

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

Tuesday, March 12, 1974

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

Prayer by the Rev. Mr. Paul Basham of Livermore Falls.

The journal of yesterday was read and approved.

Order Out of Order

Mr. Ferris of Waterville presented the following Order and moved its passage:

ORDERED, that Andrea Vintinner, Kelly Attaya, Dody Languet and Tina Long of Waterville be appointed Honorary Pages for today.

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

**Papers from the Senate
Non-Concurrent Matter
Later Today Assigned**

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) which was passed to be engrossed in the House on March 8.

Came from the Senate with the Bill indefinitely postponed in non-concurrence.

In the House:

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

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

The SPEAKER: The gentleman from Portland, Mr. LaPointe, moves that the House recede.

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

Mr. EVANS: Mr. Speaker, I ask for a roll call.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: The reason I made the motion this morning was in order to put us back in a position to — put the bill in a position to amend it. The amendment is currently being drafted. I did have an amendment drafted that

was about to be circulated, but the amendment had a problem.

I would hope that you would go along with the motion to recede so that the amendment could be discussed this morning.

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.

Thereupon, on motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mr. LaPointe of Portland that the House recede and later today assigned.

Orders

Mr. Maddox of Vinalhaven presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Standing Committee on Public Utilities report out a bill authorizing the Towns of Vinalhaven and North Haven to form a district for the purpose of providing power, and should it become necessary, water and sewerage. (H. P. 2031)

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Maddox.

Mr. MADDOX: Mr. Speaker, Ladies and Gentlemen of the House: A very serious situation is developing in the island towns of North Haven and Vinalhaven. They are threatened with a complete breakdown of the generating facilities, both financially and physically. It is serious enough so this morning I am asking you to pass this order and that it be sent forthwith to the Senate so that the towns combined may form a power authority to take the necessary steps to take over the operation of that facility.

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

By unanimous consent, ordered sent forthwith to the Senate.

Mr. Bither of Houlton presented the following Order and moved its passage:

WHEREAS, the Surgeon General of the United States has determined that tobacco smoking is dangerous to your health; and

WHEREAS, smoking is a popular political pastime which, if confined in a defectively ventilated area such as our chambers, causes much fuming and fretting; and

WHEREAS, in the heat of debate the air blues proportionately to the fray of charged nerves, creating a difficult condition of health, too often obscured by the issues of the day; now, therefore, be it

ORDERED, that for the remainder of the session no smoking shall be observed within the chambers of the House of Representatives while in session; and be it further

ORDERED, that the silent majority expresses its thanks to those so afflicted with the habit for their kind and courteous cooperation.

The Order was read.

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

Mr. CAREY: Mr. Speaker, I would move indefinite postponement of the Order and will on my own part cut down somewhat on my smoking and would request the others to do the same voluntarily.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves the indefinite postponement of this Order.

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

Mr. McMAHON: Mr. Speaker and Members of the House: I hope you don't vote to indefinitely postpone this order. A week or so ago my seatmate, the good gentleman from Biddeford, informed me that he had given up smoking for Lent, a fact that made me extremely happy. In fact, I could take down my sign which I keep on the desk facing his way. However, the next day, the good gentleman from Biddeford informed me that he had changed his mind.

With all due respect to the good gentleman, who is a very good friend of mine, he did have a reason for changing his mind. On a serious note, we were

almost involved in an accident coming down here when we slid on the ice on the Turnpike. He was driving and we pulled over and he immediately lit up a cigarette, and I really can't blame him for that. But as far as this order goes, I heartily concur with it, being a non-smoker, and hope that you don't indefinitely postpone it.

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

Mr. BITHER: Mr. Speaker and Members of the House: I would like to clear up perhaps one thing. I don't want you people to get any misconceptions about this order. This order has been put in in all seriousness. This isn't a fun order. This is really a serious order. You should know by this time that smoking is dangerous to your health. A great many of our offices have signs up requesting no smoking. Many of our committees, joint standing committees, have requested from the committee and from the audience, no smoking. I think this is a simple thing for us to do the rest of this session, have no smoking. I certainly hope we do not indefinitely postpone this order.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to this order for the very simple reason that I have been smoking cigarettes since I was five years old. In those days I was told it would stunt my growth and everything else. I am standing here 6 feet 1½, 200 pounds, and I still enjoy those cigarettes.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I think possibly an explanation of the smoking situation in the House might be in order. Back when the Honorable Percival Baxter was Governor, he disliked smoking, so the House put in a rule, Rule 25 it was called, that there would be no smoking while this House was in session. So every day after Orders, some of us who smoked — I don't smoke any more, but in any event, a note was slipped to one of the fair ladies asking her would she please remove the — suspend the rule 25

for the remainder of the day's session. Several times I used to do it by just putting a match and a cigarette up and getting the attention of a fair lady, and it would be done. Lo and behold, one of the sessions we wound up with one woman in the House only, and she happened to be a smoker, so every day she would religiously get up and ask that Rule 25 be suspended for the remainder of the day's session.

One day she got tired of getting up, so she put in an order that would eliminate Rule 25 completely. When she did that, amendments rose indignantly and killed that order something like 125 to 6. So the next day the idea came up again and she was besieged with notes and she did not rise to suspend the rules. The rules were suspended the next day by the Speaker who said the Chair will recognize the gentle lady from Lewiston, Miss Jalbert. I suspended the rule.

I am not going to say one thing for or against — and that is a true story, so finally Rule 25 was eliminated a few years ago. I am not going to say anything about the smoking, but one thing I want to say, Mr. Speaker, is this. I don't want that blower on. That is a pneumonia catcher at best, has been for years, and I don't want any part of that.

I might say in defense of those who smoke, if you don't like the situation here, like a friend of mine used to say, leave.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: As a very confirmed pipe smoker, I support the order and I hope you do not indefinitely postpone it. I think it is nothing more than an act of courtesy. Personally, I can't stand cigarette smoke.

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

Mr. WEBBER: Mr. Speaker, Ladies and Gentlemen of the House: As you probably know, I am probably one of the worst offenders of smoking here, and I will support the order.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I remember, like the Representative from Lewiston, Mr. Jalbert, when they couldn't smoke in the House. I will tell you right now, I am in favor of indefinite postponement of this and I don't smoke. I can understand people smoking who want to smoke, and I have some right around me that blow it over my shoulders to kind of give me a secondhand one, but I am still in favor of indefinite postponement of this order and I hope you will do so.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: As the director of a hospital for eleven years, I assure you that I am very much concerned about smoking. I usually give a three-minute talk on it every occasion I get, and I urge you not to indefinitely postpone this order.

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

Mrs. KILROY: Mr. Speaker and Members of the House: When I first came to the legislature as a Democrat — I am not going to say when — that was the only time that I was recognized, when I was going to allow them to smoke for the rest of the day. And each day that was my duty, and if I didn't do it right away, I got several notes. I am in favor of allowing them to smoke.

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

Mr. DYAR: Mr. Speaker and Members of the House: This seems to be one of the more controversial subjects of the session thus far. I concur with the order. My seatmate to my right has agreed that it is permissible for me if I continue with my day's work that I can use my wastebasket, but I would hope that the gentleman from Aroostook would accord us the same privilege that predecessors have and restore the brass spittoons.

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

Mr. ROSS: Mr. Speaker and Members of the House: I hope I don't forget this, but let me just recite a little poem.

Yes dear, I fear
I love another, strange to say.

Brunette, this pet,
And I am with her night and day.

Just now I vow,
I pressed her gently to my lips.
The kiss was bliss
And thrilled me to my fingertips.

Don't pout, she's out,
And you are sweeter by far my pet,
Although, by Joe,
She was darned good cigarette!

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not get rid of this order. I think it is a good order, and there is one area that we have forgotten about. They can get up and go in the gallery, but the gallery gets it all, ladies and gentlemen, all the second-hand smoke that goes up from this floor, and sometimes it is terrible. We will stick it out, like the gentleman from Lewiston said the other day, and if we have to die here on the floor, well that is all right, but I think we should have some consideration for the gallery. If you will look at the gallery this morning, you have got a great many young people in it.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: You know, I am in favor of free expression of one's rights, and I hope you let them continue.

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

Mr. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: Recent x-rays showed that I have a slight case of emphysema. Previous to Mr. Palmer coming into the House, I had a clean bill of health. I lay this to the pipe smoke that has been coming my way ever since he arrived here. Personally, I don't care which way this bill goes.

The SPEAKER: The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker and Members of the House: Much of the debate on the floor this morning regarding this order is the echo of the debate on a bill presented at the regular session of this 106th Legislature. I support passage of the order and would ask you to vote against indefinite postponement. Perhaps it is about time, particularly during the energy crisis, when we should set an example for the people of the State of Maine. Remember, there are lungs at work here, which is the new slogan of the Maine Lung Association. And as people have already said, we, as citizens of Maine, have rights and the people who don't smoke have the right to breathe too.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I smoke, I enjoy smoking. I am a very nervous individual, and I am concerned with what might happen if I weren't allowed to smoke. However, I am not all that hard-headed, and I might suggest that if roughly half of this body enjoys smoking and the other half does not, why don't we smoke on the odd days and refrain from smoking on the even days.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: If we pass this order, what is going to happen to our two-cent increase in the cigarette tax?

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I would suggest that if this order is killed this session, that next session we start out by having a section of this House designated for smokers and another section designated for non-smokers.

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

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: A few years ago in talking with a friend of mine — this was at the time when the snowmobile craze was coming to the front with plenty of gasoline and plenty of snow, and there was a lot of

controversy about snowmobilers. I made the comment then that this was the first step towards the dissolution of the Republican Party and the Democratic Party. We would no longer exist. The two political parties in Maine would consist of the snowmobilers and the anti-snowmobilers. I have now changed my mind and it is beginning to look as though the two parties in Maine will be the smokers and the anti-smokers.

Seriously, Mr. Speaker, I move that the motion of the gentleman from Waterville, Mr. Carey, does prevail. I can't think of anything that will cause more dissension if this order is passed and more ugliness and prolong the session because of irritability.

I would go along with the gentleman from Waterville in offering to curtail my smoking as much as possible. I am sure that other smokers will too. But if the order is passed, I am afraid that both parties are going to be faced with frequent absenteeism. We may have difficulty getting 101 votes when we need them along the line.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that this Order be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

39 having voted in the affirmative and 84 having voted in the negative, the motion did not prevail.

Mr. Shute of Stockton Springs requested a roll call vote on passage.

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 Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I happen to be one that smoke really, truly affects. It affects my breathing, it affects my

health, but really and seriously, I think we have had some levity here and I felt truly that the gentleman from Houlton, Mr. Bither, was joshing yesterday. I hope you know what you are doing.

In the first place, this shouldn't be in the form of a rule. It was a rule and it should be done that way. It should be done after a little more discussion than we have had outside of the levity here. I mean, I don't say that smoking is — either you smoke and you die, from nervousness. But with due reference to Mr. Bither, as one whose health is very definitely affected by smoke, I want to vote for the indefinite postponement of this order. This is not a good order, in my opinion.

The SPEAKER: The Chair would inform the gentleman that the indefinite postponement motion was defeated. The pending motion now is passage of the Order.

Mr. JALBERT: I hope that the order is not passed.

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

Mr. FARRINGTON: Mr. Speaker and Members of the House: This is my pacifier, and I expect if you don't want to hear more rhetoric from this corner, being nervous or otherwise, I would need something to take up my time, so if you will allow me to keep smoking, I probably will continue to keep quiet. You might prolong the session if you disallow us to smoke.

The SPEAKER: The pending question is passage of this House Order relating to smoking in the House. All in favor of passage of this Order will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, G. W.; Berube, Binnette, Birt, Bither, Bragdon, Brawn, Briggs, Bustin, Cameron, Carter, Chick, Chonko, Churchill, Clark, Cooney, Curtis, T. S., Jr.; Davis, Deshaies, Donaghy, Dunleavy, Dyar, Emery, D. F.; Farnham, Ferris, Gahagan, Garsoe, Gauthier, Goodwin, K.; Greenlaw, Hamblen, Hoffses, Hunter, Immonen, Jackson, Jacques, Kauffman, Kelley, Knight, Lawry, LeBlanc, Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick,

McMahon, Merrill, Morin, L.; Morton, Mulkern, Murray, Norris, Palmer, Perkins, Peterson, Ross, Silverman, Simpson, L. E.; Smith, D. M.; Snowe, Soulas, Sproul, Stillings, Susi, Theriault, Tyndale, Walker, Webber, White, Willard, Wood, M. E.

NAY — Albert, Berry, P. P.; Boudreau, Bunker, Carey, Carrier, Conley, Connolly, Cote, Cottrell, Cressey, Curran, Dow, Drigotas, Dudley, Evans, Farley, Farrington, Fecteau, Finemore, Flynn, Fraser, Genest, Goodwin, H.; Hancock, Herrick, Huber, Jalbert, Kelleher, Kelley, R. P.; Keyte, Kilroy, LaCharite, LaPointe, Lewis, E.; McHenry, McKernan, Mills, Morin, V.; Najarian, Parks, Pontbriand, Ricker, Rolde, Rollins, Shaw, Shute, Smith, S.; Talbot, Tanguay, Tierney, Trumbull, Twitchell, Wheeler, Whitzell.

ABSENT — Brown, Crommett, Dam, Dunn, Faucher, Good, Hobbins, McNally, McTeague, Murchison, O'Brien, Pratt, Santoro, Sheltra

Yes, 78; No, 57; Absent, 14.

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

The Chair recognizes the gentleman from Auburn, Mr. Pontbriand.

Mr. PONTBRIAND: Mr. Speaker, a parliamentary inquiry. Does this take effect 90 days after the session is over?

The SPEAKER: The Chair would answer in the negative. It is taking effect now.

(Off Record Remarks)

Consent Calendar

Second Day

(S. P. 802) (L. D. 2296) Bill "An Act Relating to Applicability of Workmen's Compensation Law to Employers"

No objection having been noted, was passed to be engrossed and sent to the Senate.

Passed to Be Engrossed

Bill "An Act Providing Minimum Retirement Benefits for Certain Teachers" (S. P. 878) (L. D. 2267) (C. "A" S-383)

Was reported by the Committee on Bills in the Second Reading, read the

second time, passed to be engrossed as amended and sent to the Senate.

Bill "An Act Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1974, Allocations for the Administrative Expenses of the Bureau of Alcoholic Beverages, and the State Lottery Commission and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government" (H. P. 2028) (L. D. 2569) Emergency

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

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

House Amendment "A" (H-750) was read by the Clerk and adopted.

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

Bill "An Act Advancing the Effective Date of the Pay Adjustment for State, Maine Maritime Academy and Classified University of Maine Employees" (H. P. 2022) (L. D. 2565) Emergency

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

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

House Amendment "A" (H-748) was read by the Clerk and adopted.

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

Second Reader

Later Today Assigned

Bill "An Act Establishing the Legislative Compensation Commission" (H. P. 2023) (L. D. 2566)

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

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

Bill, "An Act to Correct Errors and Inconsistencies in the Fish and Game Laws" (S. P. 765) (L. D. 2196) (C. "A" S-372)

Bill, "An Act to Clarify Certain Administrative Aspects of the Saco River Corridor Commission" (S. P. 826) (L. D. 2353) Emergency (C. "A" S-369)

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

Bill, "An Act Providing for Maine Motor Vehicle Insurance Reform" (H. P. 1963) (L. D. 2504) (C. "A" H-739)

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

Mr. Susi of Pittsfield offered House Amendment "A" and moved its adoption.

Home Amendment "A" (H-751) was read by the Clerk.

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

Mr. SUSI: Mr. Speaker and Members of the House: This amendment that is before you provides a \$500 threshold to be added to the bill. I think that we are all acquainted with this subject enough to know that this \$500 has to be spent on medical expenses in the definition of medical expenses in the amendment before the right to sue comes to the insured.

The reason for offering the amendment would be to attempt to reduce further insurance costs. It has been testified in earlier debate that given an unrestricted right to sue, the inclination is for courts to get loaded heavily with accident suits and high attorneys' fees that are expenses that are eventually borne by the insured, the consumers. This amendment, if added and if enacted, would somewhat restrict the amount of litigation on accident issues.

I would like to also briefly comment on what I consider to be the practical political position of this issue at the present time. You know, yesterday we had an industry bill and it was defeated and presumably those who supported the industry bill will be working to defeat the bill that we have left in the works here. The bill that we have here this morning is one that has had the support of the trial lawyers, but it was based on the assumption that they would have the

right to sue, and this would place limitation on the right to sue. So presumably now, not just the industry, but the trial lawyers will be in opposition to this bill, so if you vote for the amendment that is before you, presumably to put this bill in a position where everybody is against it, it will be killed and it will expedite the session, so I hope that you support the amendment.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker and Members of the House: I am extremely surprised by the last remarks from the gentleman from Pittsfield, Mr. Susi, because I assumed he was offering this amendment in good faith because he felt that it was best for the people of Maine. Yet, in his final remark, it seems that he even explicitly stated that the only reason he is putting this on the bill is so he can see the bill killed.

When he said that he eliminated — the first two minutes of my remarks which were going to compliment him in his good faith for putting this amendment in and I guess I am quite surprised. I think this is a bad amendment. I don't think it has been well thought out at all and indeed the sections relative to tort liability in the bill presented yesterday by Mr. Trask are much more equitable and much fairer than this particular amendment.

For example, you will notice that the most emotional reaction I have to this is that if a person is killed instantly on the highway, a drunk driver immediately runs into a pedestrian or a person in another car kills that person and the person dies, that person has no medical expenses. If this amendment goes through, the family, the survivors of the deceased wouldn't be able to bring action. I am not sure that is what Mr. Susi wants, and I am not sure that is what we want, but that is my first reaction.

I would like to just briefly reiterate some of the points I made yesterday. Threshold is unnecessary in Maine; we are not like Massachusetts. There is no backlog in our courts. This was demonstrated at the hearings, none of which Mr. Susi attended. It is

inequitable, and I passed out today the difference in medical costs in the cities as opposed to rural areas and you will see that a person injured in the city as opposed to rural areas and you will see that a person injured in the city as opposed to the country has a much better chance of bringing action.

If Mr. Susi has read my bill in detail, he will find I have already tried to take care of frivolous suits, and I have tried to take care of them by limiting attorneys' fees, which is the first statutory limitation on attorneys' fees that you will find in the Maine Revised Statutes. And if the trial lawyers support my bill, it is news to me, because they opposed it at the hearing, and there were a number of trial lawyers sitting in this House yesterday who were more than happy to vote for this bill's indefinite postponement.

Perhaps I can best bring this out by just showing a few examples of what would happen if this was on the bill and someone was injured. I will do it briefly. Let's say a college student was walking to class, minding his own business; he is struck by a car; he is injured; he has \$400 in medical bills; he can't sue. Yet, he loses a semester, which might eventually mean six months of his working life. Compensation under this bill with this amendment — nothing. The tuition he has paid to the university is not returned to him. Any pain he might suffer is not compensated. Any X-rays he might want to have to check out his injury to see if it is getting worse are not compensated after \$100, and it doesn't take very long to rack up \$100 in X-ray costs. What about a salesman or a seasonal worker who is injured at that time of the year when he is earning most of his money, tremendous economic losses even though perhaps his medical bills are small, and yet he will suffer? What about the farmer? What about the mill worker who has an injury, medical bills of let's say of \$400? His injury is such that he can't do the job he used to do anymore — tremendous economic loss, but he can't be compensated with this bill with this amendment on it.

I think the points were brought out yesterday. I object to the overt tactic of trying to kill a bill with an amendment,

and I think that we will stick by our previous action and kill this amendment and send the bill on its way.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I would like to deny the observations made by the previous speaker as to my motivations in this. He misunderstood. I would be very happy if this amendment were adopted here this morning and became part of the bill and the bill were enacted.

I am very much a supporter of no-fault insurance. I think although there are limited benefits, I think there are benefits for Maine people in no-fault insurance. We won't know the benefits the more populous states have been able to realize, but it is still something that we owe our people up here. He misunderstood my remarks to mean that I was attempting to kill no-fault. That isn't so, but I have been watching this process a long time around here, and I never saw a more flagrant instance of special interests dominating an issue than this no-fault insurance. The public has hardly been mentioned in the whole process. It has been strictly tearing at this body of insurance business by those who have the big stakes, not the guy who stands to save five or eight dollars a year, but the fellow who stands to lose \$100,000 of income a year. Those are the ones who are really exerting the influence here, and having watched this process, I believe that when you do something it creates a reaction in these forces. I just hope that I am wrong.

I hope that the public does prevail in this situation that we do get a no-fault bill, but having watched how things developed around here I still would have to believe that if we go to screen out trial lawyers from this very lucrative business of trying accident cases or limiting their activities, we are going to create an extreme reaction and it is very apt to wind up in the death of the bill. Now I surely hope that isn't so, and I ask you to go along with me in support of this amendment so that we will have a bill that will offer greater savings to the people of Maine, and I deny completely that I am motivated otherwise.

The SPEAKER: The pending question

is on the motion of the gentleman from Pittsfield, Mr. Susi, that the House adopt House Amendment "A". All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

35 having voted in the affirmative and 74 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Bill "An Act to Increase the Minimum Wage" (H. P. 1801) (L. D. 2321) (C. "A" H-744)

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

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

Mr. MARTIN: Mr. Speaker, I would now ask for a roll call on engrossing of this bill and ask everyone to vote for engrossing.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I am mindful of the worthy admonition of the majority floor leader — not more than a minute and a half. This is the \$2.20 minimum wage bill which this House supported yesterday by almost 3 to 1. I hope you continue that support today.

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 Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: In 1959 I sponsored the first minimum wage bill in the State of Maine. At that time this bill was for a dollar. Since then, we have increased it several times. We now stand at \$1.90. This proposal goes to \$2.20, and I support it with pride.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be engrossed. All in favor of this Bill being passed to be engrossed as amended by Committee Amendment "A" will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Brawn, Briggs, Bunker, Bustin, Cameron, Carey, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Davis, Deshaies, Donaghy, Dow, Drigotas, Dudley, Dunleavy, Dyar, Emery, D. F.; Evans, Farnham, Farrington, Fecteau, Finemore, Flynn, Fraser, Gahagan, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Herrick, Hobbins, Jackson, Jacques, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McMahon, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murray, Najarian, Norris, O'Brien, Palmer, Perkins, Peterson, Pontbriand, Ricker, Rolde, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Soulas, Sproul, Stillings, Strout, Susi, Talbot, Tanguay, Theriault, Tierney, Trumbull, Twitchell, Tyndale, Walker, Webber, Wheeler, Whitzell, Willard, Wood, M. E.; The Speaker.

NAY — Dunn, Garsoe, Hoffses, Huber, Hunter, Immonen, Knight, Littlefield, McKernan, Parks, Trask.

ABSENT — Bragdon, Brown, Farley, Faucher, Ferris, Jalbert, McNally, Murchison, Pratt, Santoro, Sheltra, Snowe, White.

Yes, 125; No, 11; Absent, 14.

The SPEAKER: One hundred twenty-five having voted in the affirmative and eleven in the negative, with fourteen being absent, the motion does prevail.

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

Bill "An Act Authorizing a Study of Maine's Forest Resources and of Opportunities for their Better Utilization (H. P. 2026) (L. D. 2567)

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

Order Out of Order

Mr. Cameron of Lincoln presented the following Order and moved its passage:

ORDERED, that John King of Lincoln and Joanne Isaac of Millinocket be appointed Honorary Pages for today.

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

Mr. Lawry of Fairfield presented the following Joint Order and moved its passage:

WHEREAS, the Lawrence High School Bulldogs have won the Eastern Maine Class A Basketball Championship for 1974; and

WHEREAS, they have achieved a high standard of excellence and winning spirit distinctive of champions; and

WHEREAS, their activities and attitude reflect great credit upon the individual participants and their able coach and have brought honor to their school; now, therefore, be it

ORDERED, the Senate 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 this outstanding basketball team and its coach for their accomplishments in the field of sports and wish them continued success in bringing honor to their community, school and state; and be it further

ORDERED, that duly attested copies of this Order be transmitted forthwith to the Principal and Coach of Lawrence High School in token of the sentiments expressed herein. (H. P. 2032)

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

Passed to Be Enacted Emergency Measure

An Act to Establish a Small Grants

Program for Municipal Conservation Commissions in the Department of Conservation (S. P. 818) (L. D. 2320) (C. "A" S-377)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of same and 5 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of same and one 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 Expand the Line Budget in the Department of Mental Health and Corrections (S. P. 846) (L. D. 2415)

Was 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.

An Act Relating to Delegation of Selected Services by Professional Nurses (S. P. 922) (L. D. 2551)

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

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to take up a lot of time, and I am not going to make a motion to indefinitely postpone this bill, but I would like to enter a few remarks into the record. If you remember the debate that we had on this bill last week, I stood up and was opposed to the passage of the bill because it continued to give

immunity to non-licensed nursing personnel when they administered and dispensed drugs. I pointed out that serious problems have arisen within certain institutions that are under the control of the Department of Corrections, particularly the Men's Correctional Center at Windham.

Now, the thing that bothers me about this bill is that while it calls for the Nursing Association or the Nursing Board to draw up rules and regulations, it doesn't guarantee in this bill that the rights of patients would be guaranteed to the full maximum, and I would prefer to see those rules and regulations before I voted on this bill. I just wanted to take the opportunity to enter these remarks into the record so that the nursing association, when they do draw up the rules and regulations, will consider the situation, particularly at the Men's Correctional Center at Windham and their guidelines will be addressed at that problem.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the gentleman from Portland, Mr. Connolly. I do think that the State should try to set the highest set of standards of nursing services, both for the benefit of the patients and also for the benefit of the nurses and the economics that are involved there. The language in this bill is vague. It is not clear. And for that reason I, too, would like not to vote for it, and in good conscience do not want to. So I would like to ask for a roll call.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I took the time to speak to both the representatives of the doctors and the nurses. I find that the nurses themselves are not aware of what is going on and some of them are quite disturbed that this is being done without full agreement of the Nurses Association. The doctors, also, are disturbed to think that the services now — it isn't just in penal institutions, it's that some of our old folks that are in homes and not able to protect themselves. Their relatives are not there

at all times to see that the proper care is given. The care in these homes is very liable to be downgraded when we do this, and no one will be liable for these things that might happen. I think we are rushing into this in special session despite what we are being asked to do because of pay of some of the employees in the institutions. I think there is another approach to this.

I think that we should work with our doctors, who are trying to upgrade medical care in the State. I don't think this is any time to rush into an area where anyone can come along without proper training and be able to push out pills or give shots and this sort of thing, without responsibility for their acts. Even the best intentioned persons could give the wrong treatment. There should be someone trained to know whether or not, for instance, in a diabetic. Most of you people, somewhere in your family or friends you know someone who is a diabetic. And it's pretty hard to tell if the person has had too much insulin or just what the situation is. You can go into a shock and become unconscious if you have too much sugar or too much insulin. If someone that is not qualified to handle this situation, in any way, and he has had no training in it, could very well be giving insulin to some patient who should be getting some sugar. This is only a very simple example. But I'm sure it's one that most of you people here would recognize as a problem. There are many situations of a similar nature. And I think we are doing a great disservice to our people who are in these institutions, whether they be public or private. Perhaps you don't want to call them institutions, but nursing homes, care for the elderly, care for the handicapped, care for the retarded. I think all these people need the best we can give them and not be sloughed off on these institutions.

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

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: I feel that this is a very crucial piece of legislation.

I have heard certain members of this body bring out some points this morning that I have to agree with to a certain extent. If this bill does not pass, we are

going to have problems all over the State. We will have several thousand people in our State institutions and nursing homes who will not be receiving their medications.

I said the other day, if we definitely postpone or kill this bill, sometime, prior to July 1st, or shortly thereafter, this Body will be called back into special session. This bill is that important.

I would like to clarify one statement that the gentleman, the previous speaker made, that the Maine Nursing Association was not aware of this bill. I think the Maine Nursing Association is very much aware of this bill. If many of the RN's of this State participated in this professional organization, they might be better acquainted on what's going on.

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

Mr. WHITZELL: Mr. Speaker, Ladies and Gentlemen of the House: I spoke in favor of this bill the other day, and I think that members of the House will agree that they will remember there were three Committee reports. When we finished debating this report, at the end of almost two hours of debate we accepted the report that we now have before us. And that is, that there shall be delegations of the Nursing Association which will set up standards.

I would remind the members of the House that on that same day there was a feeling of sour grapes on behalf of those who didn't get their reports accepted, and that a motion to "Indefinitely Postpone" was made. That motion was soundly defeated by 108 to 31. And I would hope that we would go along and support this bill. If we don't support this bill we are going to have problems, as Mr. Dyar said. And it would be almost criminal to do that now.

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

Mrs. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I arise in support of this bill. We have debated this thoroughly last week, as you will remember. And I think that we are dragging red herring into this when we raise all the questions about the care, the nursing care.

We have been doing this same sort of thing for the last twenty or twenty-five years. We are simply giving immunity for a definite length of time until training can be given to the non-professionals.

If we should kill this bill this morning, I agree with Mr. Dyar, that we will find ourselves back in Session, a Special Call here, before July 1st, on behalf of the institutions. We cannot put registered nurses in all of these positions. And it seems to me that we are doing the very best we can. It also seems to me that the Board of Registration of Nurses are the logical ones to plan for training of non-professionals. And I'm sure that I, for one, am willing to put my faith in them as to the training they will require. I urge you all to vote for the passage of this bill as it now stands.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: If I am correct, there is an immunity clause in here. So I would like to ask the House Chairman of the Judiciary, or Mr. Whitzell, or anyone else who would care to answer: What happens if a resident of these institutions are given a drug that kills them? Or does some real harm to them? Who is responsible? What position does the resident have there in coming back, if he is still alive to come back, or what recourse does his family have in coming back on the person that administered the drug or the institution that has the residents in there?

Immunity is a very serious thing. I think that this House should not support this bill. I would like to have my question answered, please.

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

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

Mrs. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I suppose it is possible that an accident can happen even by a doctor or a registered nurse. It is possible. I don't believe that the nurses will be delegating any authority to people who are not capable of

administering whatever they have in the way of drugs. I don't think we have protection from accidents anyway.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: In respect to the immunity clause, the immunity goes to the head of the hospital or institution, not to the nurses. So we don't even have the benefit of being certain that the heads of the institutions have any medical knowledge whatsoever. Consequently, in terms of the question asked by the Representative of Bangor, Mr. Kelleher, if such an accident should occur, the head of the institution would be immune from suit.

I spoke on this the other day and that particular clause is the same one that bothers me a great deal. I am reminded of a few weeks ago that in one of the nursing homes in the Portland area, medication was given to a patient in the afternoon for a patient that was discharged in the morning. That patient was found on the floor and, unfortunately, the order that was given for that patient in the morning had not been changed, so that the person who administered it knew that there had been a vacancy or that the patient had left.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: If you remember, I debated this at length the last time the debate on this bill came up. I am still opposed to the Majority Report, which is now before us for enactment.

I want to at least clear up this immunity thing. I think I disagree, rereading Section 2258A, with the gentleman from South Portland, Mr. Perkins. I think that immunity only goes to the person to whom the responsibility is delegated. So I think a suit will still be able to be maintained against either the head of the institution or the person delegated that responsibility.

Regardless of the immunity clause, I have a more basic point of disagreement and that is; that the Judiciary

Committee ask both the opponents and proponents to try and reach a compromise on this bill, because there was widespread opposition as well as support of the Nurses Association. Those two groups did meet in good faith and tried to work out a compromise. And both parties agreed the best thing to do was to extend the immunity and not pass this bill. By the next Regular Session, in the 107th Legislature, they will be able to come in with a bill that will be acceptable to everybody. I think that when we try to get two groups, two opposing factions, to get together and try to work out a compromise, and they do, and their compromise is to put off passing a bill like this until the next session, then we ought to abide by that decision, since they were the ones actively involved in the administration of the health care. I am going to vote again against enacting this bill.

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

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: I have to disagree somewhat with the two previous gentlemen in the legal field. Number one; the authority or delegation as to the doctor or RN, the person administering the medication; I think it would be rather foolhardy this morning to vote against the bill based on the explanation given by the gentleman from Bangor, Mr. McKernan. Based on the assumption that these two groups are working and will come up in the 107th with a solution, the problem is between now and the 107th. There is nothing in the law that would allow our State institutions or nursing homes to operate from July 1st until legislation is passed in the 107th.

What he is suggesting is that we hold things off for eight or nine months, during which time, RN's and MD's will be giving medication to patients in the State institutions and nursing homes. And I'm quite sure that if he is worried now about their care, he is going to be considerably more worried because there won't be enough doctors and RN's in this State to take care of the people. This is legislation, filling in the gap from July 1st of this year until 107th

Legislature can come up with a measure that will solve the problem.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: Unfortunately, what the gentleman from Strong, Mr. Dyar, says is right. And that is, if we don't do something we are going to have a situation where there will be no immunity for the people who are dispensing some of this medication. And, therefore, the institutions will have problems. And that is the reason why I signed Report "C".

If we vote against final enactment and we could move it back, we could put an amendment on there, which would extend the immunity and give the two groups a chance to work something out, rather than pass a bill which talks about immunity in very broad and vague terms. The rules and regulations adopted by the association doesn't set any statutory standards. I think that the gentleman from Strong is right, and that we do want to continue to, at least, give immunity until we are able to get the two groups together and decide what is best for the health care for the State. I think if you vote against enactment, we can move it back and then continue.

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

Mr. WHITZELL: Mr. Speaker, Ladies and Gentlemen of the House: I am amazed today, I should say shocked. But I am not going to be deceived and I don't think you should be deceived either. All the people, so far, that have spoken to the motion of "Indefinite Postponement" were people who supported one of the three reports, at least the other two; but definitely not this one.

This is a report that would, one; establish some standards, make the board responsible to create the course of instruction necessary to certify these people who pass medications. They are saying, on the other hand, that they are willing to extend the immunity only, and we will talk about it in January. Under this particular report, under this bill, we have not only extended the immunity but

we have made sure that the Board of Nursing, next January, will have standards already to go. There will be a certified course for the delegation of authority. People will be able to meet some standards because they will be made now. Don't be deceived into backing this bill up and extending only the immunity. Because if you are extending immunity, you will still have in January, no certification. This is what we are saying; that there are not enough people in these institutions. In Bangor State Hospital those nurses up there, last year, at the end of this session when we had dealt with the emergency legislation, which gave the immunity, those nurses were working sixteen and twenty hours a day. I can guarantee you that after working sixteen hours a day, the possibility of making an error is much greater than someone who has attended a course in medication. I told you before, my wife has been teaching this course for more than three years at the Augusta State Hospital. And there are a number of nurses there that are certified because they met the requirements to pass medication. Any nurse, under this bill, would be ridiculously using less judgment if she would ask anybody to pass medication on her delegation of authority. The responsibility is still hers. She is the one who delegates the authority to the person who is passing that medication. She will certainly bear the responsibility of giving those medications if they are not given properly. As I said, the vote was 31 to 108 against "Indefinite Postponement". And the bill had two hours of debate. And if you want to be deceived by the people here who are speaking toward the motion toward "Indefinite Postponement" in not attempting to roll this whole thing back a week, I would be seriously let down, in that, we didn't do the responsible thing today. I don't feel that is going to be the case, I think we will be able to go along with the bill and have us set up a course of nursing; set up some definite criteria, which will certify people. Extend immunities in the meantime, so we can set up our institutions so that medications that these people need in our institutions will be passed out on schedule.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I am a little surprised at all this description about deception. I would certainly agree with the previous speaker that the Board of Nursing ought to have provisions for licensing personnel, and they have such provisions now. It is in our nursing act. There are two groups of personnel who are licensed to conduct nursing services, the registered nurses, the R.N.s, of whom we have heard a great deal today, and the L.P.N.s, the licensed practical nurses. I would also agree that there are hospitals run by the State, such as the Bangor State Hospital, now known as the Bangor Mental Health Institute, which do, indeed, need more licensed and capable and well-trained nurses. And the way to get those nurses is not to lower the standards provided under the statutes so that the few R.N.s who are on duty there are required to take on the responsibility for supervision of aides who would then dispense medications. The way to do it is for the State, through the appropriate department, to hire the number and the quality of medical personnel, R.N.'s and L.P.N.'s who are needed.

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

Mr. WILLARD: Mr. Speaker, Ladies and Gentlemen of the House: I will go along with Mr. Whitzell on this. We are spending millions of dollars, hundreds of millions of dollars in the State of Maine to educate our youths. And I am sure that they can learn to give medicines. In fact, every mother that raises a family gives injections of different things many times, learn how to do it. And they certainly give medicine to their family.

And I can't see any reason why this bill shouldn't pass.

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

Mr. CARRIER: Mr. Speaker and Members of the House: The fact that some of us did not agree with our opponents on the result of this bill and what should be done about it does not mean that we are sour grapes; it does mean that we are trying to deceive

people into voting for something which is totally right and not wrong at all. It just means that we are concerned with the amount of care and the kind of care and the quality of care that the people will receive. And especially the people that can not take care of themselves. And people that are right here in this House and will reach an age that later on you might be the recipient of this care. And I feel very sure that some of you will want the best of care, the best that you can afford. And whether you can afford it or not, you want that certain amount of care that you should receive. And I think that this bill does not give you the amount of care that you should receive.

I don't believe that the people in this State right now, under this immunity clause, are receiving the kind of care that they should get. You can talk about immunity; you can twist it around all you want to. But to answer — the answer has been given already — as far as immunity goes.

Anybody, if you are hired today to go out and give medicine, and by delegation the R.N. gives the you right to give medicine, your immunity works. You can give the wrong pill or you can give the wrong medicine and you have nothing to worry about. Because if anything goes wrong the other person takes the blame.

Now, it seems to be the principle of society you put blame where it should be, and responsibility along with duties. And I think this is not, under the present law, whether it passed or not, and it was not, has not been in operation, to my knowledge, twenty or twenty-five years. And if it has it should have been done away with a long time ago. I only suggest to you that the present law is not right. I suggest to you that you are either interested in good quality care or you are not. And if some of these places, and even if the State of Maine, some of the institutions of the State of Maine, if we are to give them inferior care, something should be done about it. Either close that section or do something else. And if you can't get the help from the State of Maine we should get it from the Federal government that it be mandatory to give them good care. This is what we are talking about. We are not

talking about individuals that are being dissenters in this House or being sour grapes because we don't agree on some things.

Let's not get into personal feelings. Because I think this is the wrong day to do so. Because the smoke rings are out now. So we will all be out of here in a short while I hope.

But they say that this bill provides standards of training and everything. Show me in the bill. There is only one paragraph in the bill. Show me in the bill where it says that you have it. When are you going to put these standards in effect. Nothing in there says when it is going to be put into effect. Nothing says that they have to do this. Nothing says that the Board of Licensing has to do this.

Nothing says 'shall' or 'may' or anything. It doesn't even purport that they will do it. So if they don't do it, what happens? You can come here next January and say you haven't done so. And, thereby, you are liable, and this and that. You can not do that. They have not come with regular standards. So when somebody stands up here and tells you this bill gives you standards to go by; this bill gives you nothing. It is all a matter of interpretation. That is all it is. And I can tell you what it is; it is the same point as I said last week. This bill even provides, as a matter of interpretation, this bill even provides that one nurse in one hospital can send a patient somewhere else and through the telephone tell somebody else how to give medicine. It does not require the presence of the nurse there, or whoever is delegating the thing. So this is something; these are things to consider.

And I am very interested in standards. And I am not going to get involved about the Nursing Board or anybody else. I know what is going on at the Nursing Board.

I want to correct something which I said here last week in opposition to the bill. I have given you — at that time I did not have my notes; I couldn't find them. But I can tell you today there are 6,609 registered nurses in this State. And, 4,479 employed. You still have today — I say today, this was dated 1/23/74, at the hearing — at the hearing they said they

still had 1,078 nurses not employed. I am talking about Registered Nurses. I am not talking about L.P.N.'s. And this does not make any difference. But I can only call your attention to the fact that within the same qualified people you have — and these are both Registered Nurses — and both of them disagreed. You have factions that disagreed on the same principle. That is something to be very careful about before you pass this stuff.

And my objection to the thing is that actually I think that people, you, as an individual should be interested in the quality of care you are going to get. You should be interested in the quality of care that the person next to you is going to get. And, especially, interested in the quality of care people who don't know what is going on, the patient that doesn't know what is going on, not through his fault. He should get the best care that there is. And they are not going to get it from untrained people. You have to be trained; you have to be licensed in almost anything today. And I think this is probably the most serious place where you should be licensed before you give something to somebody that might have some very injurious effects and permanent effects. So, therefore, I won't vote for the enactment.

But I just want to make it clear that because we are opposed to this bill does not mean we do it just for fun. Because it is much easier to sit here and say nothing. But we do it as a matter of concern, and concern, not for me, but concern for the whole people of this State. And I hope that you just don't accept this bill.

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 passage to be enacted. All in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G.

W.; Berry, P. P.; Berube, Birt, Boudreau, Bragdon, Briggs, Bustin, Cameron, Carey, Carter, Chick, Chonko, Churchill, Clark, Conley, Cote, Cottrell, Cressey, Davis, Dow, Dudley, Dunn, Dyar, Evans, Farnham, Flynn, Fraser, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Herrick, Hobbins, Hoffses, Huber, Hunter, Immonen, Jackson, Jacques, Jalbert, Kauffman, Kelley, Kelley, R. P.; Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Martin, Maxwell, McCormick, McTeague, Merrill, Morin, L.; Morin, V.; Norris, O'Brien, Palmer, Pontbriand, Rolde, Rollins, Ross, Shaw, Simpson, L. E.; Smith, D.M.; Smith, S.; Snowe, Sproul, Stillings, Susi, Theriault, Tierney, Trask, Trumbull, Twitchell, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M.E.; The Speaker.

NAY — Binnette, Bither, Brawn, Bunker, Carrier, Connolly, Crommett, Curran, Curtis, T.S., Jr.; Deshaies, Drigotas, Dunleavy, Emery, D.F.; Farley, Farrington, Finemore, Gahagan, Gauthier, Good, Kelleher, Keyte, McHenry, McKernan, McMahon, Mills, Mulkern, Murray, Parks, Perkins, Peterson, Ricker, Soulas, Strout, Talbot, Tanguay.

ABSENT — Brown, Dam, Donaghy, Faucher, Fecteau, Ferris, Littlefield, Mahany, McNally, Murchison, Najarian, Pratt, Santoro, Sheltra, Shute, Silverman.

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

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

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

Finally Passed

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

Resolve Providing for the Replacement of Babb's Covered Bridge in Windham and Gorham (H. P. 2004) (L. D. 2548) (H. "B" H-733)

Were reported by the Committee on

Engrossed Bills as truly and strictly engrossed, the Resolves finally passed, signed by the Speaker and sent to the Senate.

Orders of the Day

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

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

Tabled — March 8, by Mr. Simpson of Standish

Pending — Final enactment

On motion of Mr. Simpson of Standish, tabled pending passage to be enacted and specially assigned for Thursday, March 14.

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

Bill "An Act Repealing Discount Sale Price of Liquor in One State Store" (H. P. 1673) (L. D. 2066) Tabled — March 8, by Mr. Martin of Eagle Lake.

Pending -- Acceptance of Either Report

(Report "A" "Ought to pass"

Report "B" "Ought not to pass")

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

Mr. STILLINGS: Mr. Speaker, I move that the House accept Report B, the "Ought not to pass" Report.

The SPEAKER: The gentleman from Berwick, Mr. Stillings, moves the House accept Report B "Ought not to pass."

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: Although this bill was heard in the early part of the special session, it has taken some while for it to get here on the House floor.

In Liquor Control Committee we had many discussions on this bill. And rather than supporting the position that I have taken on trying to oppose the motion of Mr. Stillings and bring out an amended version, what I wanted to do, and if the House will bear with me this morning, and I hope we can overturn the Report "B", I would hope that we could get the

bill accepted and put it in for a second reader for amendments.

Let me give you some history of this particular bill that we have before us. When it was passed in the regular session of the 105th it was the wishes of this House and the other body to curb the out-of-state traffic of liquor to New Hampshire and to encourage the sale of liquor here in Maine, to stop it.

There are eighty-eight liquor stores, ladies and gentlemen, in this State. It is approximately eighty-three of them which have a number of reductions in their sales of bottles in this State. Now, the Kittery liquor store has been open since July. And the store has, up until then, up until they moved in their new store, was selling roughly in the area of 25 thousand bottles of liquor a year. In six months they have sold something like 690 thousand bottles. But those 690 thousand bottles of liquor were sold at the expense of the other stores in the State, a tremendous reduction of them. For example, in Lewiston there was one store that was down 21 thousand bottles. A store in Portland was down 72 thousand bottles. Now, if these bottles of liquor were purchased in the towns, and the other eighty-four towns in this State, there would be an increased revenue in my opinion. Because down in Kittery they are enjoying a 27 per cent break, or up to that type of a break. And the other stores in the other parts of the State are not.

If you take a balance sheet that comes out from the Department Alcoholic Beverages it will show you that the over-all amount of sales in the State have increased. And they have. It is a general natural growth of the sales in the State and the liquor industry of five and six percent every year. But if these particular bottles that were purchased, say in Bangor; there was 25 thousand bottles less. If they were purchased in my city the State's treasury would be increased somewhat more than it is right at the moment.

The people that are enjoying the benefit of the Kittery store are not the average individual that you and I know and associate ourselves with. It is the retailers in the State who are getting the break, and justifiably so. They are no

different in Lewiston or Houlton or Washington County than they are down in Southern York. But, nevertheless, the spirit of the reason for this bill being passed at the last session of the legislature was not for them. It was to encourage the sales of liquor here in Maine and not New Hampshire.

Now, some people are going to say; if you accept the Kelleher version of this bill that people will just go to New Hampshire and they will purchase liquor and bring it back. They can do it now. But they won't be able to do it. Because I am sure that we will put an amendment on the bill that will put a stamp on the Maine bottle saying that you have to purchase your liquor in Maine as far as the retail outlets are concerned.

There is some going to argue here this morning we got a tremendous financial responsibility because of the long-term contract in the store in Kittery. That's true. But I would like to remind the same people who will be presenting that argument that we have the same type of obligation in Bangor, in Portland, in Caribou, or anywhere else for that matter, where there is a store.

The amount of money that is returned to the State less this year by the retailers right now in the six-month period is \$1,700,000. That's a lot of money. And my figures are only up until December. I didn't bother to go back down and get a new balance sheet, because it would only indicate that the loss of revenue in my opinion would be even higher.

So I ask the House this morning — I don't want to close the Kittery store, have no intentions of doing that — but I would like to see fair and equal treatment everywhere.

I believe the mark-up price, there is a 75 per cent mark-up price on liquor in this State — could be rolled back 10 per cent, 11 per cent. And in the long run, in six months period, we will be enjoying a much better revenue gain for the State Treasury.

So I urge this House not to accept the motion of Mr. Stillings. And when the bill gets into the Second Readers tomorrow, if we can get it that far, there will be some amendments prepared for your consideration.

The SPEAKER: The Chair recognizes

the gentleman from Kittery, Mr. Kauffman.

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I agree with some of my good friend Mr. Kelleher's remarks. However, the Kittery Store opened in July 1973. And through December 29, 1973 they did over \$3,359,000 worth of sales and had 70 thousand customers; a weekly average of 2,794. During these five months the net income to the State of Maine was \$663,866.00. Statewide sales during that period were \$23 million, plus. In 1972 they were \$22 million, plus. Which was an increase of around five per cent over the preceding year.

If the prices were statewide as the prices in Kittery, the State would lose approximately \$7 million for the year. In other words, they would have to have about a forty-four per cent increase in liquor sales to make up this loss of revenue.

All revenue for the sale of liquor goes to the general fund. And we all know where the general fund goes; what it supports, what it doesn't support.

Mr. Kelleher spoke of the drop in sales in other stores. This, mainly, was due to the licensees pooling together and going to the Kittery store to buy it in truckload lots. The Kittery store had approximately forty-six per cent licensee sales and fifty-four per cent customer sales. They have, as has been previously stated, a commitment of some \$348 thousand on a fifteen-year lease. The Kittery store, and this is what I am concerned in, has thirty employees. Those employees live in Kittery, Eliot and York. Some are young fellows; the first job they ever had. They have families. And I don't know where they are going to get another job if we even lower the sale price in the Town of Kittery store.

Due to the inflation, energy crisis — I think the State of Maine needs every penny it can get in revenue. And certainly we are getting a lot of this revenue from out of state customers to the Kittery store. Now, I go into this store once a week and I look around in the parking lot and see where the cars are coming from. Today we are getting a lot of tourists. Not so many as we had,

but you will see New Jersey cars there with snowmobiles. I don't know where they have found the snow but anyway they stop there. And a lot of people have summer homes come down to check their homes and they stop there. I don't think we can judge this loss of revenue statewide because the Kittery liquor store is opened up. I think a lot of people are feeling the pinch of inflation and do not have the money. I hope, from my remarks, you won't get the idea that Kittery is a home for alcoholics, because, as I say, the most of these sales come from out of state. I hope you support the pending motion.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The subject of the special discount liquor store in Kittery is, of course, a highly emotional one. There are many people in this state who see the existence of this store as a rank example of discrimination. They cannot understand how one segment of the population can have ready access to liquor at wholesale prices while they cannot, not unless they wish to drive long distances. Some of them, even when they do reach southern York County are so angry that they go across the border to New Hampshire to buy their liquor in another state.

This attitude, which might be called a "cut off your nose to spite your face" attitude, is entirely understandable, even if it is not particularly reasonable. We, in southern York County do have a special advantage when it comes to the purchase of liquor. But the point that I would like to make today, and that I have been making over and over again ever since this debate began, is that we will have advantage no matter what happens, as long as there is a price differential between New Hampshire and Maine on liquor. You can close the Kittery store tomorrow and our people will do exactly what they did before the store came into existence. They will go to New Hampshire and spend Maine dollars to buy New Hampshire liquor. They will, in other words, help to pay taxes to run New Hampshire services.

It was to stop this outflow of Maine dollars that the idea of a discount liquor

store in Maine was proposed by the honorable gentleman from Portland, Mr. Cottrell, during the 105th Legislature. After being reported out by the Liquor Control Committee this bill was passed by an almost 2 to 1 margin in the House without even a recorded roll call. And it went under the hammer in the Senate. The Liquor Commission then proceeded to carry out the wishes of the legislature and they built the present store in Kittery.

The store has now been open since July 9, 1973. Between that date and this January it has done more than \$3,700,000 worth of business. Individual bottle sales have been almost 54 per cent or close to \$2 million. And it can be argued that this represents pretty much the amount of business that would have gone to New Hampshire in this time. The 46 percent, or more than \$1.5 million, was in case sales, the majority of which was undoubtedly to Maine licensees.

Despite the fact that licensees who purchase liquor at Kittery automatically receive about a 7 percent discount over and above what they were getting before, overall liquor sales in Maine, as of January, are up more than \$1.5 million or nearly 6 percent. And they are going higher all the time.

A classic argument against the Kittery store is that it has hurt liquor sales in other stores. Now, taking the latest facts, the latest figures which the gentleman from Bangor, Mr. Kelleher, did not have at his disposal, there are some very interesting facts. If we look at liquor sales by the number of bottles, we have seen a definite decline in stores beyond Kittery. In fact only 15 stores out of 90 had sold more bottles this year to date than the previous year. When it comes to the dollar value of these sales only, some 21 stores had shown increases over the previous year to date. I emphasize the word to date because the last monthly figures for January show a different trend. In January some 63 stores, almost four times as many showed increases in sales over the same months the previous year. While at the same time the Kittery store has whopping sales of more than 73,000 bottles, where an average store in Maine might sell about 8,000 or 9,000 bottles.

What these new figures mean, this new trend, I am not really sure. It might reflect the gasoline shortage and show that less people are driving down to Kittery.

I would point out in today's newspaper that figures show that although there has been a 5 percent drop in state revenue there has been, still, an increase in beer and liquor sales for the month of February. But what all these figures should indicate is that to take rash action now and close the Kittery store after a little more than six months of operation is surely not in the best interests of the taxpayers. For one thing, there is a fixed cost of \$348,000 that the state has already committed to this venture in the form of a 15 year lease. No matter what happens we must incur this expense. And I am convinced that the bill before you today must carry this expenditure as a fiscal note.

My own feelings are that a better way of getting at this problem is to institute a thorough study of the feasibility of lowering liquor prices throughout the state.

The Liquor Commission says this would cost about \$7 million a year. Now, that can be challenged. And I think it should, by a very intensive and expert study. The Liquor Control Committee right now is conducting a study of the possibility of getting out of state control altogether. I think they could add this study matter, lowering prices all over the State, to what they are studying. And I am prepared to put in an order to this effect.

At this time I feel the Kittery store should be allowed to continue in operation until the next legislature, at which time the study committee could present its report and the legislators would be able to see a year and a half of operation at Kittery, including a full summer, and what the effects have been on Maine's liquor business.

To me this would be a responsible and unemotional approach to dealing with this problem of our high liquor prices, the drain of our dollars to New Hampshire and all that this implies in lost business for our merchants, and finding a fair and equitable solution for all our people. If liquor prices can be

lowered throughout the state, no one would be happier than the people of southern York County. But, please don't send us back to New Hampshire.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I think the record will show that I opposed this bill for economic reasons when it came up originally in the last session of the legislature. If I remember correctly there were around 40 people in the House that voted against this move. I pointed out, I think, at that time that it was uneconomic; that it was going to result in loss to the state at a revenue loss. I believe that the way the thing is proceeding now bears out that I may have been entirely correct.

I feel that we should, at this time, we should go along with the gentleman from Bangor, Mr. Kelleher, and keep this bill alive and see what he comes up with in the way of amendments. We can kill it later on. I realize that when we have made bad mistakes sometimes it is difficult to know how to back out of it. I think this is what the gentleman over here admits, and is saying that we have got to find a way to back out of it. I think the mistake was made when we went into it head on. It doesn't seem as feasible today, perhaps, as it did when gasoline was more plentiful, that the operator of every cocktail lounge in the state of Maine can get his liquor enough cheaper by driving down to Kittery to pay for the extra gas. It is now economic for every operator of a cocktail lounge to drive the whole length of the State and buy liquor in Kittery. This doesn't seem right to me. And it is certainly discriminatory to all of the other stores operating in the State of Maine. I think if we continue it, it is going to get worse. I hope there is something we can do at this special session. To try that, I hope you will vote down the report of the committee and go along with the gentleman from Bangor, Mr. Kelleher, and see if there isn't something better than this that we can come up with at this time.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: Some years ago Maine made a decision to be a controlled state. In other words, the State would control the sale of liquor. In following this path you get into basic economics. You can sell a lot of liquor at a low price, or you can sell less liquor at a higher price. The store in Kittery, which I personally feel is a very badly placed store, it is a hard store to find. It took me a while to discover it was the third turn off the road to get to the thing.

I would be very interested in seeing the sales in the New Hampshire store. Yes, they have gone up in Kittery, but I bet they have gone up in New Hampshire a great deal more. I think to have a cut-rate store on the southern part of the state benefiting the people in the southern part of the State, with a high volume and yet a lower gross on the whole thing would be far better to let New Hampshire mind their own business; put prices wherever they want and let Maine take care of their own thing and keep their price where they want it.

I think we would be better to do one of two things. Either we have got to lower the price for the whole state, bring it down to that and make it fair for everybody. And I think this might have some serious problems, or maintain the price where we have it and make it uniform throughout the State instead of giving a great boon to all of the retailers in the southern part of the State and the people coming through and the tourists. If they want to stop in New Hampshire, they are probably stopping in New Hampshire now anyway. It is certainly far easier to stop in New Hampshire than to try and find the Maine store. Instead of throwing bad money, more money, after what we have already done in trying to patch things together, we would be far better to accept this bill and remove this special dispensation that the southern part of the State has.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I support the motion before the House, and I do so, basically, for two reasons.

My biggest reason is I don't think I favored building the store originally. But now that it is built I don't think six months is a fair trial. I know a lot of people that couldn't even find the store but now they know where it is. And I think the next year is going to see tremendous sales there because they are just commencing to find out where it is. I don't think six months is a fair trial.

Now, I would like to see it tried a little longer.

Another thing that hasn't been covered in this conversation is, it has been noted by the sales tax collectors that people coming there to buy their liquor also buy a lot of other stuff because the sales tax is up in that area, I have been told. And so there is more than just the liquor sales involved. When these people come there to buy their liquor, that it is noticed by the sales tax that they are buying other merchandise. And so the merchants in that area are being benefited by selling other stuff other than liquor. So I hope that you will be businesslike about this. I don't think that the business is a failure. And I know that before this passed that the people in my area that run the motels and like that brought their liquor in New Hampshire will soon go back to buying it in New Hampshire if we do away with this store. So I think we are keeping some business in Maine. I don't think that a six months trial is long enough. And I don't think we ought to overlook the aspect of the other things they buy and the extra sales tax we are getting from that.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I hope the gentleman from Enfield, Mr. Dudley, is not saying what I think he is saying. It seems to me he is saying that — he mentioned the fact that the sales tax — something about the sales tax — I assume, I don't think there is any difference in the sales tax at Kittery than what there is in Perham or Caribou. So I assume what he is saying is if these people go down there to buy their liquor they are going across the line in New Hampshire to buy their suits of clothes and things like that at the same time. If

this is what he is saying I am sure that I don't agree with him. I think this is though, directly what he is saying. I think this could happen. Every time somebody goes near the border to make a purchase like liquor it, of course, is very logical if they happen to want a suit of clothes and can save five or ten dollars on it by going another mile or two and crossing into New Hampshire, this could be very logical procedure which could develop. I think this is what he says. I agree with him but I think this will happen. He seems to think it is desirable. I don't think it is in the light of State revenue.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I don't know just where to start on this. I agree with Mr. Kelleher and I agree with a lot of the speakers that have spoken here on this matter.

I think everybody realizes that this was an experiment. If they don't realize it was an experiment, I am going to tell you exactly when this thing started. It was in the 104th Legislature. In the 101st Legislature we formed a compact with New Hampshire and the Federal Government to build a high-level bridge over the Piscataqua River from Portsmouth to Kittery. And as time went on we found in the 104th that New Hampshire was going to build the most modern expensive liquor store right in the Portsmouth circle. So we researched the whole bit. We thought that on this great access road into our State we might catch some of the revenue that would develop if we had our own good store on our side of the river. Now this bill wasn't introduced to hurt anybody in Bangor or Portland or Caribou or Presque Isle or any other place. It was done to try to stop a great revenue leak.

It is interesting to note that our revenue from liquor sales is just about half of what it is from our total personal income take. So if we could build that up several millions we thought it was worth an experiment. In fact, there has always been difficulty in York County, one of our most populous counties, in meeting the problems of their location next to

New Hampshire, which is one state in the United States that has no general sales tax. So the experiment started. It was researched by our very respected Jon Doyle, as to any legal barriers. And after a two month period he said there were no legal barriers. Strange enough we consulted Dr. Bubar, Rev. Bubar, and he said he would not oppose this bill. And this is one of the few bills in past history, liquor bills, that he has not opposed. So this has really been an experiment. It is an experiment to see perhaps if we cannot lower our prices all over the State. When the price is right perhaps you do more business. And we don't know what the point of diminishing returns is. So, that is the way it started.

Now, here are some of the facts that haven't been brought up, precisely, anyway. In New Hampshire Ballentine Scotch costs \$6.10 a bottle; in Maine it is \$7.80. Old Grand Dad, \$5.45 in New Hampshire; in Maine \$6.90. Cutty Sark, \$6.25, Maine \$7.95. Beefeaters Gin, \$5.40 in New Hampshire; \$6.70 in Maine. Canadian Club, \$5.75 in New Hampshire; \$7.35 in Maine; Seagrams Seven Crown, \$4.20 in New Hampshire, Maine, \$5.15. As I say, we didn't do this for the people of Kittery, we didn't have to, they didn't need it. I think it is also common knowledge that people all over York County have gone one side or the other, that is, they've gone West to New Hampshire or South in New Hampshire. This liquor store in Portsmouth; we have a report that eighty-five per cent of their business is done from out-of-staters. One is to travel to Kittery, over two and a half million vehicles come to Maine through Kittery per year. In the summertime there are three hundred and sixty thousand a month. I hate to stand here and speak about this and take up time in the Special Session, because as we all know this is an experiment. We've just got it started and we're sort of in midstream. I thought if we waited until the Regular Session, on a bill like this, we would have more facts so that you could make a sound judgment.

There are seven and a half million people that visit Maine from other States. We have a hundred and fifty thousand out-of-state, seasonal, owners of property. Most of these people come

through Kittery. And they are not dumb. People who come up here on a vacation are going to bring liquor with them. They use that up. And their friends come to visit with them, and they tell them to stop in Kittery, we are running out of liquor. So you get a great market here. And I think they would be loyal enough to use Maine stores.

From all available reports we know that New Hampshire's sales have dropped. They have gone down while ours are going up. Maybe the distribution of our sales has changed. But I think, in time, after we have a chance to run this experiment, we may be able to spread these lower prices all through the State of Maine. This experimental bill was signed by the Governor in May of 1971. And interesting enough, he had previously signed, in April, a bill to give the Bangor Airport special consideration in their handling of liquor.

These special considerations are not necessarily without history. Massachusetts now has three classes of licensees. One class sells at the regular price, another class sells at a lower price, and another class is permitted to sell at competitive prices with New Hampshire on New Hampshire's border. it's not such a good situation, perhaps, but that's the way we are going along in our country today.

I hope in the future, after reading tax reviews and tax studies, that sometime we get more uniform tax structures in compact States with great populations, because it brings inequities to all those who live on borders. I think we ought to go along with this old adage, "don't change horses in mid-stream." In some cases, you might take exceptions to this, but I think, in this case, we should go along with this experiment.

I'm sorry that the press has not been more helpful. I haven't seen any diagrams of roads to get to our store. I know we have made some mistakes, but they are not fatal. I hope the press could give it a little more publicity and I hope the suspected bootlegging that we have going on will cease. I hope that this will be allowed to continue.

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 pose a question to the Gentleman from Bangor, Mr. Kelleher.

He has indicated that he would like to save the bill today in order to propose a number of amendments. In my travels last year, I have heard a rumor that one of the amendments the gentleman is going to propose, is one that would authorize Maine Milk Commission to sell milk at the Kittery outlet at New Hampshire's prices.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I just want to clarify a point raised by the gentleman from Perham, concerning the sales tax.

I think what the gentleman from Enfield, Mr. Dudley, was referring to is the fact that there is a shopping center at the Kittery Liquor Store. There is none at the New Hampshire Liquor Store, and as a result, we even have quite a number of New Hampshire shoppers that come over to Kittery to buy other thing at the shopping center. There are specialty stores there. And they also buy their liquor in Maine. You will see quite a number of New Hampshire cars in the parking lot there. This is the first indication that we have ever been able to reverse the flow of traffic, because most of it goes from Maine into New Hampshire, because of the lack of sales tax over there.

Needless to say, if you do close the Kittery Liquor Store, that shopping center will become a ghost town.

The SPEAKER: The Chair recognizes the Gentleman from Lewiston, Mr. Jalberty.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: There are a few fallacies in the remarks of the previous speakers that I would like to straighten out, if I may.

In his first remark, the gentleman from York, Mr. Rolde, mentioned the fact that the dog chases back into New Hampshire. The truth of the matter is this; and I know for an absolute, positive fact, because a short while ago, I was in this club in Lewiston, and four owners of clubs gave their orders to this truck driver, and he just put the orders in his

pocket, went on his way, and brought back the liquor from Kittery, and there it was. He did not, however, project this saving on to the customer as I thought he was doing.

Also, if the liquor store in Kittery was not in the situation it is, then he couldn't go into New Hampshire and put out those New Hampshire bottles on the shelf to sell, because if he did he wouldn't last very long, as far as the Inspection Division is concerned.

The other remark that the gentleman from York made was the second time he spoke concerning himself with anyone coming in and saying that the shopping center would be a ghost town. I know he has been around the front office long enough and is astute enough to know, I think he probably has forgotten, that all he has to do is to tell the people in Maine at that shopping center, when he purchases those taxable items, that those items that come under the Sales Tax, to send them to New Hampshire, and they are sent to him tax-free. Other times, the minute he identifies himself as being from New Hampshire, some other state, why the merchandise is given to him anyway, tax-free. If he doesn't know that he knows it today.

The gentleman from Portland, Mr. Cottrell, mentions the three differential in prices in Massachusetts. He said there were three. Let me give him a fourth one. I don't drink, but I want to entertain. Sometimes people come to my home and I do entertain them. And I can assure you of one thing, there are four different price ranges in New Hampshire. There is a price range where you tell a fellow, look, I want that case of scotch, but I will give you \$5.00 or \$10.00 less than what you ask, I'm from Maine and I'm on my way back to Maine, and you're not going to sell it anyway to me, so you might as well make a five or ten spot this way and let me save five or ten. So there are four price differentials.

As far as I'm concerned, the revenue notwithstanding, I don't see why we should be discriminated against in my area, or the Bangor people, or the people from Rockland, or from up the northern part of the State of anywhere else for that matter, Waterville or any other community in this state.

The SPEAKER: The Chair recognizes the Gentleman from Kittery, Mr. Kauffman.

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to reply to my good friend from Lewiston.

Before the Maine store opened, I had the occasion to be in a liquor store on State Street in Portsmouth, and a good friend of mine worked there, and he was extremely busy. This was probably four years ago. I asked him what the rush was. He named the gentleman in Portsmouth, whom I will not mention, that had a call from a friend of his in Lewiston, for a \$600.00 order of liquor and he was going to take it down that afternoon. Mr. Speaker, when the vote is taken, I would like to request a roll call.

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

Mr. TRUMBULL: Mr. Speaker, Ladies and Gentlemen of the House: I seriously doubt that the gentleman from Lewiston, Mr. Jalbert, could ever tell, once those two bottles, one from New Hampshire and Maine, was sat on the shelf, as to where the bottles had come from. There are absolutely no difference in stamps or indications of any kind once they are removed from the case as to where these bottles came from.

I would like to introduce from the floor a quote from the January 15, 1974, Master Alcoholic Beverage Control Association Paper, called the MBCA Review, in which it says, the restructure of Vermont liquor tax studies. It says and I quote "Ways and Means Chairman said he is planning to introduce bill in State Legislature to give LCB flexibility in meeting State competition from nearby states." This means, in effect, that what they are proposing to do in Vermont is similar discrimination like we have in Maine now. In other words, that state has lost a tremendous amount of revenue in the last few years to the State of New Hampshire; that they have got to do similar things as we have done here. This store in Kittery has done exactly what when you voted it in, and asked it to do. It has increased State revenue, kept licensees from going out-of-state, as well as retail customers,

to get liquor. And, yes, licensees were going out before by the hundreds. Indications are, that the blockades that were set up down around the Kittery area and other spots in York County; and, yes, in my own home town of Fryeburg, they have set up, too, to try to prevent this liquor from coming back in from New Hampshire. Before this store opened, it was coming in, in large quantities and it seemed that nothing could be done about it. This store has done exactly what you wanted it to do.

I am most anxious to see the price reduced throughout the State. I can't see how you can go ahead and pass a bill like this one, when what you did in previous legislation, was just what you wanted.

The revenue reduction that some people claim that we have in this State because of this store is complete fallacy. It is not true at all. In fact, there has been an increase in State revenue, mainly because of this store. And were it not for this store, we would find out that this indication we have here where the liquor, bare net, is \$200,000 more than it was before, you will find this is just like the other things which show a 4.3 per cent reduction and this reduction would be considerably higher.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I might state that I voted for this bill in its originality. I also want to say that I thank the gentlemen from Fryeburg, Mr. Trumbull, for enlightening me. I didn't know that there was any differential between a Maine and New Hampshire bottle, which goes to prove that you learn something every day. I can assure you that there is going to be a differential. I can guarantee you that. I thought there was, but there is going to be. I would answer my dear friend from Kittery, Mr. Kauffman, that as far as the gentleman from Lewiston calling him up and calling for a \$600.00 order, it just goes to show that some of us boys in the town in Lewiston have hollow legs.

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

Mr. COTTRELL: Mr. Speaker, Ladies

and Gentlemen of the House: I apologize a thousand times for having this matter take so much time. I do want to say this; it is common knowledge that all Maine citizens that go from Maine to Boston, whether they come from anywhere in Maine, some of them will stop at Kittery, not only for liquor, perhaps, but for cigarettes. I hope you don't pass this bill at this point. Wait until next January.

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

Mr. GENEST: Mr. Speaker, Ladies and Gentlemen of the House: I can't quite agree with my good friend, Alan Trumbull, from Fryeburg, about when he says the store is doing exactly what we wanted it to do. I am sure it was the intent of the 105th Legislature, when they passed this bill, to merely give some competition to the State of New Hampshire, particularly Portsmouth.

I have received information from a very good source that all, or nearly all, of the Class A restaurants and clubs in the Waterville area are no longer taking advantage of the seven per cent that they were entitled to in the local retail outlet. They are now trucking it up from Kittery and getting the benefit of the twenty-seven per cent.

I think, in effect, that the State of Maine is not competing with the State of New Hampshire, but the State of Maine is competing with itself. I have had considerable flak on this one issue. And the question I'm being asked by the rank and file constituents, is why can't we have it tax free too? I really think they should. And I hope you will go along with Mr. Kelleher and keep the thing alive.

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

Mr. WILLARD: Mr. Speaker, Ladies and Gentlemen of the House: I will go along with Mr. Kelleher to keep it alive. You know, sometimes in life you buy something and after you get it you don't want it. I'm afraid that is what the State of Maine has done in the Kittery Store. I think maybe we had better take our licking and get out of there.

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 Berwick, Mr. Stillings, that the House accept Report "B", the "Ought not to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Bither, Boudreau, Carrier, Carter, Cottrell, Cressey, Curran, Davis, Dow, Dudley, Evans, Farley, Fecteau, Fraser, Garsoe, Goodwin, H.; Hamblen, Hoffses, Hunter, Immonen, Kauffman, Knight, Lewis, J.; MacLeod, McMahon, Mills, Peterson, Pontbriand, Rolde, Rollins, Simpson, L. E.; Stillings, Susi, Talbot, Trumbull, Tyndale, Whitzell, The Speaker.

NAY — Albert, Ault, Baker, Berry, G. W.; Berube, Binnette, Birt, Bragdon, Brawn, Briggs, Bunker, Bustin, Cameron, Carey, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Crommett, Curtis, T. S., Jr.; Deshaies, Donaghy, Drigotas, Dunleavy, Dyar, Emery, D. F.; Farnham, Farrington, Ferris, Finemore, Flynn, Gahagan, Gauthier, Genest, Good, Goodwin, K.; Greenlaw, Hancock, Hobbins, Huber, Jackson, Jalbert, Kelleher, Kelley, Keyte, Kilroy, LaPointe, Lawry, LeBlanc, Lewis, E.; Lynch, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McTeague, Merrill, Morin, L.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Parks, Ricker, Ross, Shaw, Shute, Silverman, Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Strout, Tanguay, Theriault, Tierney, Trask, Twitchell, Walker, Wheeler, White, Willard, Wood, M. E.

ABSENT — Brown, Dam, Dunn, Faucher, Herrick, Jacques, Kelley, R. P.; LaCharite, Littlefield, McNally, Morin, V.; Perkins, Pratt, Santoro, Sheltra, Webber.

Yes, 39; No, 95; Absent, 16.

The SPEAKER: Thirty-nine having

voted in the affirmative and ninety-five in the negative, with sixteen being absent, the motion does not prevail.

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

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

Bill "An Act Allowing Incorporated Civic Organizations to Apply for a Liquor License for One Event Per Year" (S. P. 923) (L. D. 2555) (S. "A" S-384)

Tabled — March 11, by Mr. Tanguay of Lewiston

Pending — Passage to be engrossed

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

Mr. TANGUAY: Mr. Speaker, Ladies and Gentlemen of the House: My reason for tabling this bill yesterday was due to the fact I wanted to make most of you people aware of which direction that the liquor law enforcement and the liquor laws are going here in Maine. About four years ago, I believe the same bill was introduced to allow non-profit organizations and fund raising events and civic groups an opportunity to bring their own bottle to these particular events. They came out with a law allowing catering with a \$200 license. The purpose of this was for fund raising events, but they found out that this wasn't the way to go around it, so the next session they introduced another bill to lower the catering. So we lowered the price of catering to \$10 to more or less bringing the caterers more in line and lowering their prices to help the non-profit organizations.

Under the same basis, we are going to try and give these non-profit organizations, we are going to license them for \$50 for one event per year. Now, this is only for those who are incorporated, and those that are not incorporated are the people that really need the help, which would be boy scout troops that have a fund raiser. In my particular area, it would be the playgrounds and the more or less the fly football, which needs the help and in no way will this bill help them what so ever. They still have to keep on being licensed.

I have no objections to the bill. I just

want to make you aware that in the next session we should pull our forces and get together and help these organizations and come up and give them exactly what they want. They want fund raisers where they can allow the public to bring their own bottle and be supervised by a police officer or a law enforcement officer without having to go through all this red tape, rigamarole, of coming to the State House, applying for a license, going back to the city fathers, coming back to Augusta, and so forth. There is so much red tape tied in with having an event that these same people don't even attempt to have it catered any longer. They have gone back to what they used to do eight years ago. It is still going on and I personally feel it should go on, they should be allowed to bring their own bottles to these particular fund raisers, but somehow there is a bottle-neck in law enforcement, bureaucrats, and it is strictly bureaucrats that want to have it controlled from the State House level, not from the municipality level.

These bills are coming in and out and I even approached the sponsor of this bill. She says, it is not what I want, but I will accept this, because if we try to tie on what I really want, I don't think that the legislators will pass on it. So we are going to try to live with this one for a while, then we will come back with another bill in the next session. So I make a motion that we have our second reader.

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

The following paper from the Senate appearing on Supplement No. 1 was taken up out of order by unanimous consent:

Committee on Education on Bill "An Act to Clarify the Duties of the Board of School Directors during Reapportionment" (S. P. 933) (L. D. 2570) (Pursuant to Joint Order S. P. 932) reporting "Ought to pass"

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

In the House, the Report was read and accepted in concurrence and the Bill read once. Under suspension of the rules,

the Bill was read the second time, passed to be engrossed and sent to the Senate.

Mr. O'Brien of Portland presented the following Joint Order and moved its passage:

Joint Order

WHEREAS, legislation was proposed at the first special session of the 106th Legislature to abolish the assigned risk plan and to provide a reinsurance plan for sharing of losses by all insurers; and

WHEREAS, by this measure motorists would be able to go to the agency or company of their choice and be entitled to coverage if they have a valid driver's license and the money to pay their premiums; and

WHEREAS, the Joint Standing Committee on Business Legislation has referred this matter to the next Legislature affording an opportune time for needed study; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be directed to study the subject matter of "An Act to Abolish the Assigned Risk Plan and to Establish the Maine Motor Vehicle Reinsurance Facility," H. P. 1860, L. D. 2365, as introduced at the first special session of the 106th Legislature to determine whether or not the best interests of the State would be served by enactment of such legislation; and be it further

ORDERED, that the Council report its findings, together with any necessary recommendations and implementing legislation, to the next regular session of the Legislature. (H. P. 2033)

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

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

Bill "An Act to Provide a Maine Homestead Property Tax Exemption Law" (H. P. 1680) (L. D. 2073)

Tabled — March 11, by Mr. Martin of Eagle Lake

Pending — Motion by Mr. Susi of Pittsfield that the House accept the Majority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes

the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: I would ask the members later today to take perhaps two minutes to consider the bill before us. We had debate in the regular session on this bill and passed it overwhelming in the House. It suffered final defeat in the other body for financing reasons.

During this session, we have had legislation before us which tries to help those communities, or at least some communities, which were hit by L. D. 1994. This I would propose is the truest form of tax relief guaranteed to Maine homeowners. There are difficulties in financing. We look forward to a small amount of L. D. money at this time, and we probably look forward to a tax increase of substance in the next session. For that reason, this bill was amended in its committee redraft to take the funds off it for this year, but put it in effect in the next biennium, or if we continue to go on an annual basis, during the next legislative session. The cost is high, approximately \$9.5 million.

This cost and the tax reduction would not commence until the time of the 107th Legislature. Why was that approach taken? Frankly, because there wasn't enough money to do it this time and the bill would have certainly died. Because I think that this legislature, which has in a sense committed the people of this state to tax raises already, should promise the homeowners of this state that they will at least on the first \$2,000 of the value of their home have a tax exemption on the real estate tax law.

If you recall, ladies and gentlemen, during the regular session we gave certain tax relief to segments of the business community in regard to the inventory tax. There seemed to be some broad feeling that was an inequitable and undesirable type tax and we ought to be rid of it, but there was the difficulty of where to get the money. So there was a complicated formula worked out to reimburse the municipalities, but eventually, I believe three years after the legislation was passed, the music must be faced and the bill must be paid for. So, too, with this bill; it will have to

be paid for. But if we can go out on a limb for the business community of the state because we think it is a worthwhile project, I think we can equally go out on a limb for the homeowners of the state.

The time is almost one o'clock and rather than continuing to talk, I suggest that our Page has distributed a short summary of the meaning of homestead; I know the members are familiar with it. I would ask you not to support the majority report, but to accept the bill. I would ask for a roll call on the pending motion.

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 Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker and Members of the House: I was one of the signers of the "ought not to pass" report and I would like to give my reason why I did sign it "ought not to pass". I don't like the bill as it is written where it provides for it going into effect in the next session and leaving it up to the next session to finance a considerable amount, \$9.5 million. I thoroughly support the concept of homestead exemption and I hope that I will live to see a homestead exemption put in here in the State of Maine.

In this session, with 1994 we gave considerable property tax relief to the majority of our people here in Maine, but there are some communities that do have problems. I think that homestead exemption would do much to alleviate the problems of these communities which we have heard much about. Also, I still feel that we are, even after 1994, we still have an over-reliance on the property tax. I think that the property tax needs more attention, that the homestead exemption is a reasonable way to approach it. I do feel that to be responsible when we take action on a homestead exemption we have to at the same time provide a revenue measure to go with it. I don't believe that this special

session is ready to take this action. So I would support the "ought not to pass" report.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I signed the "ought to pass" report for the simple reason it is the first bill that we have had on the floor here, tax relief, that helps State of Maine people only, and people living in their own homes, meaning the homestead act. This bill here would give them tax relief that no one from out of state, no one moving in here and has a summer residence would get any of this tax.

Maybe we are wrong at this time in going along with \$9.5 million, but in 1976 this new method of taxation of equalizing the valuation in all these towns having a regular tax assessors is going to mean a big difference to the value of the State of Maine. Every municipality from the little municipality I live in to down to the city of Portland, we are going to have equal taxation or so near to it that it won't be funny. That will be one of the finest things we ever had in the State of Maine. At that time our valuation, in my opinion from studying taxation, will be a big, big increase in the State of Maine. There will be increase enough probably at that time that when you really figure it out, this valuation will probably be — the \$2,000 recommended here probably will be less than \$1,000.

I realize of course that we are legislating to the 107th, really because this won't take effect until April 1, our taxes of April 1, 1976, and as I say, that is the year we are going to begin the new valuation.

I am not going to stand here and fight an hour for this bill. I think it is the finest bill we ever had, but maybe now isn't the time. I am going to leave it up to you people voting in the House. For the first vote anyway, I am going to vote against the "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I think I would like to make two or three

very quick and brief points about this. Some of us were very concerned last week, in the debate last Thursday night, I believe, about trying to reduce the impact on some of the towns that are going to have to pay substantial amounts of money into the state as a result of the infamous 1994.

This bill, I think, would perhaps give those communities that are going to be faced with increased tax burdens this year and next year an opportunity perhaps to feel some relief.

I think one of the most serious questions that this state faces is the question of property tax relief and property tax reform. Just this morning I have received more petitions for one of my towns, the Town of Brooksville, supporting the bill of the gentleman from Standish, Mr. Simpson, which already, of course, is *passé*. But I hope that we will support this bill so the people in the State of Maine know that we are giving serious consideration to the question of property tax reform in this state.

One final point, I would submit that if we do not pass this bill today and find a funding mechanism in the next legislature, that we are fast approaching the point where year-round Maine citizens that border on very low income are going to be forced to sell their property. This is very true in the coastal communities where property is skyrocketing at alarming rates. So I would ask you to vote against the pending motion so that we can give true property tax reform to all the people of the State of Maine.

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

Mr. MAXWELL: Mr. Speaker and Members of the House: I signed the minority "ought to pass" report, and I did it because many many people had seen me. In fact, yesterday forenoon I spent the day in the town office in my town, and many many people came up to me and said, "Why don't you pass that bill?" I believe we ought to pass it today.

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: I am

against equalizing taxation in the state. In the City of Portland, a house that is worth \$60,000 would be worth \$50,000 in Lewiston and in the town I come from, it is worth about \$39,000. Now they tell about equal taxation. If they come up to my town and tax that place \$60,000 like they are in Portland, they certainly would force the industry out of my town.

They tell about homestead exemption. When you take off all these homestead exemptions, where do they think this money is coming from to pay for it? You have got to have a new tax from somewhere. It has either got to come out of your income tax, you have got to have a new cigarette tax, a new gasoline tax or some new tax. Gentlemen, you have got to pay. You can't take off and not get it back, and I hope you go along here this morning "ought not to pass."

The SPEAKER: A roll call has been ordered. 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. 2073. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Birt, Bragdon, Brawn, Briggs, Carey, Cottrell, Cressey, Dunn, Fecteau, Hamblen, Hunter, Immonen, Jackson, Kelley, R. P.; Knight, Lewis, E.; Littlefield, Maddox, Merrill, Morton, Palmer, Simpson, L. E.; Susi, Trask.

NAY — Albert, Ault, Berry, G. W.; Berry, P. P.; Berube, Binnette, Bither, Boudreau, Bunker, Bustin, Cameron, Carrier, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Curran, Curtis, T. S., Jr.; Davis, Deshaies, Donaghy, Drigotas, Dunleavy, Dyar, Emery, D. F.; Evans, Farley, Farnham, Farrington, Ferris, Finemore, Flynn, Fraser, Gahagan, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Hoffses, Huber, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Keyte, Kilroy, LaPointe, Lawry, LeBlanc, Lewis, J.; Lynch, MacLeod, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McTeague, Mills, Morin, L.; Mulhern, Murchison, Murray, Najarian, Norris, O'Brien, Parks, Perkins, Peterson, Pontbriand, Ricker, Rolde, Rollins,

Shaw, Shute, Silverman, Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Stillings, Strout, Talbot, Tanguay, Theriault, Tierney, Twitchell, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.

ABSENT — Brown, Carter, Crommett, Dam, Dow, Dudley, Faucher, Garsoe, Gauthier, LaCharite, McNally, Morin, V.; Pratt, Ross, Santoro, Sheltra, Trumbull.

Yes, 25; No, 106; Absent, 18.

The **SPEAKER**: Twenty-five having voted in the affirmative and one hundred six in the negative, with eighteen 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 Chair laid before the House the first tabled and later today assigned matter:

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)

Pending — Motion of Mr. LaPointe of Portland to recede.

The **SPEAKER**: The gentleman from Freedom, Mr. Evans, has requested a roll call vote. 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 Portland, Mr. LaPointe.

Mr. LaPOINTE: Mr. Speaker and Members of the House: Very briefly, the purpose for this motion is very simply so that we can put an amendment on this bill. I hope that you vote to recede.

The **SPEAKER**: The pending question is on the motion of the gentleman from Portland, Mr. LaPointe, that the House recede. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Berube, Binnette, Boudreau, Briggs, Bustin, Carey, Carrier, Chick, Chonko, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Cressey, Curtis, T. S., Jr.; Donaghy, Drigotas, Dunleavy, Emery, D. F.; Farley, Farnham, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Huber, Jackson, Jacques, Jalbert, Kelleher, Kelley, R. P.; Kilroy, LaPointe, LeBlanc, Lewis, E.; Lynch, Martin, Maxwell, McHenry, McKernan, McMahon, McTeague, Mills, Morin, L.; Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Parks, Perkins, Peterson, Pontbriand, Ricker, Rolde, Rollins, Silverman, Smith, D. M.; Snowe, Susi, Talbot, Tanguay, Theriault, Tierney, Twitchell, Tyndale, Wheeler, White, Whitzell.

NAY — Albert, Ault, Baker, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Bunker, Churchill, Curran, Davis, Dunn, Dyar, Evans, Farrington, Hamblen, Hoffses, Hunter, Immonen, Kauffman, Keyte, Knight, Lawry, Lewis, J.; Littlefield, MacLeod, Maddox, Mahany, McCormick, Merrill, Morton, Shaw, Shute, Simpson, L. E.; Smith, S.; Soulas, Sproul, Stillings, Strout, Walker, Webber, Willard, Wood, M. E.

ABSENT — Brown, Cameron, Carter, Crommett, Dam, Deshaies, Dow, Dudley, Faucher, Garsoe, Gauthier, Herrick, Kelley, LaCharite, Morin, V.; Pratt, Ross, Santoro, Sheltra, Trask, Trumbull.

Yes, 83; No, 44; Absent, 22.

The **SPEAKER**: Eighty-three having voted in the affirmative and forty-four in the negative, with twenty-two being absent, the motion does prevail.

Mr. LaPointe of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-752) was read by the Clerk.

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

Mr. LaPOINTE: Mr. Speaker and Members of the House: The purpose of this amendment is twofold. Number one, it very simply would put the bill out to

referendum, and it would delete certain provisions on the Bill. If you are familiar with the bill and I know most of you are, because we have discussed it quite thoroughly, it would delete sections 4, 5 and 6 of the bill as it is currently written. It would not make any reference to any changes in the hundred weight tax that is currently on the statutes or on the books. It would delete the provision relating to the activities of the Maine Dairy Council and the amendment would delete any provisions calling for a change in the makeup of the Maine Dairy Council. I hope that the House will accept this amendment.

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

Mr. EVANS: Mr. Speaker, I am not going to speak on this amendment but I am going to ask for a roll call when it is put to 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 Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I think maybe the gentleman has explained to us that this puts a referendum question on it, but I have just been reading the referendum question here over the last few minutes, and I guess there are two ways to send out a referendum question. I am not sure this is the way to send it out. You wanted to bring in an amendment maybe to send the question to the people and that we not take any further action on the particular bill; that is one way of doing it. But here it says, "Shall an act to repeal milk controlled prices at the retail level and make certain changes in the membership of the Maine Milk Commission and the Dairy Council Committee as enacted by the 106th Legislature be accepted, and to me that means we have to accept the bill

and enact it before we send it to the people to see whether they want to accept what we have in fact enacted in this session.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I just want to explain, not getting involved in the merits or demerits of this particular item, but simply want to explain that the referendum would be required in order to ratify the action of the legislature, even if it were to enact it. The bill has got to be passed before the issue would be asked of the people. And at that point, whether or not it became effective would depend on their vote.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Portland, Mr. LaPointe, that House Amendment "A" be adopted. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Berube, Binnette, Boudreau, Briggs, Bustin, Carey, Chick, Chonko, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Curtis, T. S., Jr.; Davis, Drigotas, Dunleavy, Farley, Farnham, Fecteau, Flynn, Fraser, Gahagan, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Huber, Jackson, Jacques, Jalbert, Kelleher, Kilroy, LaPointe, Lewis, E.; Lynch, Martin, Maxwell, McHenry, McKernan, McMahon, McTeague, Mills, Morin, L.; Mulhern, Murray, Najarian, Norris, O'Brien, Palmer, Perkins, Peterson, Pontbriand, Rolde, Rollins, Smith, D. M.; Talbot, Theriault, Tierney, Twitchell, Tyndale, Wheeler, Whitzell, The Speaker.

NAY — Albert, Ault, Baker, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Bunker, Carrier, Churchill, Cressey, Curran, Donaghy, Dyar, Emery, D. F.; Evans, Farrington, Ferris, Finemore, Good, Hamblen, Hoffses, Hunter, Immonen, Kauffman, Kelley, R. P.; Keyte, Knight, Lawry, LeBlanc, Lewis, J.; Littlefield, MacLeod, Maddox, Mahany, McCormick, Merrill, Murchison, Parks, Ricker, Shaw, Shute,

Silverman, Simpson, L. E.; Smith, S.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Tanguay, Trask, Walker, Webber, Willard, Wood, M. E.

ABSENT — Brown, Cameron, Carter, Crommett, Dam, Deshaies, Dow, Dudley, Dunn, Faucher, Gauthier, Herrick, Kelley, LaCharite, McNally, Morin, V.; Morton, Pratt, Ross, Santoro, Sheltra, Trumbull, White.

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

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

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

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

Bill "An Act Establishing the Legislative Compensation Commission" (H. P. 2023) (L. D. 2556)

Pending passage to be engrossed.

Mr. Simpson offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-754) was read by the Clerk.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: So that there will be no doubt as to what I am doing, at this time in this session I will tell you exactly what my motives are so that I won't be accused of trying to do one thing and then the next thing indefinitely postpone the bill.

The bill that I put in reference to the Legislative Pay Commission would have been a constitutional amendment. This was one of the recommendations of the commission as we created the commission, and I feel that if we are going to create commissions and ask them to do a job for us, their legislation ought to be introduced.

Yesterday, quite honestly, I had not had a chance to read the bill as it came out, as we were involved in other things, and after the bill got into second reading it was too late really to try to back the

bill up and substitute the bill for the report. The bill that came out of the committee quite honestly, in my opinion, does absolutely nothing. It creates a commission and substitutes the bill for the report.

The bill that came out of the committee, quite honestly in my opinion does absolutely nothing. It creates a commission that would be paid a fee and be appointed and they would sit down and they would look over our salary schedules or what have you and they would just come back and make us recommendations. It would have no teeth, it would have absolutely nothing, in my opinion, and that is the way the bill is going to go through. I would be the first one to stand up and move the indefinite postponement of it.

The amendment you have before you, House Amendment "A", actually substitutes the original bill for the bill that we have before us. It sends it out to the people in the form of a referendum, says that we would have a legislative compensation commission. I think the point is down on the bottom of the page, of page 1, where it says "the commission shall recommend compensation for members of the Legislature to a session of each odd-numbered legislature which may reduce or reject but which shall not increase the recommended compensation. The members of the two succeeding legislatures immediate succeed and so forth.

In other words, they can come in with a recommendation and if we do not take any action on it then that would automatically become the pay for the succeeding legislature that comes in after. This would be every fourth year. I believe that many of us feel that one of the most embarrassing positions of any legislature is to have to stand and vote for a pay increase while the people in the public say you are voting yourself a pay increase. I think this is a very good opportunity for us to give it to the public, let the public tell us what they think we ought to have for pay. If we don't like it we can reject it or go down on it, but we can't go up.

I would ask that you support the amendment.

The SPEAKER: The Chair recognizes

the gentleman from Berwick, Mr. Stillings.

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: A couple of years ago, I had the honor and pleasure of serving as Chairman of the Interim Committee to study legislative structure and procedure. That committee recommended the establishment of a statutory compensation commission such as the new draft that was sent out of the State Government Committee. The bill, obviously had not previously been introduced, but in the last session I did introduce a joint order which created such a study commission. And as we know, that commission has made its study, has arisen and presented its report. I certainly respect the work of that commission. As a matter of fact, I have already prepared an order commending them for that effort.

The commission, as many of you know, recommended a salary of \$7,500, I believe, along with some other improvements in the expense accounts. It also recommended that the Constitution be changed to allow the commission to recommend an appropriate salary which, as Representative Simpson has pointed out, if the legislature neither reduces nor rejects, becomes the salary of the next legislature without any further action on the part of the legislature.

I would hope that you would vote against this amendment. This Constitution approach, it seems to me, is purely and simply a copout. It gets the monkey of legislative pay off the back of the legislature by providing that the pay raise be automatic and there would be no record of how any member voted, and I certainly am not embarrassed to vote for or against a pay raise. I hope you would agree with me and will reject the amendment.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I concur with the remarks of my colleague in the State Government Committee, Mr. Stillings, but would go one step further and move that this amendment be indefinitely postponed.

This bill came into the State

Government Committee, and I don't know what Mr. Simpson thinks we do in there, but we do not give these things light-handed treatment. For the unanimous committee report we brought out on the Floor of the House, after due deliberation, and then without consulting at least this member of the committee to offer a bill, an amendment, that substitutes his original idea for a report, seems to me, although acceptable procedure, not very wise procedure.

I can't see, under this amendment, why the legislature would not really have to take action. Can a Legislative Compensation Commission make the public policy of this State? Somewhere there has got to be a vote by the Maine Legislature as to increase legislative compensation. I would suggest that the proper thing to do in terms of legislative pay is for the members of this House to squarely look at the issue; make some intelligent recommendation; and establish the pay at a level which is at least acceptable and which would allow people to run for members of this legislature. This isn't going to do anything, this amendment isn't going to do anything, to further that cause. I am not sure the bill is going to do anything to further that cause. And I think what we should do is kill this amendment, then put the bill on the table unassigned and see what the Appropriations Committee is going to do about a legislative pay increase this term.

Mr. Bustin of Augusta moved the indefinite postponement of this amendment.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: Just very briefly to keep the record straight.

The new redraft in new title the State Government Committee produces was the result of a majority opinion on the Committee on State Government, it was not unanimous. The Committee did debate this in executive session to great length. We considered several possible areas of approach. One that we came close to for a little while was the 17-A report. Largely, because we realized that the Appropriations Committee was

right now discussing the matter of the proposed salary increase for the next legislature. And we, at least some of us — I will speak for myself here — didn't want to do anything to jeopardize the possibility that the recommendations from the Appropriations Committee would be given a full hearing on the Floor of the House and the Senate.

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

Mr. BRAGDON: Mr. Speaker, Ladies and Gentlemen of the House:

I am not personally afraid to vote on any legislative pay increase, and I don't think that any member here should be afraid to express their thinking on an increase. I think it is a legislative function. And I agree wholeheartedly with the gentleman from Augusta, Mr. Bustin, and the gentleman on the committee, that we indefinitely postpone — I believe is the motion — on this.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House:

Very briefly, I concur with the gentleman from Standish, Mr. Simpson. We are having problems in the committee, the Appropriations Committee, right now trying to discuss this very matter. We are trying to come out with an answer. We charged the Commission with the duties. And like most commissions that are charged with a duty they come back with recommendations and immediately we start to turn them down.

I would just address myself briefly to the pay situation. Apparently, there has been something wrong over the years, because we have raised everybody's pay in every section of State government somewhere up within a livable wage scale except the legislature itself. The only reason I can see for that is because the majority of the members didn't have the courage to push the button for themselves. So I think that the responsible thing to do is to let a responsible group of citizens make the decision and then if we feel it is too high we can always turn it down. If something comes up that looks reasonable and sounds reasonable I can go along. I hope

you vote against the indefinite postponement.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House:

I agree with the remarks of the gentleman from Augusta, and I favor the indefinite postponement of this amendment. What we see here is an attempt to do something similar to what was attempted in Washington with the Congressional pay raise. Which now all the members of Congress are rushing to oppose, but which they probably would not have unless the issue had been raised by a few members of that body. A mechanism like this would not be understood by the people of the State. I also think it is a mistake for us to insert this subject in our constitution, and I agree with the gentleman from Berwick, Mr. Stillings, that it should be a statutory commission if, in fact, we are going to create it at all.

Regarding the subject of legislative pay increases, I think what we should do first, of course, is await the recommendations of the Appropriations Committee. Assuming for a moment that recommendation is unfavorable, I think we should move to implement the recommendations of the pay commission in small increments until we reach the level recommended by them.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Standish, said that he thought we should accept all the commission reports. And I guess my question would be to him; if he thinks we should accept all the Longley Commission reports that we have had on our desks; and if we should, why haven't we?

It might be interesting to the members of the House to note that out of the 20 odd states that have adopted some form of a legislative pay commission only six of these have seen fit to adopt this method of allowing commission recommendations to go into effect by an act of default on the part of the

legislators. Or, in plainer language, this bill is a cop-out for all legislators.

The Federal Government adopted this same method of avoiding their duties, much to the displeasure of the public. Just last week, because of public pressure, hours before their pay increases were to go into effect, defeated the recommendations of the Federal Pay Commission.

If the House does accept this new bill I hope someone would table this measure long enough for me to prepare an amendment that would require all legislative pay increases to go out for a referendum vote to see if the public is in agreement with the recommendations of the pay commission.

I feel quite certain that at the present time, after the longest special session in history, we might not fare too well. So I hope you would go along with the gentleman from Berwick, Mr. Stillings, and indefinitely postpone this amendment.

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

A vote of the House was taken.

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

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

Mr. BUSTIN: Mr. Speaker, I move this bill lie on the table unassigned.

Thereupon, Mr. Birt of East Millinocket requested a vote on the tabling motion.

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

A vote of the House was taken.

46 having voted in the affirmative and 62 having voted in the negative, the motion did not prevail.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Due to the

fact that we don't want to accept any of the Commission report that the gentleman from Stockton wants to go to referendum and to save the taxpayers money, rather than keep creating these commissions, I move that this bill and all its accompanying papers be indefinitely postponed. I would ask for the yeas and nays.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Brewer, Mr. Norris, has just made the motion I was trying to make. Last year, I attended one of these meetings in Presque Isle that the commission had, the commission was appointed by the Governor. They tried to do a good job, I am not criticizing the commission, but really it was a farce to see them go at it. People got up there and spoke, witnesses, people out of common life, storekeepers, etc., a lot of people spoke, and they had no more idea what a legislator does or what his duties are than a child going over here in the first grade of school.

We weren't getting anything out of it. We stayed there and, finally, if I remember correctly, I think the gentleman from Presque Isle, Mr. Parks, was there. And really and truly, it was terrible, the method they used. I can't see how they ever reached a salary of \$5,000, not that it's right. I am not going to condemn the salary, what they reached, but those in the commission can't do it. If we aren't capable in this House and the Senate of 184 members to come to a decision on our own salaries, then we hadn't ought to be here. We have no license to be here. Why can't we come in here and have the Appropriations Committee bring in a recommendation. As the gentleman from Bangor, Mr. Norris, mentioned, they could bring in something that we could afford to pay and something we can do. We don't need someone from the outside to tell us what we need for salaries. I hope that we will go along with the motion to indefinitely postpone.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I support Mr. Finemore in his remarks and support the motion for indefinite postponement of this L. D. The Legislative Compensation Commission has made its recommendations. We have them before us and we are awaiting a decision from the Appropriations Committee on them and ultimately, we will vote on them ourselves. I see no need to make this Compensation Commission a permanent organization. I agree wholeheartedly that this legislature should be the ultimate decider what its salary will be.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I was also a member of Mr. Stillings' committee several months ago. There were several laymen on that committee, I might add, also, non-legislators. It strikes me that one of the most unseemly rituals we go through here is kind of hassle about our own salaries. I think it is kind of an ugly thing, it hits the press. People generally think that it is an unseemly kind of thing to occur on the floor of the House. I favored the establishment of this Commission, because I thought it was a good way to get citizen input from outside, something that could sort of remove us a little bit from the discussion of the thing. I think the establishment of this Commission is extremely important. I think we ought to listen to their recommendations. As a matter of fact, regardless of whether it is up or down, I think they ought to be accepted.

I think that the hearings they have had, as contrary to the report that Mr. Finemore gave you, were good hearings. I only went to one, but it struck me that they were getting at the heart of the matter. They had some very reputable people, and I do think, by the way, contrary to Mr. McMahon's suggestion, that this is something that ought to be reviewed periodically. It is not something that should cease now, once these recommendations have been accepted. It is something that is going to have to be reviewed in the future. I think it is something that ought to come to us with some substance to it, and this

Commission, seems to me is a darn good vehicle to give that substance.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, I want to set the record straight. I have nothing against the Compensation Commission. I think they did an excellent job. I think that their recommendations were reasonable, even to the one that was just defeated. But from looking at the attitude of this House, we have no intentions of listening to a Commission, whatever its recommendations may be, so I say, why do we waste their time and the money that it takes them to go listen to the public and say what they want, when you know its going to come back here and hit a blank wall. Its just a waste of time and money. I hope that you would indefinitely postpone this bill this morning.

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 Brewer, Mr. Norris, that this Bill and all accompanying papers be indefinitely postpone. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Baker, Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Bunker, Carrier, Carter, Chick, Churchill, Connolly, Cote, Cottrell, Cressey, Davis, Deshaies, Donaghy, Dudley, Dunn, Evans, Farley, Farnham, Farrington, Finemore, Flynn, Good, Goodwin, H.; Hamblen, Hoffses, Huber, Hunter, Jacques, Jalbert, Kelleher, Kelley, R. P.; LaPointe, Lawry, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McMahon, Merrill, Mills, Morin, L.; Mulkern, Norris, Parks, Peterson, Pontbriand, Ricker, Rolde, Rollins,

Shaw, Silverman, Simpson, L. E.; Soulas, Sproul, Strout, Talbot, Tanguay, Theriault, Tierney, Walker, Webber; White, Willard, The Speaker.

NAY — Ault, Berry, G. W.; Berry, P. P.; Brawn, Briggs, Bustin, Carey, Chonko, Clark, Conley, Cooney, Curran, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Dyar, Emery, D. F.; Fraser, Gahagan, Garsoe, Genest, Goodwin, K.; Greenlaw, Hancock, Herrick, Hobbins, Jackson, Kauffman, Keyte, Kilroy, Knight, LeBlanc, Lynch, Mahany, Martin, Maxwell, McCormick, McHenry, McTeague, Murchison, Murray, Najarian, Palmer, Perkins, Shute, Smith, D. M.; Smith, S.; Snowe, Stillings, Susi, Twitchell, Whitzell, Wood, M. E.

ABSENT — Brown, Cameron, Crommett, Dam, Faucher, Fecteau, Ferris, Gauthier, Immonen, Kelley, LaCharite, McKernan, McNally, Morin, V.; Morton, O'Brien, Pratt, Ross, Santoro, Sheltra, Trask, Trumbull, Tyndale, Wheeler.

Yes, 72; No, 54; Absent, 24.

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

Sent up for concurrence.

On motion of Mr. McTeague of Brunswick, the House reconsidered its action of yesterday whereby Bill "An Act Providing for a Credit in Maine Income Tax Law for Investment in Pollution Control Facilities," Senate Paper 737, L. D. 2149, was passed to be engrossed.

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

House Amendment "A" (H-753) was read by the Clerk.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: The bill that we have under consideration would grant an income tax credit under the Maine corporate income tax to companies and facilities investing in pollution abatement facilities. Basically, as I understand it, it is a credit limited to 7

percent of the investment. For example, if they spend a hundred thousand dollars for some type of device to further purify wastewater before they discharged it, they could take \$7,000 off their Maine income tax.

I have some personal reservations about the justification for that action, but the purpose of the amendment is not as broad as my personal reservations, rather the amendment states that the bill shall not apply retroactively, but would only apply beginning this July 1.

Thereupon, House Amendment "A" was adopted. The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair recognizes the Gentleman from Gorham, Mr. Hamblen.

Mr. HAMBLÉN: Mr. Speaker, Ladies and Gentlemen of the House: I merely want to ask someone from the Taxation Committee to explain this bill.

The SPEAKER: The gentleman from Gorham, Mr. Hamblen, poses a question through the Chair to anyone who may care to answer.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I haven't the bill before me, but the original bill started out to give the pollution — the sales tax — if I remember right, I think it was sales tax rather than the income tax, corporation tax, because some of the big companies, like the Great Northern Paper Company, St. Regis and other big companies over the state, were spending millions of dollars for pollution. We thought at that time that a tax should be given to them on these different sales, and to build these plants. I know this doesn't explain it to him, but if he would like to wait until a later day, when I can take this bill forward, I would be very pleased to do so.

On motion of Mr. Birt of East Millinocket,

Adjourned until nine o'clock tomorrow morning.