I am for the principle of 1994, all the good things about it, but on the other hand, I am also aware that our total system of property taxation is not an exact science. On this first go-around, I felt that many of these communities were being penalized too much. So I went to an executive session of the Education Committee and told them just how I felt. I asked them if they couldn't make some

provision so that the first go-around here would be eased for many of these communities. I was assured, and I know now that any bill on errors and inconsistencies in the Education Bill, there is a leeway formula, which is going to assuage the impact of 1994 on many of these communities.

For instance, in Raymond, Raymond on the first go-around was supposed to come up with \$80,000. With this leeway formula, on the first go-around, they will only have to come up with \$30,000 and the next year, I believe, it is \$15,000 and the next year it is nothing. This is the reason I signed the way I did.

I am for the principle of the 1994. We have a new Taxation Bureau, Property Taxation Bureau, in our Department, just this side of the elevator, on the left. You will see their new office, and in five years I know that the whole assessment system will improve and become more of an exact science than it is today.

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

MR. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I truly apologize for getting involved in this a little bit longer, but I guarantee you that we are not going to be here that much longer. I can't let go unchallenged the statement that this state has been in the dark for years. I think if we take a good look at ourselves, we're going in the dark awful fast. When we start to realize just exactly what was in L. D. 1994, when we take a look at all the tax cuts and programs that we have given people in this session, either the regular session or this session, we start to see that we are going — in fact, what we are doing is, we are narrowing the tax base. For example, the guy living in this state trying to bring up a family and buy a home, get ahead in his job, and everything else, is a guy that is going to get hit and get hit hard. You have a budget before you right now that \$165 million more than what we had in the 105th which is a 39 percent increase. The next session is going to see one like you've never seen before. Maybe the gentleman from Bridgewater, Mr. Finemore, has taken a good look at that bill, maybe he ought to get up and tell us

just exactly what it is going to cost the next time.

I don't care if it is 4 percent of the people, or how many percent of the people it is, if we are going to talk equalized education and the state is going to pay 50 percent, then let the state pay 50 percent out of their General Fund, and don't rob the person who has got to raise that money out of property taxes.

You talk about the senior citizens and their difficulty to pay. You think these small municipalities don't have senior citizens? You bet your boots they've got them, and it is going to be just as hard for them to pay as somebody else.

How many of you want an oil refinery in your town, how many of you want a paper mill, how many of you want the smell? How many of you wanted an aluminum smelting plant down in Trenton? Take a look at the towns that are supposed to be rich and what have they got? Sure they have a plant that nobody else wants. How about the towns that are supposed to be rich? Probably they have been darn conservative in their school budget. Maybe they are not providing what some people call a plush education, but I bet they are providing a good decent education. Mill rates don't necessarily have to mean a good education. Money never equalized education and it never will.

Maybe some of the towns would like to have a sewerage system; maybe some of these towns would like to have a transportation system or even a police department. Maybe they can't afford some of those things. Maybe they would like to use some of that money, some of their own tax money, but no, now we are going to say that they have got to pick up the load and start to pay some of the other expenses for some of the other municipalities that enjoy some of these other municipal services. Think about that, ladies and gentlemen; let your conscience be your guide.

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

MR. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to apologize to this body for rising again, but I will raise my voice if you will pay more attention to what I am

going to tell you right now because I think its important. I think this bill is not only unwise, but its unfair. Now, my good friend from Standish says that what we are doing is unfair and he is going to correct it.

Now, remember this, we are putting 50 percent of the cost of education into state funds for everybody. As part of their package we assessed an equal mill rate on everyone else. If we are going to allow these communities out under this special dispensation in this piece of legislation here now, we have upset the formula. We have taken state monies, your money, everyone's money, and we're committing it to half the cost of education. Now we are going to turn around and say, according to this bill, now we are going to let out the people who were—I don't like to use the term—but taking a free ride before by the accident of the type of makeup of their real property. So, I say this bill is unwise, it is unfair and it will be just exactly the opposite of a fair bill if you let this thing through.

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

Mr. LAWRY: Mr. Speaker, Ladies and Gentlemen of the House: I certainly agree with my good friend, Mr. Garsoe, and it is a pleasure to follow him.

I was on the Education Committee, who worked on this bill, and believe you me, it took quite a long time to convince me. But this is a good bill, not the one we are debating today, but 1994, which seems to be the one we are talking about. The one thing it is going to take to make it work is restraint and it is going to take restraint on our part, the local board's part, and I can't think of a better time to show our restraint than to accept the majority "ought not to pass" on this bill before us today.

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

Mr. DAM: Mr. Speaker, Ladies and Gentleman of the House: First, in reply to my good friend from Bridgewater, Mr. Finemore, when he said that the statement I made he didn't dispute, but he hadn't seen anything that could really back it up as far as a run-away school budget.

It may be necessary for me to go back tonight and go through my stack of clippings and bring them down and read them on the record for his entertainment.

The second thing, as far as my good friend from Houlton, Mr. Bither, saying that the Department of Education has the budgets over there and that they are only running ten to eleven percent. There again, I may have to read the clippings into the record for his entertainment and for his education also, because the Department of Education can play around with figures a lot better than I can. I get mine mostly from news releases and from reading the budgets of the various schools. It seems very strange to me that when we talk about ten to eleven or twelve percent increase, that this is justifiable in a school budget but when we talk about minimum wage or increasing in county employees, we talk 5.5 or we talk about making the supreme sacrifice of giving the workers of the state a ten cent an hour increase.

Now if we are really going to be fair in all areas, I hope that when the labor bill comes up, that we really go all out, maybe, for the \$3.00 minimum.

The other thing I would like to say, my town does not appear on this list of paying any money into the fund, but I do support Mr. Simpson's bill. And as I said before, I would not have been on the signing side had I seen the school budgets previously. There is one thing this is going to do, this is going to make some of the smaller communities think before they allow any industry to come into their area, because they might be better off when they sit down and really analyze the picture and get a real good look at it, that they stay the real nice, small, little hometown community and get the state subsidy and say to the industry that might be thinking of coming in, "No, we don't really want you because you could upset our applecart as far as our taxation is concerned and we would have to be dumping money into the General Education Subsidy Fund and still provide you services, so in the end it would cost us more in taxes. So we would rather sit back and be the nice little bedroom community and no, we don't want you here."

So, I think that's what the L. D. 1994 has really done is to set this up in this way, that maybe we won't have the great economic expansion that we thought we would have with some of the various bills that we have passed, such as taking the sales tax and use tax off new and used machinery and giving some tax percentage to industry for coming into the state. L. D. 1994, in my mind, is going to work in just the reverse, unless we can get this bill of Larry Simpson's through. I hope that today we do not accept the "ought not to pass" report but that we would go with the "ought to pass."

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

Mr. JALBERT: Mr. Speaker and Members of the House: I only wish there had been more help last year when we were going to work to try to kill 1994. My community didn't get much help from this thing. My community's tax rate this year is going up, I believe, 2 mills. That is the result of that bill. That is how much of a reward we got out of the thing.

I think Auburn got \$1,350,000, and their tax rate went down 1.8, I think. It would have been interesting for me to watch the reports in the towns. It will be interesting to watch what goes on in the next few days. But I am not necessarily willing to stand up and gild the lily for my two friends on the right here, and I think you can understand, boys. You know, sometimes you win some, sometimes you lose some. It is only a question of a little time.

If you don't like the deal, let's cut out the whole business, because I am going to tell you one thing right now, as I told you before, L. D. 1994 was just funded for one year. Get yourselves ready for a shocker, but just as sure as I am standing here and you are sitting and the Speaker is standing, it is going to cost us \$15 million for 1994 just to keep the store open for the next beinnium — \$15 million.

Now I say to the gentlemen on my right, those two splendid splinters, what they should do is table this thing, as I tried to table something today, and redraft the thing, rewrite it so we can all get on the wagon, but not just a few, not just to gild a lily for a few.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi, that the House accept the Majority "Ought not to pass" Report on L. D. 2245. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, P. P.; Berube, Binnette, Bither, Boudreau, Bragdon, Brawn, Briggs, Bustin, Carter, Chick, Churchill, Clark, Connolly, Cooney, Cottrell, Curtis, T. S., Jr.; Davis, Deshaies, Drigotas, Dunleavy, Emery, D. F.; Farnham, Faucher, Ferris, Finemore, Fraser, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Hamblen, Hobbins, Immonen, Jacques, Jalbert, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, J.; Littlefield, Lynch, Mahany, Martin, McHenry, McKernan, McTeague, Mills, Morton, Murray, Norris, Parks, Perkins, Peterson, Pontbriand, Ricker, Rollins, Shute, Smith, D. M.; Snowe, Soulas, Stillings, Strout, Susi, Talbot, Tanguay, Theriault, Tierney, Tyndale, Walker, Whitzell, Willard, Wood, M. E.; The Speaker.

NAY — Berry, G. W.; Birt, Brown, Bunker, Carey, Carrier, Dam, Dyar, Evans, Farrington, Flynn, Greenlaw, Hancock, Hunter, Jackson, Kelleher, MacLeod, Maddox, Maxwell, McCormick, McMahon, Morin, L.; Mulkern, Pratt, Rolde, Ross, Shaw, Silverman, Simpson, L. E.; Sproul, Trask, Twitchell, Webber, White.

ABSENT — Cameron, Chonko, Conley, Cote, Cressey, Crommett, Curran, Donaghy, Dow, Dudley, Dunn, Farley, Fecteau, Herrick, Hoffses, Huber, Kauffman, Kelley, Kelley, R. P.; Keyte, Knight, Lewis, E.; McNally, Merrill, Morin, V.; Murchison, Najarian, O'Brien, Palmer, Santoro, Sheltra, Smith, S.; Trumbull, Wheeler.

Yes, 82; No, 34; Absent, 34.

The SPEAKER: Eighty-two having voted in the affirmative and thirty-four in the negative, with thirty-four being absent, the motion does prevail.

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

Mr. MARTIN: Mr. Speaker, having voted on the prevailing side, I now move we reconsider our action and ask you to vote against me.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves that the House reconsider its action whereby it accepted the Majority "Ought not to pass" Report.

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

Mr. SIMPSON: Mr. Speaker, I move we stand adjourned until 9:00 A.M. tomorrow morning.

Thereupon, Mr. Finemore of Bridgewater requested a vote on the motion.

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

Standish, Mr. Simpson, that the House stand adjourned until nine o'clock tomorrow morning. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

50 having voted in the affirmative and 66 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the House reconsider its action whereby it accepted the Majority "Ought not to pass" Report on L. D. 2245. All in favor of that motion will say yes; those opposed will say no.

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

Sent up for concurrence.

On motion of Mr. Birt of East Millinocket,

Adjourned until nine o'clock tomorrow morning.